SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date:	September 15, 2020
Agenda Item:	2
Case Numbers:	ED18-082
Project Planner:	Ali Giudice (415)485-3092

REPORT TO PLANNING COMMISSION

SUBJECT: 38 Upper Fremont Dr. – Request for an Environmental and Design Review for a new single-family residence with 4 parking spaces on a vacant hillside lot. Parking will be provided using mechanical parking unit located within the garage; APN: 012-041-48; Single-Family Residential – Hillside Overlay (R5-H) Zoning District; Jeffrey Prose, owner/applicant; File No.: ED18-082

EXECUTIVE SUMMARY

The City has received an application for an Environmental and Design Review Permit for construction of a new two-story single-family residence on a hillside lot located in the West End Neighborhood. The site is currently vacant and has not been previously developed. The new residence will be approximately 1,710 sq. ft. plus a 614 sq. ft. below grade garage/storage and entry space.

The project site has a General Plan Land Use of Low Density Residential (LDR) which is typical of single-family areas and is located within a Single-Family Residential District (R5) which allows for single-family residences by-right. In addition to the base Zoning District requirements, the project is also subject to the requirements of the Hillside Development Overlay District due to the average slope of the lot being greater than 25 percent.

The project was reviewed by a subcommittee of the Design Review Board (DRB) on July 7, 2020. The subcommittee evaluated the design of the project and voted unanimously (2-0), recommending approval of the project design to the Planning Commission subject to conditions.

Staff has evaluated the proposed project and supporting documents to determine consistency with the California Environmental Quality Act (CEQA), City of San Rafael General Plan, Zoning Ordinance, and applicable design guidelines. Based on staff's review and recommendations provided by the Design Review Board, it is recommended that the Planning Commission approve the project, subject to conditions provided herein.

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Draft Resolution (Exhibit 2) approving an Environmental and Design Review Permit for a new approximately 1,700 sq. ft. single-family residence on a hillside lot.

PROPERTY FACTS

Address:	38 Upper Fremont Drive	**Parcel Number(s):**	012-041-48
Property Size:	6,865 sq. ft.	**Neighborhood:**	West End

Site Characteristics

	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Low Density Residential	R5 Zoning District	Vacant
North:	Low Density Residential	R5 Zoning District	Vacant
South:	Low Density Residential	R10 Zoning District	Single-family Residence
East:	Low Density Residential	R5 Zoning District	Single-family Residence
West:	Low Density Residential	R10 Zoning District	Single-family Residence

Site Description/Setting:
The project site is located along Upper Fremont Drive in the West End neighborhood which is characterized by single-family homes, apartments, and commercial uses including Miracle Mile. Second Street and local roads within the neighborhood provide access to the site. Upper Fremont Drive is a narrow and steeply sloped drive with multiple sharp turns that limit visibility of vehicles traveling along the street.

The lot is triangular shaped with street frontage on three sides. The lot has an average slope of 56.5 percent. Pursuant to Section 14.12.020(B) of the San Rafael Municipal Code (SRMC), lots within the City that have an average slope of 25 percent or greater are subject to the regulations of the Hillside Development Overlay designation in addition to the base zoning. The site contains a number of trees of varying sizes and species, some of which will be removed due to poor health as well as to accommodate the proposed project. An existing 10-foot wide sewer easement is located along the northern portion of the project site, a portion of which is located on the neighboring property to the northwest. Existing development in the surrounding area consists of two-story homes with varied architectural styles.

BACKGROUND

The project site is currently vacant and has not previously been developed. In January 2008, prior owners of the property applied for a Lot Merger, Environmental and Design Review Permit, and Exception to develop a single-family residence on the property. The project was deemed incomplete by City staff in February 2008, and due to inactivity on the incompleteness items, the project was automatically withdrawn by the City in November 2009. No further action on the project was taken.

In 2018, an application for a Conceptual Design Review was applied for as required by Section 14.25.030(B) of the SRMC, prior to submittal of a formal application. The Conceptual Design Review was reviewed by the Design Review Board on December 4, 2018. The purpose of conceptual design review is to provide both the Design Review Board and the applicant with an opportunity to discuss a conceptual project design and allows the applicant and City staff to solicit feedback from the Board on relevant issues and the appropriateness of the design approach. Following review of the concept design by the Board, the applicant submitted a formal application for the project including an Environmental and Design Review Permit, Exception, and Accessory Dwelling Unit. The exception requested was for a reduction in the required natural state requirements. However, following formal submittal the applicant withdrew the application for the Exception and Accessory Dwelling Unit.

Subsequent to the 2018 DRB review of the concept plan, the applicant submitted a several iterations of the project each time responding to staff and neighbor concerns. On June 25, 2020, the applicant submitted the most recent proposed design.

On July 7, 2020 the project was reviewed by a subcommittee of the Design Review Board. The subcommittee has been used as an alternative to the full Board since mid March in response to the COVID-19 shelter in-place order. On July 7, 2020, the DRB subcommittee reviewed the project and recommended approval. See the DRB review section below.

PROJECT DESCRIPTION

The applicant is seeking approval from the Planning Commission for an Environmental and Design Review Permit to develop a two-story approximately 1,710 sq. ft. single-family residence on a vacant hillside lot in the West End neighborhood. The residence also includes a 614 sq. ft. basement level storage, entry space and garage with a vehicle stacker pit, accommodating up to four vehicles. The total gross floor area of the proposed structure, as defined by the Hillside Guideline is 2,324 sq. ft.

Required Entitlements:
Environmental and Design Review. Pursuant to Section 14.25.040, major physical improvements, including new construction on a vacant property requires approval by the Planning Commission. The proposed development includes the construction of a new single-family residence on a vacant lot and is therefore subject to review and approval by the Planning Commission.

Site and Use Description:
Use**.** The project proposes to construct a single-family residence with garage and mechanical parking unit on a vacant lot zoned for single-family residential uses (R5-H).

Site Plan**.** The residence will be situated on the down sloping portion of the lot with access provided from Upper Fremont Drive at the eastern property line. The paved driveway will provide access to the four car stacked garage, located at the basement level of the structure. The structure will be setback approximate 17-feet 7-inches from the northern property line, 5-feet 3/4-inches from the eastern property line, 38-feet 4-inches from the southern property line, and 24-feet 6-inches from the western property line. The structure will be approximately 20-feet in height with a gross floor area of 1,710 sq. ft. plus a 614 sq. ft. garage/storage and entryway

Parking and Circulation. Chapter 14.18 of the San Rafael Municipal Code requires two off-street parking spaces for single-family residences. In addition, single-family residences on a hillside lot where the street is less than 26 feet wide are required to provide two additional off-street parking spaces for a total of four. Upper Fremont Drive is less than 26 feet wide, and therefore the proposed project is required to provide a minimum of four off-street parking spaces. As previously stated, the proposed basement level garage can accommodate up to four vehicles through the use of a stacked car park.

Architecture. The proposed residence is designed in a modern architectural style with terraced building planes and a gabled roof that follows the slope of the lot. An uncovered deck is provided on the second floor of the east elevation and serves to break up the massing of the structure. Proposed materials include dark colored artisan shiplap siding at the first and second floors with board formed concrete at the base of the structure. Wood guardrails are proposed at the uncovered deck, and solar panels are proposed on the rooftop. Floor to ceiling windows are located at the east and west elevations and provide visual interest through variation of materials.

Landscaping. The project proposes removal of five trees in order to accommodate the new residence as well as the presence of dead/dying trees. All remaining trees onsite will be retained. Due to the wooded nature of the site there is minimal area to provide additional landscaping. The applicant has proposed 3 trees (madrone and dogwood) and will be required to provide a 4th tree to address Design Review Board recommendations.

Grading/Drainage. The proposed project includes a basement level garage, which will require export of materials from the site. As conditioned, the project will be required to provide cut and fill amounts for review by the City's Department of Public Works. Due to the increase in impervious surfaces as compared to existing conditions, the project is also required to prepare a Stormwater Control Plan in compliance with the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). As proposed, the project will provide a 575 gallon cistern to accommodate stormwater onsite in compliance with low impact design criteria requirements.

ANALYSIS

San Rafael General Plan 2020 Consistency:
The site has a General Plan designation of Low Density Residential (LDR) which allows for the establishment of residential uses as well as open space areas, parks, schools, and other public/quasi-public uses that support surrounding residential uses. The General Plan includes policies and programs that are relevant to the site and the project. As proposed, the project is consistent with the General Plan 2020, including policies and programs identified in the following elements: Land Use, Housing, Neighborhoods, Community Design, Circulation, Sustainability, Safety, Noise, and Conservation. An analysis of key policies is discussed in further detail below. A complete analysis of all applicable policies and programs is included in the attached General Plan Consistency Table (Exhibit 4).

Land Use Policies
The proposed single-family residence is consistent with the allowable land uses and densities set forth for the Low Density Residential land use category.

Housing Policies
General Plan policy H-2 states that new housing on existing properties can add to the overall value of the neighborhood. As such, new residences and site improvements should be designed to fit in with the established character of the neighborhood. The project incorporates terraces, varied rooflines, and building stepbacks which break up the massing of the structure and blend in with the natural grade of the hillside. Existing residences in the West End neighborhood and specifically along Upper Fremont Drive feature varied architectural styles and building setbacks. Proposed colors and materials are designed to blend with the sites natural wooded setting. The proposed building is consistent with hillside development standards and guidelines and fits in with the established character of the neighborhood.

Neighborhoods Policies
Similar to General Plan policy H-2, policy NH-2 reinforces the preservation, enhancement, and maintenance of existing residential neighborhoods. Policy NH-2 further articulates that new development should enhance neighborhood image and quality of life by incorporating height and setback transitions that respect adjacent development, respect existing natural features, maintain or enhance infrastructure service needs, and provide adequate parking.

The project site is an oddly shaped, steeply sloped and challenging site. The proposed design is sited with access on the downslope side of the lot incorporates stepbacks and respects the character and privacy of adjacent properties. The existing residence located east of the proposed project site across Upper Fremont Drive is the most proximate structure to the proposed residence. Though the proposed residence includes windows and an uncovered deck along the east elevation, existing trees at this location will be retained that respect the privacy of the existing residence.

Upper Fremont Drive is a substandard road located within the City. Though the road is substandard, the lot is a legal lot of record and the proposed development is a permitted use by-right and as conditioned will be required to pave a portion of the unimproved Upper Fremont Drive at the property frontage. In addition, the project is conditioned to pay a traffic mitigation fee and construction vehicle impact fee.

As previously discussed, the proposed project requires a minimum of four off-street vehicular parking spaces. As proposed, a basement level garage with stacked parking will be provided. Though not a common form of parking, given site constraints, the proposed vehicle stacking system would provide for adequate parking onsite. Furthermore, General Plan policy C-29c allows for stackable parking where feasible. The proposed parking has been reviewed by the City and as conditioned, will be required to design the stackable system to accommodate a standard vehicle size.

Community Design Policies

General Plan policy CD-1c (*Landscape Improvement*) recognizes the importance of landscaping in site design as it provides visual interest that fosters a sense of the natural environment in new development. The site currently contains multiple mature trees, the majority of which will be retained onsite. The San Rafael Hillside Design Guidelines require tree replacement at a ratio of 3:1, unless an exception is allowed by the Design Review Board when site conditions warrant. The project proposes to remove five trees, which would require 15 replacement trees onsite. However, given the size of the lot as well as existing trees onsite, this replacement ratio is not practical, and trees replanted onsite at this ratio would not likely survive. During the Conceptual Design Review the applicant was given feedback regarding the replacement ratios and was asked to focus on quality rather than quantity. Prior to issuance of a building permit the applicant will be required to provide an updated landscape plan that shows replacement with 4 new trees.

Circulation Policies

As briefly discussed above, General Plan policy C-29c allows for innovative parking solutions such as stackable parking systems, where feasible. Steep slopes, existing trees, and easements all contribute to the highly constrained nature of the site. The project initially proposed two off-street parking spaces adjacent to Upper Fremont Drive, which was determined to be infeasible and presented safety hazards given the substandard nature of Upper Fremont Drive. Additionally, the applicant requested an exception to the required parking, however, the exception was withdrawn due to lack of support from the surrounding neighbors as well as the Design Review Board. As such, the proposed stacked parking represents an innovative approach to providing the required off-street parking, consistent with this General Plan policy.

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance including site development standards, parking, and applicable design review findings. An analysis of the project's consistency with applicable regulations is included below.

Development Standards

The project meets all applicable development standards for the R5 Zoning District as provided in Section 14.04.030 of the SRMC including setbacks, building height, lot coverage, and parking. Furthermore, the project is consistent with the requirements of the Hillside Development Overlay District including building stepbacks, natural state, gross building square footage and driveway requirements. Specific development standards are discussed further below.

Setbacks

The R5 Zoning District requires minimum front yard setback of 15 feet, rear yard setback of 10 feet, and side yard setbacks of 5 feet. As proposed the project meets the minimum setback requirements of the R5 Zoning District.

Building height

Section 14.04.030 of the SRMC establish a 30-foot height limit in the R5 Zoning District. In addition to the base height of 30-feet, Section 14.12.030 establishes that lots subject to the Hillside Development Overlay District shall observe a maximum 20 foot height limit on any downhill slope as measured from existing grade where any single wall plane shall not exceed 20 feet unless a five foot stepback is provided. As proposed, the project provides stepbacks to ensure building planes do not exceed 20 feet.

Lot Coverage and Natural State

Section 14.04.030 of the SRMC establishes a maximum 40 percent lot coverage. The project site is 6,865 sq. ft., and as such has a maximum lot coverage of 2,746 sq. ft. In addition to lot coverage requirements, the project is also subject to natural state requirements established by Section 14.12.030(C) of the SRMC which requires a minimum of 25 percent plus the average slope figure of the lot, not to exceed 85 percent. The project site has an average slope of 56.5 percent, and therefore

has a natural state requirement of 81.5 percent (5,595 sq. ft.), allowing up to 1,270 sq. ft. for project development. As proposed, the project footprint will be 1,267 sq. ft.. As such, the project is consistent with both lot coverage and natural state requirements.

Parking

As described above, the project proposes to provide four off-street parking spaces consistent with Chapter 14.18 of the SRMC. The project has been reviewed by the Department of Public Works to determine compliance with parking facility dimensions, and adequacy of access to the public right-of-way.

Site and Use Regulations

The project meets all applicable site and use regulations as provided in Chapter 14.16 of the SRMC as discussed in detail below.

Refuse Enclosure - The refuse enclosure will be located within an enclosed area and will be adequately screened from view. Refuse collection will be provided by the local collection agency consistent with similar single-family uses in the City.

Light and Glare - As specified in Section 14.16.227 colors, materials, and lighting shall be designed to avoid light and glare impacts on surrounding development. Proposed colors and materials are designed to blend with the natural environment. As conditioned, lighting on the project site will be subject to requirements of this section of the SRMC.

Sight Distance - The SRMC requires that fencing, vegetation and improvements be established and maintained in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, which is 15 feet from the curb return at any intersection or driveway. Any improvements or vegetation located within the established vision triangle must not exceed a height of three feet. As conditioned, the project will meet the sight distance requirements.

Water Efficient Landscaping - As specified in Section 14.16.370(C)(1) of the SRMC, project approval is subject to conditions which require the applicant to provide written verification of plan approval from the Marin Municipal Water District (MMWD) prior to the issuance of a building permit or grading permit. As such, the project will comply with this requirement of the SRMC.

Environmental and Design Review Permit Findings

The proposed project is consistent with the required findings set forth in Section 14.25.090 of the SRMC. A detailed analysis of staff findings is contained in the draft resolution set forth in Exhibit 2.

A. That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter;
B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located;
C. That the project design minimizes adverse environmental impacts; and
D. That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

DESIGN REVIEW BOARD RECOMMENDATION

The project received Conceptual Design Review on December 4, 2018 and subsequently as a Formal Design Review on July 7, 2020.

The December 2018 meeting was a meeting in front of the full board. The conceptual design review board comments included the following:

- Overall the project is a well-designed project
- Project needs to comply with the hillside development standards and guidelines rather than seek exemptions. It would be difficult for the Board to support exemptions to the hillside development standards.
- 30'-tall exterior downslope wall along Fremont Dr. should be avoided.
- Size of residence is likely too large. Need more efficient design of floor plans and interior space.
- Parking needs to be reworked and maybe increased to provide parking for the proposed accessory dwelling unit.
- Use of exterior materials needs greater cohesion.
- Plans should be cleaned up to reduce unnecessary details and less clutter. Cross-sections should expand to include the full roadway width and exterior walls of adjacent structures. Consider creating a 3D model for the project.

The DRB Subcommittee reviewed the formal application on July 7, 2020. It should be noted that due to shelter in place orders issued by the State of California and Marin County during the COVID-19 pandemic of this year, the City adopted a policy statement delegating Design Review Board recommendations to a sub-committee comprised of two members. The policy statement is intended to avoid the need for physical in-person hearings while still allowing entitlement applications to move forward with the review process.

On July 7, 2020, the Design Review Board Subcommittee (*Members Summers and Kent serving as subcommittee*) reviewed the formal application and recognized the improvements that were made to the design of the residence following their Conceptual Design Review comments, including a reduction in building floor area, a reduction in building height and the incorporation of two guest parking spaces via a mechanical unit. The DRB subcommittee noted that this a difficult site and that the applicants had done a good job at addressing concerns expressed during the conceptual design review phase. The DRB subcommittee unanimously recommended approval of the project design, subject to conditions of approval. The following comments were provided by the DRB subcommittee. These comments have been incorporated as conditions of approval, contained in Exhibit 2.

- The applicant provided thoughtful design changes since conceptual review on a challenging site; contemporary design works well;
- Continue to work on the civil drawings to meet stormwater drainage requirements which may require bioretention areas;
- Since the roadway wraps around the site and the site itself is relatively small in size, the applicant is encouraged to explore highlighting the limited landscaping;
- The applicant is encouraged to add another tree to the right of the driveway, in front of the new residence, to match the other new trees (western redbud or dogwood).

ENVIRONMENTAL DETERMINATION

Staff conducted a preliminary review of the project application and supportive documents and determined that the application is defined as a project under CEQA, pursuant to CEQA Guidelines Section 15060. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project scope, staff recommends that the project qualifies for a Class 3 exemption under CEQA Guidelines Section 15303, which exempts construction of one single-family residence in a residential zone. As such, no further environmental review is required.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of this public hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of all meetings, including this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of this meeting.

Public comments have been received during both the conceptual review and formal review of this project and are attached as Exhibit 4. The following is a list of topics of concerns raised and staff's response:

Proposed mechanical parking: General Plan policy C-29c allows for innovative parking solutions such as stackable parking systems, where feasible. Given the site shape and topography and setting, a mechanical stacked parking solution is an appropriate design as long as it is design in collaboration with a geotechnical and structural engineer. The applicant will need to submit a updated and final Geotech report as part of the building permit submittal documents. This report will need to be peer reviewed by the City's land use engineer. In addition, the applicant will be required to submit structural plans that align with the recommendations in the Geotech report.

Floor plan design and egress: The floor layout is not normally part of the DRB or staff review. Comments related to egress were discussed with the Building Official. The Building Official did not express a concern regarding the single access door. Additional egress points are required at the bedrooms usually in the form of windows, which the applicant has provided. The front entry was discussed members of the DRB. The DRB felt comfortable with the proposed access given the bright orange variation in color guiding guest toward the front of the residence.

Adequacy of the geotechnical investigation: The applicant provided preliminary geotechnical reports that were prepared for prior projects on this site. The City engineer has reviewed these reports and has provided a recommended condition of approval requiring an updated report that complies with General Plan Policy *S-4. Geotechnical Review* which requires submittal of a final Geotech report that includes subsurface exploration and provides recommendations for optimum design for structures, the advisability of special structural requirements. This report would need to be submitted along with structural plans at building permit submittal.

Access to the site during construction and construction staging: Prior to building permit issuance the applicant will be required to submit a construction management plan that includes project scheduling, construction staging, access routes, and notifications schedules.

Fire Department Access: The fire department has reviewed the proposed project and has recognized that access to this site is difficult. The applicant will need to ensure that materials comply with fire standards for sites located in the Wildland Urban Interface area

Copies of all written public correspondence on the proposed project received to date are attached to this report as Exhibit 4. Any comments received after the completion of this report (Wed 9/9/20) will be forwarded to the Commission under separate cover. Response to other comments regarding CEQA, lighting, and privacy are embedded into this report.

OPTIONS

The Planning Commission has the following options:

1. Approve the application as presented, subject to conditions of approval (*staff recommendation*)
2. Approve the application with certain modifications, changes or additional conditions of approval
3. Continue the applications to allow the applicant to address any of the Commission's comments or concerns
4. Deny the project and direct staff to return with a revised Resolution of denial

EXHIBITS

1. Vicinity/Location Map
2. Draft Resolution recommending approval of the Environmental and Design Review Permit
3. General Plan 2020 Consistency Table
4. Public Correspondence

Plans – Can be viewed on line at https://www.cityofsanrafael.org/major-planning-projects/ or by clicking here

City of San Rafael

While we strive to produce maps with good accuracy and with current a data, the accuracy of the information herein cannot be guaranteed. T prepared using programetric computer aided drafting techniques, and represent legal boundary survey data.

RESOLUTION NO. 20-___

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-082) FOR A NEW TWO-STORY APPROXIMATELY 1,709 SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A VACANT LOT AT 38 UPPER FREMONT DRIVE
APN: 012-041-48

WHEREAS, the City of San Rafael has received an application for an Environmental and Design Review Permit, for a new single-family residence on a vacant lot in the Single Family Residential (R5) Zoning District; and

WHEREAS, on December 4, 2018 the project received Conceptual Design Review by the City of San Rafael Design Review Board pursuant to Section 14.25.030(B) of the San Rafael Municipal Code; and

WHEREAS, in response to Shelter in Place Orders issued by the State of California and Marin County associated with COVID-19, the City Manager authorized an interim review process for projects subject to review by the City of San Rafael Design Review Board through issuance of a Policy Statement, signed on April 1, 2020; and

WHEREAS, on July 7, 2020 the project received Formal Design Review by a subcommittee of the City of San Rafael Design Review Board (Members Summer and Kent) consistent with the Policy Statement described above and the subcommittee unanimously recommended approval of the design by a vote of 2-0 to the Planning Commission; and

WHEREAS, on July 7, 2020, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Environmental and Design Review Permits (ED18-082), accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines because it involves construction of a new single-family residence in a residential zone

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating to the Environmental and Design Review Permit (ED18-082)

ENVIRONMENTAL AND DESIGN REVIEW FINDINGS
(ED18-082)

A. That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:

The project site is designated as Low Density Residential (LDR) on the General Plan 2020 Land Use Map and is within the Single Family Residential (R5) Zoning District with a Hillside Development Overlay. Single family residences are permitted by-right in the R5 Zoning District. The project is consistent with the following design-related General Plan polices:

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Housing Element Policy H-2 (Neighborhood Context) states that new housing on existing properties can add to the overall value of the neighborhood. As such, new residences and site improvements should be designed to fit in with the established character of the neighborhood. The project incorporates terraces, varied rooflines, and building stepbacks which break up the massing of the structure and blend in with the natural grade of the hillside. Existing residences in the West End neighborhood and specifically along Upper Fremont Drive feature varied architectural styles and building setbacks. Proposed colors and materials are designed to blend with the sites natural wooded setting. The entry to the building is provided by well-defined stair access and features windows and decks that provide visibility to the street on all sides. The proposed building is consistent with hillside development standards and guidelines and fits in with the established character of the neighborhood. As such, the project is consistent with this General Plan policy.

Neighborhoods Policy NH-2 (New Development in Residential Neighborhoods) seeks to the preserve, enhance, and maintain the character of existing residential neighborhoods. Policy NH-2 further articulates that new development should enhance neighborhood image and quality of life by incorporating height and setback transitions that respect adjacent development, respect existing natural features, maintain or enhance infrastructure service needs, and provide adequate parking.

The structure is sited to blend in with the natural hillside and respects the character and privacy of adjacent properties. The existing residence located east of the proposed project site across Upper Fremont Drive is the most proximate structure to the proposed residence. Though the proposed residence includes windows and an uncovered deck along the east elevation, existing trees along Upper Fremont Drive will be retained that screen the new structure from the existing residence, which respects the privacy of the adjacent residence.

Upper Fremont Drive is a substandard road located within the City. Though the road is substandard, the proposed development is a permitted use by-right and as conditioned will be required to pave a portion of the unimproved Upper Fremont Drive to provide a vehicular turnaround at the intersection with the private portion of Upper Fremont Drive which would accommodate larger vehicles, such as parcel delivery or garbage trucks. Furthermore, the project is conditioned to pay a traffic mitigation fee and construction vehicle impact fee.

As previously discussed, the proposed project requires a minimum of four off-street vehicular parking spaces. As proposed, a basement level garage with stacked parking will be provided. Though not a common form of parking, given site constraints, the proposed vehicle stacking system would provide for adequate parking onsite. Furthermore, General Plan policy C-29c (Innovative Off-Street Parking) allows for stackable parking where feasible. The proposed parking has been reviewed by the City and as conditioned, will be required to design the stackable system to accommodate a standard vehicle size.

As such, the project is consistent with this General Plan policy as it is designed to enhance neighborhood image and quality of life by incorporating height and setback transitions that respect adjacent development, respect existing natural features, maintain or enhance infrastructure service needs, and provide adequate parking.

Neighborhoods Policy NH-4b (Design Review Conditions of Approval) requires that approval of a design review permit include language requiring owners maintain landscaping in good condition. The City imposes standard conditions of approval related to maintaining landscaping, and as such, the project as conditioned is consistent with this General Plan policy.

Community Design Policy CD-1c (Landscape Improvement) recognizes that landscaping is a critical design component of new developments and encourages maximum use of available landscape

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area to create visual interest and foster a sense of the natural environment. The site currently contains multiple mature trees, the majority of which will be retained onsite. The San Rafael Hillside Design Guidelines require tree replacement at a ratio of 3:1, unless an exception is allowed by the Design Review Board when site conditions warrant. The project proposes to remove five trees, which would require 15 replacement trees onsite. However, given the size of the lot as well as existing trees onsite, this replacement ratio is not practical, and trees replanted onsite at this ratio would not likely survive. As conditioned, the project will include four (4) new replacement trees onsite. As such, the project is consistent with this General Plan policy.

Community Design Policy CD-3 (Neighborhoods) seeks to recognize, preserve, and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. The proposed project is located on a hillside lot that is highly constrained due to topography, onsite trees, and an exiting onsite easement. The proposed residence has been designed to blend with existing natural features and is compatible with surrounding residences located along Upper Fremont Drive. As such, the project is consistent with this General Plan policy.

Community Design Policy CD-6a (Hillside Design Guidelines) requires implementation of hillside design guidelines through the design review process. The project has been reviewed by the Design Review Board for consistency with applicable hillside design guidelines and found to be consistent. As such, the project is consistent with this General Plan policy.

B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:

The Design Review Board (Board) evaluated the design of the project on December 8, 2018, as part of conceptual design review and on July 7, 2020 as part of a formal design review. The Design Review Board Subcommittee (Members Summers and Kent) unanimously found that the project was appropriate in design (2-0) and recommended approval of the project design to the Planning Commission, subject to conditions of approval.

C. That the project design minimizes adverse environmental impacts:

Staff conducted a preliminary review of the project application and supportive documents and determined that the application is defined as a project under CEQA, pursuant to CEQA Guidelines Section 15060. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project scope, staff recommends that the project qualifies for a Class 3 exemption under CEQA Guidelines Section 15303, which exempts construction of one single-family residence in a residential zone. As such, no further environmental review is required.

D. That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

The project has been reviewed by the appropriate agencies and conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity.

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NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Commission approved the Environmental and Design Review Permit (ED18-082) subject to the following conditions of approval:

ENVIRONMENTAL AND DESIGN REVIEW (ED18-082)
CONDITIONS OF APPROVAL

1. This Environmental and Design Review Permit approves a two-story approximately 1,710 square foot single family residence with a 614 square foot below grade level garage/storage and entry on a vacant lot located within the Single Family Residential (R5) Zoning District with a Hillside Development Overlay designation. Plans submitted for building permit shall be in substantial conformance to the plans approved September 15, 2020 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval.

2. This Design Review Permit (ED18-082) shall be valid for **two (2) years** from approval or until **September 15, 2022**, and shall be null and void if a building permit is not issued or a time extension granted prior to the expiration date.

3. Prior to issuance of a grading or building permit, the applicant shall submit and updated geotechnical investigation report that complies with the requirements of the City of San Rafael General Plan 2020 Appendix F. More specifically, to review the engineering aspects of the proposed site including size and type of structures and magnitude and extent of grading. The discussion shall address foundation types for proposed structures, retaining systems, grading considerations, stability of cut slopes and constructed embankments, settlement of the site and adjacent sites due to existing conditions, proposed construction, and proposed surface and subsurface drainage facilities. The geotechnical report shall be peer reviewed by a City retained Geotechnical consultant, at the owner's expense.

4. Prior to issuance of building permit, the applicant shall pay the required sewer connection fees.

5. Prior to issuance of building permit, the applicant shall demonstrate compliance with requirements of the San Rafael Sanitation District. The following shall be required:
    a. All sewer related work shall be performed in accordance with San Rafael Sanitation District Standards.
    b. Plans shall demonstrate that no permanent structures will be constructed over the Sanitary Sewer Easement.
    c. The applicant shall be responsible for relocating any existing sewer lines located on the property to the satisfaction of the San Rafael Sanitation District.

6. Prior to commencement of grading activities, notification shall be provided to property owners and occupants within 300 feet of the site.

7. The applicant shall be subject to a 90-day post construction lighting inspection.

8. Prior to issuance of a building permit, a construction management plan shall be submitted to the City of San Rafael for review and approval by the Planning Division and Department of Public Works. The construction management plan should, at a minimum, outline parking areas for tradesmen, location of temporary power poles, loading/unloading areas, site storage, dumpsters, and toilets during construction. Should there be any anticipated road closures the scope of work causing the closure should be identified. A monthly updates shall be provided to the adjacent neighbors within 300 feet and all properties past the site with access from Upper Fremont Dr (even if outside 300 feet), and the

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Neighborhood Association, once the building permit has been issued and the City of San Rafael Community Development Department and Public Works Department

9. In the event that any archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits older than fifty years of age, are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find, the Planning Division shall be notified, and a qualified archaeologist shall be contacted immediately to make an evaluation. If warranted by the concentration of artifacts or soils deposits, an archaeologist shall monitor further work in the discovery area.

10. If human remains are encountered during grading and construction, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. The Coroner shall contact the Native American Heritage Commission, if the remains are deemed to be Native American and prehistoric, so the "most likely descendant" can be designated.

11. Prior to issuance of a building or grading permit, whichever occurs first, the applicant shall pay any outstanding planning application processing fees.

12. In the event that any archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits older than fifty years of age, are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find, the Planning Division shall be notified, and a qualified archaeologist shall be contacted immediately to make an evaluation. If warranted by the concentration of artifacts or soils deposits, an archaeologist shall monitor further work in the discovery area.

13. If human remains are encountered during grading and construction, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. The Coroner shall contact the Native American Heritage Commission, if the remains are deemed to be Native American and prehistoric, so the "most likely descendant" can be designated.

14. The applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

15. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action

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or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

16. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing of same by the City.

DEPARTMENT OF PUBLIC WORKS CONDITIONS

17. Upon submittal of a building permit, the applicant shall submit a lighting analysis for the property frontage to determine lighting deficiencies. Based on review of the lighting analysis, modified street lighting may be required along the property frontage.

18. New electrical service installed by the project shall be underground.

19. As required by the Department of Public Works, a portion of the unimproved area of Upper Fremont Drive shall be paved to provide a vehicular turnaround at the intersection with the improved portion of Upper Fremont Drive to accommodate access of larger vehicles to and from the site.

20. Upon submittal of a building permit, precise dimensions of the vehicle stacking system shall be provided. Dimensions shall include the maximum vehicle that can be accommodated. At a minimum, the system shall accommodate a standard size vehicle as required by the Department of Public Works.

21. Prior to issuance of building permit, the applicant shall pay applicable traffic mitigation fees. Upon initial review of the project, fees were estimated to be $16,984 based on anticipated trip generation for a large single family dwelling. Please note that fees are subject to annual increase and will be assessed at the time of building permit issuance.

22. Prior to issuance of a building permit, the applicant shall pay the applicable construction vehicle impact fee, which is calculated at one percent of the project valuation, with the first $10,000 of valuation exempt.

23. Prior to issuance of a building permit, the applicant shall demonstrate compliance with Marin Municipal Water District water conservation measures.

24. Drainage improvements, as required by the Department of Public Works, shall be required for the frontage of the property. A cross-section of the road which shows curb and gutter shall be submitted with plans submitted for building permit review.

25. Prior to Issuance of Building Permit, the applicant shall submit the stormwater control plan, which includes a written document, in addition to the erosion control plan shown on the plan set. Details of the stormwater system including overflow dissipation shall be reviewed by the Department of Public Works with plans submitted for building/grading. More specific information is available from MCSTOPPP, hosted on the Marin County Website. See tools and guidance, and post construction requirements at the following address:
    http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects

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26. Plans submitted for grading permit shall include cut and fill calculations for the project. A grading permit shall be required from the Department of Public Works, located at 111 Morphew St. for project proposing 50 cubic yards or more of earthwork.

27. Prior to issuance of a grading permit the applicant shall submit a construction management plan which includes the name and contact information of the construction site project manager, construction and concrete delivery schedule, staging plan, and emergency access plan and construction schedule. All staging shall be kept onsite. Due to site conditions and roadway width, additional coordination and notification shall be required to maintain access to adjacent properties and emergency vehicle access.

28. Prior to issuance of a building or grading permit, an erosion and sediment control plan shall be submitted to the City.

29. Prior to Issuance of a Building Permit the applicant shall provide improvement plans for proposed frontage improvements.
30. Prior to commencing work within the right-of-way, the applicant shall obtain an encroachment from the Department of Public Works located at 111 Morphew St.

31. Prior to issuance of building permits, the applicant shall submit Civil and Utility plans in accordance with the San Rafael Sanitation District Standards for review.

BUILDING DEPARTMENT CONDITIONS

32. The design and construction of all site alterations shall comply with the 2016 California Residential Code (CRC), 2016 California Building Code (CBC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Mechanical Code CCMC), 2016 California Fire Code (CFC), 2016 California Energy Code, 2016 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

33. A building permit is required for the proposed work. Applications for a building permit shall be accompanied by four (4) complete sets of construction drawings to include:
    a. Architectural plans
    b. Structural plans
    c. Electrical plans
    d. Plumbing plans
    e. Mechanical plans
    f. Site/civil plans (clearly identifying grade plane and height of the building)
    g. Structural Calculations
    h. Truss Calculations
    i. Geotech/Soils reports
    j. Green Building documentation
    k. Title-24 energy documentation

34. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.

35. The applicant shall apply for a new address for this building from the Building Division.

36. Each building must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this

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requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.

37. Regarding any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. The report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.

38. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.

39. This project is subject to the City of San Rafael Green Building Ordinance. A sliding scale is applied based on the total square footage of new single family and duplex dwelling projects. New dwellings must comply with the "Green Building Rating System" by showing a minimum compliance threshold between 75 and 200 points. Additionally, the energy budget must also be below Title 24 Energy Efficiency Standards a minimum 15% up to net zero energy (sliding scale based on square footage).

40. All new construction, additions or remodels must comply with the Wood-Burning Appliance Ordinance. New wood burning fireplaces and non-EPA certified wood stoves are prohibited. Non-EPA Phase II-certified wood stoves must be removed in remodels and additions which: exceed 50% of the existing floor area and include the room the stove is located in.

41. This new building is in a Wildland-Urban Interface Area. The building materials, systems and/or assemblies used in the exterior design and construction must comply with CBC Chapter 7A. All under floor areas enclosed to the grade with exterior walls in accordance with CBC section 704A.3. The underside of cantilevered and overhanging appendages and floor projections shall maintain the ignition-resistant integrity of exterior walls (CBC 7A.3), or the projection shall be enclosed to the grade.

42. This new deck is in a Wildland-Urban Interface Area. Where any portion of the new deck, stair, landing, porch, or balconies, is within 10 feet of the primary structure, compliance with one of the following methods is required:
    a. Decking surface - shall be constructed of ignition-resistant material.
    b. Decking surface - shall be constructed with heavy timber, exterior fire-retardant-treated wood or approved non-combustible materials.
    c. Decking surface - shall pass the performance requirements of SFM 12-7A-4, Part A, 12-7A-4.7.5.1 only with a net heat release rate of 25kW/sq-ft for a 40-minute observation period and:
        i. Decking surface material shall pass the accelerated weathering test and be identified as exterior type.
        ii. The exterior wall covering to which it the deck is attached and within 10 feet of the deck shall be constructed of approved noncombustible or ignition resistant material.
        Exception: Walls are not required to comply with this subsection if the decking surface material conforms to ASTM E-84 Class B flam spread.

43. The design and construction of all site alterations shall comply with the 2016 California Fire Code (CFC) and City of San Rafael Ordinances and Amendments.

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FIRE DEPARTMENT CONDITIONS

44. Fire protection water supply to meet the provisions of CFC Section 507 Appendix B.

45. During review of the building permit, deferred submittal for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the system:
    a. Fire Sprinkler plans conforming to NFPA 13-D for home and ADU.

46. Prior to submittal of a building permit, the applicant shall submit a Vegetation Management Plan (VMP) to the San Rafael Fire Department. Refer to https://www.cityofsanrafael.org/vmp-san-rafael-fd/ or contact Fire Prevention at 415-485-3308 for further assistance. Continued compliance with the VMP shall be recorded in the Deed and Title document for the property.

47. Prior to submittal of a building permit, the applicant shall contact the Marin Municipal Water District to determine water connection feasibility and fire flow criteria.

MARIN MUNICIPAL WATER DISTRICT CONDITIONS

48. Complete a High Pressure Water Service Application.
    a. Submit a copy of the building permit.
    b. Pay appropriate fees and charges.
    c. Complete the structure's foundation within 120 days of the date of application.
    d. Comply with the District's rules and regulations in effect at the time service is requested.

49. Comply with all indoor and outdoor requirements of District Code Title 13 - Water Conservation. This may include verification of specific indoor fixture efficiency compliance.

50. If the applicant is pursuing a landscaping project subject to review by the local planning department and /or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to plancheck@marinwater.org. More information about district water conservation requirements can be found on line at www.marinwater.org

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

52. Comply with Ordinance No. 429 requiring the installation of a gray water recycling system when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 15th day of September, 2020. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals.*

Moved by _____ and seconded by _____. The vote is as follows:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

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ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A Jensen, Secretary

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Exhibit 4

REVIEW OF GENERAL PLAN 2020 GOALS AND POLICIES
38 Upper Fremont Drive Project Consistency with San Rafael General Plan 2020 Policies

LAND USE ELEMENT	
LU-2. Development Timing. For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available	*Consistent* The proposed project is located in an established residential neighborhood and proposes to construct a new single-family home on a lot zoned for single-family residential uses. Conditions of approval require improved site access, payment of applicable development impact fees, and installation of utilities. As such, the project will ensure adequate infrastructure is available and will not effect the health, safety, or general welfare of the community consistent with this General Plan policy.
LU-8a. Residential Zoning. Implement Land Use Element densities by setting appropriate maximum allowed densities in the zoning ordinance. **Policy LU-23. Land Use Map and Categories.** Land use categories are generalized groupings of land uses and titles that define a predominant land use type. All proposed projects must meet density and FAR standards for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances.	*Consistent* The project site has a General Plan Land Use designation of Low Density Residential (LDR) which allows for a gross density of 2 to 6.5 units/acre. The R5 district in which the site is located allows for the development of single-family residential uses by-right. The lot is currently vacant and will introduce a new single-family residence consistent with densities and development standards set forth by the General Plan and Zoning designations. As such, the project is consistent with General Plan policies LU-8a and LU-23.
HOUSING ELEMENT	
H-2. Design That Fits into the Neighborhood Context. Recognize that construction of new housing and improvements on existing properties can add to the appearance and value of the neighborhood if they fit into the established character of the area. Design new housing, remodels, and additions to be compatible to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.	*Consistent* The project incorporates terraces, varied rooflines, and building stepbacks which break up the massing of the structure and blend in with the natural grade of the hillside. Existing residences in the West End neighborhood and specifically along Upper Fremont Drive feature varied architectural styles and building setbacks. Proposed colors and materials are designed to blend with the sites natural wooded setting. The entry to the building is provided by well-defined stair access and features windows and decks that provide visibility to the street on all sides. The proposed building is consistent with hillside development standards and guidelines and fits in with the established character of the neighborhood. As such, the project is consistent with this General Plan policy.
NEIGHBORHOOD ELEMENT	
NH-2. New Development in Residential Neighborhoods. Preserve, enhance and maintain the residential character of neighborhoods to make them desirable places to live. New development should enhance	*Consistent* The structure is sited to blend in with the natural hillside and respects the character and privacy of adjacent properties. The existing residence

neighborhood image and quality of life, incorporate sensitive transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy, preserve historic and architecturally significant structures, respect existing landforms and natural features, maintain or enhance infrastructure service levels, and provide adequate parking.	located east of the proposed project site across Upper Fremont Drive is the most proximate structure to the proposed residence. Though the proposed residence includes windows and an uncovered deck along the east elevation, existing trees along Upper Fremont Drive will be retained that screen the new structure from the existing residence, which respects the privacy of the adjacent residence. Upper Fremont Drive is a substandard road located within the City. Though the road is substandard, the proposed development is a permitted use by-right and as conditioned will be required to pave a portion of the unimproved Upper Fremont Drive to provide a vehicular turnaround at the intersection with the private portion of Upper Fremont Drive which would accommodate larger vehicles, such as parcel delivery or garbage trucks. Furthermore, the project is conditioned to pay a traffic mitigation fee and construction vehicle impact fee. As previously discussed, the proposed project requires a minimum of four off-street vehicular parking spaces. As proposed, a basement level garage with stacked parking will be provided. Though not a common form of parking, given site constraints, the proposed vehicle stacking system would provide for adequate parking onsite. Furthermore, General Plan policy C-29c (Innovative Off-Street Parking) allows for stackable parking where feasible. The proposed parking has been reviewed by the City and as conditioned, will be required to design the stackable system to accommodate a standard vehicle size. As such, the project is consistent with this General Plan policy as it is designed to enhance neighborhood image and quality of life by incorporating height and setback transitions that respect adjacent development, respect existing natural features, maintain or enhance infrastructure service needs, and provide adequate parking.
NH-4b. Design Review Conditions of Approval. Through development review, require that design review approval include language whereby owners maintain landscaping in good condition.	*Consistent* The City imposes standard conditions of approval related to maintaining landscaping, and as such, the project as conditioned is consistent with this General Plan policy.

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COMMUNITY DESIGN ELEMENT	
CD-1c. Landscape Improvement. Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.	*Consistent* The site currently contains multiple mature trees, the majority of which will be retained onsite. The San Rafael Hillside Design Guidelines require tree replacement at a ratio of 3:1, unless an exception is allowed by the Design Review Board when site conditions warrant. The project proposes to remove five trees, which would require 15 replacement trees onsite. However, given the size of the lot as well as existing trees onsite, this replacement ratio is not practical, and trees replanted onsite at this ratio would not likely survive. In prior reviews for hillside design projects the Design Review Board has urged the installation of quality trees versus strict compliance with replacement ratios for this reason. This project that is currently proposed received input from a subcommittee of the Design Review Board. The Design Review Board requested a final landscape plan be submitted and reviewed by qualified members of the DRB prior to issuance of a building permit. As proposed, the project will include three new replacement trees(madrone trees) onsite. As such, the project is consistent with this General Plan policy.
CD-3. Neighborhoods. Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.	*Consistent* The proposed project is located on a hillside lot that is highly constrained due to topography, onsite trees, and an existing onsite easement. The proposed residence has been designed to blend with existing natural features and is compatible with surrounding residences located along Upper Fremont Drive. As such, the project is consistent with this General Plan policy.
CD-6a. Hillside Design Guidelines. Continue to implement hillside design guidelines through the design review process.	*Consistent* The project has been reviewed by the Design Review Board for consistency with applicable hillside design guidelines and found to be consistent. As such, the project is consistent with this General Plan policy.
CIRCULATION ELEMENT	
C-7a. Traffic Mitigation Fees. Continue to implement and periodically update the City's Traffic Mitigation Program	*Consistent* The project, as conditioned, is required to pay a fair share of traffic mitigation fees consistent with this policy.
C-29c. Innovative Off-Street Parking. Where feasible, allow off-street parking through stackable and automated parking systems.	*Consistent* Steep slopes, existing trees, and easements all contribute to the highly constrained nature of the site. The project initially proposed two off-street parking spaces adjacent to Upper Fremont Drive, which was determined to be infeasible and presented safety hazards given the substandard

	nature of Upper Fremont Drive. Additionally, the applicant requested an exception to the required parking, however, the exception was withdrawn due to lack of support from the surrounding neighbors as well as the Design Review Board. As such, the proposed stacked parking represents an innovative approach to providing the required off-street parking, consistent with this General Plan policy.
SUSTAINABILITY ELEMENT	
SU-4. Renewable Energy. Increase the supply of renewable energy sources. Promote and encourage residences to be resource, energy and water efficient by creating incentives and removing obstacles to promote their use.	*Consistent* The proposed project includes installation of solar panels on the roof of the new residence, which will generate renewable energy consistent with this General Plan policy.
SU-7. New and Existing Trees. Plant new and retain existing trees to maxim and carbon sequestration benefits.	*Consistent* The project proposes to retain the majority of mature trees onsite. Five trees will be removed to accommodate the proposed residence and other site improvements. The City's Hillside Design Guidelines requires trees to be replaced a ratio of 3:1. The applicant proposes to plant three new trees. Additionally, given site constraints, the Design Review Board recommended that the applicant be required to include smaller native plants other than trees. As such, the project is consistent with this General Plan policy.
SAFETY ELEMENT	
S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety, and welfare of the residents of the community can be adequately mitigated.	*Consistent* The property consists of lots 14, 15, and 16 of the Bay View Tract Subdivision No1 (RM4-46) recorded in 1913. As such the combined parcels exist as a legal lot of record. Because the lots were created legally, the applicant has the right to develop this site in compliance with our City's review process. The applicant has proposed a development design that can be found consistent with the City's hillside ordinance with incorporation of conditions of approval that require submittal of a final and updated geotechnical report as part of the building permit submittal documents.
S-3. Use of Hazard Maps in Development Review. Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.	Consistent The City Engineer has reviewed the slope stability maps and the following Geotechnical/Soils reports: 1. Geotechnical Feasibility – prepared by GE INC. dated April 30, 2015; 2. Geotechnical Investigation – prepared by Earth Science Consultants dated October 15, 2000

	The reports recognizes possible slide nearby and recommend the use of pier foundation along with installation of a barrier for the associated retaining walls to protect from any possible soil movement. In addition, the GE, Inc report recommends preparation of a more detailed investigation prior to designing the foundation. As such, a recommended condition of project approval would require the applicant to submit a final Geotech/Soils report as part of the building permit submittal documents
S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.	*Consistent* It is common practice and policy for the City to require the submittal of supportive technical studies in support of development applications. The extent and type of technical studies vary by project type, size, location, and design. Issues such as geology/ soil conditions, biological resources, traffic, historic resources, and drainage are critical and integral to the design and review of the development project. However, there are certain topic areas that trigger technical studies that are costly and often result in delays in the process. Where possible, staff has attempted to reduce or eliminate the need for site-specific technical reports, which would reduce applicant cost and processing time. However, some reports are still required as part of the building permit submittal process as a standard condition of approval. In this case the building division has required submittal of a Geotech/Soils report as a required building permit submittal requirement. As mentioned above, prior geotech/soils report was provided as part of the submittal for this project. A standard condition of approval would require submittal of an updated Geotechnical Report that complies with this policy.
S-5. Minimize Potential Effects of Geological Hazards. Development proposed within areas of potential geological hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Development in areas subject to soils and geologic hazards shall incorporate adequate mitigation measures. The City will only approve new development in areas of identified hazard if such hazard can be appropriately mitigated.	*Consistent* As mentioned above, a standard condition of approval would require submittal of an updated Geotechnical Report to supplements the preliminary investigations conducted in 2000 and 2015.
S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.	*Consistent* The proposed project will be required to comply with California and San Rafael building code standards, which include design standards that resist stresses produced by earthquakes. As such, the project is consistent with this General Plan policy.

Exhibit 4

REVIEW OF GENERAL PLAN 2020 GOALS AND POLICIES
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Policy S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.	*Consistent* As conditioned the project will be required to comply with standard storm drain requirements. The applicant has provided a stormwater plan for the site which includes installation of a 575 gallon cistern. Calculations for the proposed project indicate the increase in impervious surfaces will result in approximately 336 gallons of stormwater runoff during a 0.2-inch per hour storm event. The applicant also proposes to install pavers onsite toa accommodate additional stormwater. As such, the project is consistent with this policy.
S-30. Maintenance and Landscaping for Fire Safety. Encourage, where appropriate, special planting, removal and maintenance programs to reduce potential fire hazards in the hills, wildland areas and urban interface areas. **S-31a. New Development.** Through the development review process, require appropriate mitigation measures such as fire preventive site design, landscaping and building materials, and the use of fire suppression techniques such as sprinklering.	*Consistent* As conditioned, the project will be required to comply with requirements of the California Fire Code and City of San Rafael ordinances and amendments. Furthermore, the new residence will be required to install fire sprinklers, and prepare a vegetation management plan which shall be recorded in the Deed and Title for the property. As such, the project is consistent with this General Plan policy.
CONSERVATION	
CON-14. Special Status Species. Preserve and protect special status plants and animals, including candidate species for listing under the state and federal endangered species acts, California species of special concern, California Native Plant Society List 1B plants, and other species protected under provisions of California Fish and Game Code.	*Consistent* Staff has reviewed the Conservation Maps Exhibits 38. The project is not located in area where special status species are expected to be located.
Policy CON-16. Landscape with Native Plant Species. Encourage landscaping with native and compatible non-native plant species, especially drought-resistant species.	*Consistent* The project site is located in a hillside area and contains natural vegetation including multiple mature trees. As proposed, five existing trees will be removed to accommodate the proposed structure and site improvements. The applicant proposes to plant three new trees including western redbud and western dogwood. As conditioned, the project will also be required to install smaller native plantings to meet replanting requirements for tree removal as set forth in the Hillside Design Guidelines. As such, the project is consistent with this General Plan policy.

Reply all | Delete | Junk | Block | ···

38 upper Fremont concerns

JB

Jeff Brown [redacted]

Mon 9/7/2020 11:21 AM

To: Alicia Giudice

Hi Alicia, Received notice of hearing for 38 Upper Fremont which is scheduled for 9/15. There are so many reasons NOT to allow this to move forward.

1. Fire department access. There are currently 2 residences above this address that the fire dept. can not get to now. Adding another is highly problematic and major fire hazard.
2. Accessibility. For them to gain access for construction trucks to get to the property they will have to access through ours and 12 Espalda Court driveway. We will not grant such. Nor do they have any area to stage materials for such a undertaking. I am a licensed General contractor myself so I am well aware what it will take to build such as they are proposing.
3. Aesthetics. We do not want them obstructing our view nor do we want a large window reflecting light at our house as they proposed in last meeting. Its unsightly.
4. Wild life impact. We have very diverse wildlife up here on this hill. I personally have seen California weasels, a badger, foxes, deer, owls, kestrels, falcons, bobcats, tree frogs, and neighbor had a mountain lion in his yard. I can only imagine that this construction would be a huge impact on this because its right in the path of where most of these critters use to get around on this ridge. I wont have it.
5. Traffic. During the winter when it rains we hear tires spinning trying to make it up the god awful switchbacks to make it up the terrain. And they are proposing 4 cars up this hill!?!?!? Not a good idea. That said, where will the contractors park during this construction??? There isn't a place for them. Definitly not parking in our driveways nor cul de sac. Once again , a fire hazard. Fire trucks can barely make it to our location god forbid we have a fire here.
6. Lastly, I totally disagree on the line on the card (California Environmental Quality act) is not applied to such a project . As stated above #4 it will be a HUGE impact to the environment here. Will forever change the migration of all wildlife up here. That needs different consideration for planning to approve such.

Please let me know if any further clarification or concerns.

Sincerely Jeff Brown

Sent from Mail for Windows 10

Reply | Forward

August 5, 2020

RECEIVED
AUG 13 2020
PLANNING

City of San Rafael Planning Commission
c/o Alicia Giudice, Senior Planner
City of San Rafael
1400 Fifth Ave.
San Rafael, CA 94901

RE: 38 Upper Fremont; ED18-082, plans dated 4/30/20 (cover sheet 6/25/20)

Dear Planning Commissioners:

I have the following comments regarding the application for a new SFD at 38 Upper Fremont, a steeply sloped lot (approx. 60% slope) along the curve of a narrow city maintained street, Upper Fremont Drive in San Rafael. To satisfy the parking requirement, the applicant is proposing the construction of a parking pit with a mechanical parking system, which would require the excavation of a hole at least 20 feet deep, on the uphill side, according to the drawings.

Here are the questions I think you should consider before approving this parking proposal:

1. Does the San Rafael zoning code currently allow the use of mechanical/automated parking structures on hillsides or properties zoned residential?

San Rafael zoning code allows the use of mechanical/automated parking systems within the downtown zoning districts (14.18.010- I.3.c.) but does not currently describe it's use in single family residential areas or hillside overlay districts. Can a mechanical parking system be approved as part of an environmental and design review permit under the Hillside Residential Design Guidelines Manual, per 14.18.120, as tandem parking. I understand tandem parking to mean the parking of one car behind another car where the outside car would need to move in order for the other car to move. According to Josh Minshall, an engineer in Public Works, the proposed mechanical parking system is not a tandem style parking system.

The City of San Rafael needs to get in front of the question whether to allow mechanical parking systems in single family residential and hillside overlay districts and decide where they are allowed and what guidelines or site constraints apply to avoid reviewing each application on an ad-hoc basis or as part of a patchwork approach.

2. Do other similar sized cities allow mechanical parking systems in single family residential zones or hillside locations?

According to information I gathered, other cities similar in size to San Rafael, ie Sunnyvale, Palo Alto and San Luis Obispo, allow mechanical parking systems in multi-family zones and commercial zones. The City of Belvedere does not have parking pits on hillsides because of concerns about excess grading/excavation; there is a lift system at a residence on the lagoon. Sausalito doesn't specifically

prohibit them but requires unobstructed access to required parking; they may consider it for two/multi-family residential.

3. Are you satisfied that a thorough geotechnical investigation has been performed to assess the feasibility of this project and the accompanying risks to the surrounding environs, including the risk of damage to the road?

I am unaware of the applicant submitting a geotechnical report that has specifically studied and supported his proposal of a parking pit. This site is located along a curve in the road and has access to the road from both above and below the site. I understand this road to be a city maintained street which turns from asphalt to dirt at the top of the site. Could a large excavation project risk undermining the stability of the road both above as well as below the excavation site?

The most current geotechnical report for this site is a 2-page report issued by Geotechnical Engineering Consultants, Inc., on April 30, 2015, for a prior owner. The report states that a single shallow auger boring was done. It was prepared to evaluate the geotechnical feasibility of the site for a dwelling proposed by a previous owner and did NOT include a parking pit. (See attached)

Earth Science Consultants was hired by another previous owner to do a geotechnical investigation of the site and their 8-page report, dated October 15, 2000, includes an assessment of the road which ***"may be of possible lower or marginal stability, as is typical of most older roadway embankments in the Bay Area."*** (See attached) In conclusion they state:

"From many years of geotechnical engineering experience in Northern California, we have observed that generally the larger the amount of site grading that occurs within a project, the greater the risk of long-term problems including sloughing, sliding, erosion and maintenance. Therefore, we feel that it is important to keep the site grading at this project to a minimum."

What risk is there that the road could fail during excavation or at anytime subsequent to construction of this project because of earth movement or changes in drainage patterns? If the road washes out or collapses, all residents living above the damaged roadway will have no other access to their homes and fire and emergency vehicles will be unable to provide emergencies services. Keep in mind that the rainfall on this hill is probably more similar to Kentfield rainfall; during the rainy season there is a lot of water running down this hillside and the road has no street gutters.

We do not want to be a "test site" for a parking pit. On page 25 of the Hillside Design Guidelines Manual, it states: "Every development proposal for hillside residential projects should include a thorough analysis of existing conditions on and adjacent to the site." You are the decision makers for this project and it is incumbent upon you to ensure that a thorough analysis of existing conditions on and adjacent to the site has been performed to your satisfaction before making a decision and avoid the temptation to "kick the bucket down the road." Whatever information you rely on should be provided by licensed professionals, knowledgeable in their field, with *professional liability insurance* to protect the City from bearing 100% of the liability, and provide you with the assurance you need to make a sound decision.

4. This site is subject to the Hillside Design Guidelines (HDG) whose intent and purpose is to miminize grading on hillsides.

The Hillside Design Guidelines Manual has a recurrent theme to "minimize grading" and repeats this phrase over and over again in the manual. Other phrases taken from the manual which I think applies to this project include:

- Building pads should disturb natural contours as little as possible (pg. 27)
- Natural drainage courses to be preserved as close as possible to their natural location (pg 27)
- Offstreet visitor parking should be located in bays that fit with the natural topography and minimize grading (pg 27)
- Grading should be minimized within 20' of all perimeter property lines (pg 37)
- Parking should be aligned to conform, as closely as possible, to existing grades and minimize the need for grading of slopes (pg 45)

5. We question the feasibility of the physical access required by equipment needed for a large excavation and hauling of dirt off-site.

Access to the building site involves narrow steep roadways with hair-pin turns which creates hazardous conditions for large construction equipment. We have had garbage trucks jump the roadway and concrete trucks full of concrete slip and slide down the hill. We had a parked car on this very site cut loose and roll down the hill through the trees and land on it's roof on the street, blocking the street for several hours; there are no guard rails on this street. We have seen construction equipment loose stability and collapse onto the street, again blocking the street for several hours. Blocking the road during construction is not an option. The road needs to stay open for emergency access and for neighbors whose work requires frequent use during the day.

I appreciate your taking the time to consider my comments and thoroughly review this application.

Sincerely,

Victoria DeWitt
[redacted]
San Rafael, CA

cc: Paul Jensen, Community Development Director
Bill Guerin, Public Works Director

att: 1) Geotechnical Engineering Consultants, Inc. report, 3 pages
2) Earth Science Consultants report*, 3 pages (page 1, 4, and 8)
*note that APN 12-041-23 & 24 are older parcel numbers for APN 012-041-48

GE *INC.*
Geotechnical Engineering Consultants

124 Paul Drive, Suite #105
San Rafael, CA 94903

Phone & Fax (415) 492-1747
Robert H. Settgast P.E. G.E.
rhsettgast@hotmail.com

Mr Todd Sontag

April 30, 2015
File 4-154-ts

GEOTECHNICAL FEASABILITY &
NEGATIVE DECLARATION
RESIDENTIAL BUILDING SITE
40 UPPER FREMONT DRIVE
SAN RAFAEL, CALIFORNIA
APN 012 041 23/24

BACKGROUND

Our firm has been retained by the addressee to perform the entitled services. The designers are McGuire Design of Novato. This study was undertaken to evaluate the geotechnical feasibility of this site for the planned residential dwelling. The information contained herein is based on 4/15/15 & 4/18/15 evaluations of the site and its environs that included multiple percussion soundings & a single auger boring to estimate the depths to weathered bedrock, and a review of the 1974 Geological Maps.

A more detail investigation that would include test pits/borings will be required before the foundation design reaches its final stages.

SETTING & PLANNED CONSTRUCTION

This ~1/6 acre parcel lies on the northeasterly slopes of Moore Hill. As the attached Site Plan and keyed photos show, it occupies an irregular~50 ft by ~120 ft area within a reverse curve of Upper Fremont Drive, which forms its northeasterly and southwesterly boundaries. Upper Fremont Drive is unpaved above the site

Grades within most of the site fall north easterly at irregular slopes averaging ~55% except for its downslope segment, which slackens to ~10 % over ~25 ft for a ~ 50 ft length along the northeasterly(lower) segment of the road .

The upper segment of the site show previous grading, including some random earth mounds and deteriorated displaced wood walls. Vegetation includes some medium sized trees & stumps, with natural shrubbery & grasses.

We anticipate a two story dwelling that will access mainly from the lower street level. It will be cut into the slopes, which may entail basement/retaining walls ~ 10 ft deep. The project plan will be configured to accommodate the irregular setting, and will include an attached covered garage and some parking pads.

SUBSOILS & GEOLOGY

Our percussion soundings and shallow auger boring identified weathered bedrock or hard residual soils within ~ 4 ft from existing grades on the slopes. It was measured 5 ft deep on the earlier cited mounds & above the failed walls, and 7 ft deep at the break of the road shoulder fill embankment above the site. *Residual soils are fully weathered bedrock that retains competent foundation properties.*

The bedrock consists mainly of Franciscan sandstones/shales, that are common to the area and are exposed on nearby road cuts. The Geological Maps show Franciscan Melange to be the principal local formation rather than the sandstone shales. *Melange can be generalized as relatively resistant units within a matrix comprised of bedrock that has been weathered and sheared to consistencies of hard soils, but still retrains rock structure. Given the non uniformity of Melange, this does not necessarily conflict with our observations.*

Soil creep is apparent on these slopes, but we found no indications that it penetrates below significantly mantle soils. It is most apparent on the road shoulder fill above the site and above the failed retaining walls. These features are typical for such settings, and we found no signs that they penetrate into the bedrock. The geologic Maps show shallow slide activity ~200 ft to the east--but not here.

CONCLUSIONS

Non-drilled rigid interconnected foundations, keyed into bedrock would suffice for building support. Conventional drilled pier foundations penetrating ~ 6 ft into bedrock, may be cost-effective, depending on the design, positioning, and preferences of the project team.

The upslope walls of the dwelling will probably require some protection from possible soil movement. This might entail a barrier or deflection wall or heightened upslope foundation concrete. Segments of the upper road shoulder may also require stabilization. These requirements would depend on conditions exposed during grading.

In view of the above points, all indicators show that this parcel is suitable for its planned development. We found no special geotechnical concerns that are unique to comparable local hillside sites.

- o 0 o -

This report represents our best judgment based on the available information, and complies with current standards for projects of comparable scope and budgets. No forms of warranty or insurance coverage are expressed nor implied in our written or verbal communications.

We trust that this report provides the information required.
You may contact us for clarification.

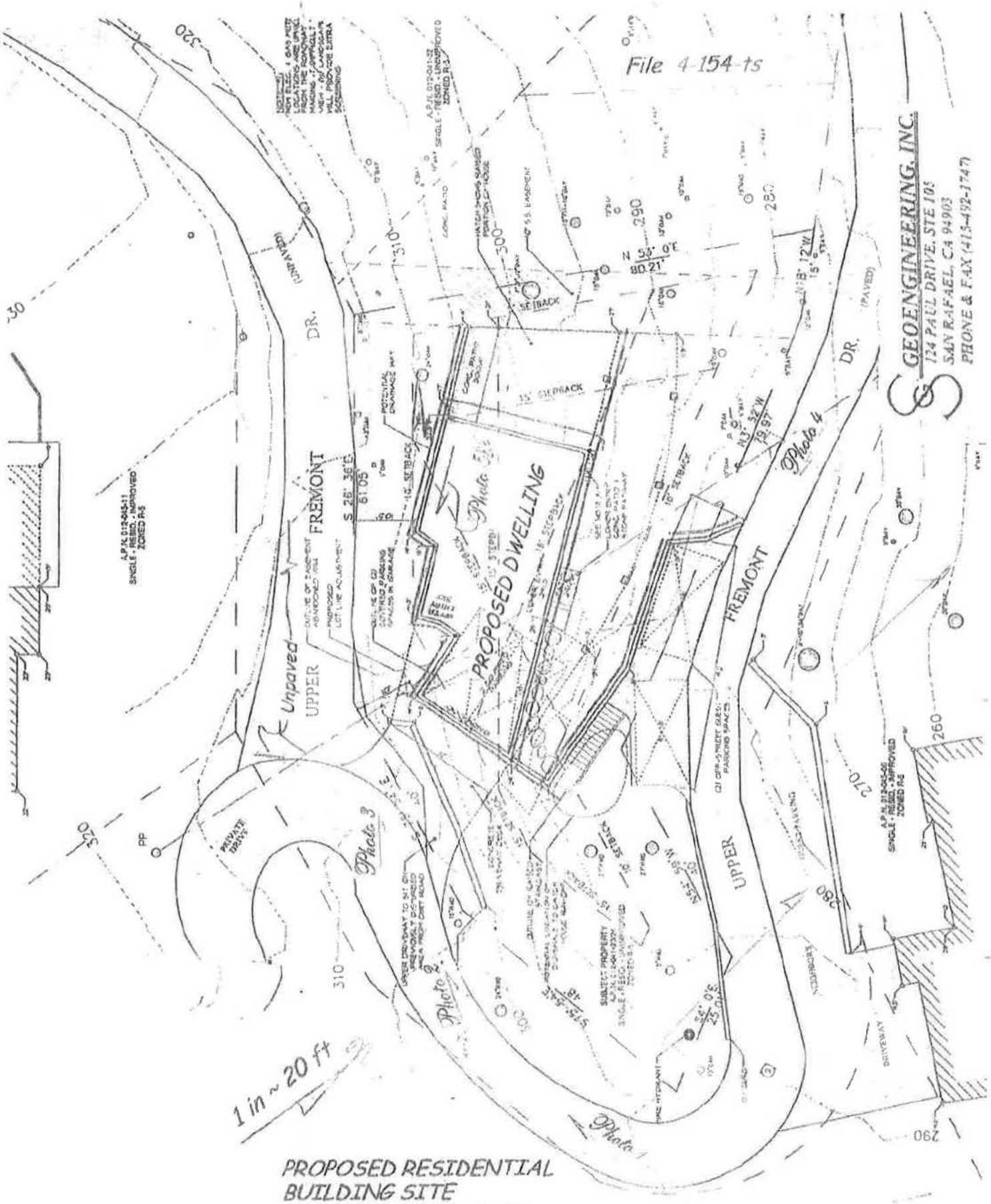
Respectfully submitted,
GEOENGINEERING, INC.

Robert H Settgast

Robert H. Settgast
Professional Geotechnical Engineer

REGISTERED PROFESSIONAL ENGINEER ROBERT SETTGAST No. GE000764 Exp. 6/30/08 GEOTECHNICAL STATE OF CALIFORNIA

RHS:lws
Attachments: Keyed Photos on Cover
Topographic Site Plan



PROPOSED RESIDENTIAL
BUILDING SITE
40 UPPER FREMONT DR
SAN RAFAEL, CA
APN 012 041 23/24

SITE PLAN

EARTH SCIENCE CONSULTANTS
SOIL • FOUNDATION AND GEOLOGICAL ENGINEERS

RECEIVED
AUG 05 2008
PLANNING

P. O. BOX 3410/SAN RAFAEL/CALIFORNIA 94912-3410/ (415) 383-0935

October 15, 2000
Job No. 004199

Raymond Chan
2037 Irving Street, #203
San Francisco, CA 94122

Geotechnical Investigation
Proposed Residence
Parcels 23 and 24 (Lots 15-16)
Upper Fremont Drive
A.P. 12-041-23 & 24
San Rafael, California

INTRODUCTION

This report presents the results of the geotechnical investigation we recently performed at the above site.

We understand that it is desired to construct a new two to three story, wood-frame, single family residence primarily within Parcel 23. We understand that the development plans are still in the preliminary conceptual phase.

The purpose of our work was to perform a visual site observation and reconnaissance of exposed surface features, review existing soil and geologic data of the area, log representative exploration test borings and provide our opinion in the form of conclusions and recommendations as they relate to our specialty field of practice, geotechnical engineering.

inclination of about 57 degrees to 60 degrees that also is much steeper than the current standard of cut slope construction. It should be noted that with time, older, steeper cut slopes can locally achieve a more gentle of repose.

Above the upper southwestern property line of Parcel 23, we observed that the outer portion of the gravel road consists of an older, steeper sliver fill up to about 4 feet in height with a steep inclination of about 45 degrees to 55 degrees that is much steeper than the current standard of fill slope construction of 2:1. As one proceeds towards the southeast along the upper roadway above Parcel 23 and above Parcel 24, we observed an older, deteriorated wood retaining wall up to about 3 to 4 feet in height retaining the outer portion of the Upper Fremont Drive roadway. As the roadway appears to be relatively old, the roadway fill materials were probably placed during a period of lesser control and may be of possible lower or marginal stability, as is typical of most older roadway embankments in the Bay Area.

Our attendance at the Association of Bay Area Governments' (ABAG) "Land Slippage Hazard Mitigation" seminar on December 17, 1991, at the Oakland Metro Center, confirmed our previous understanding and knowledge that the roads in the older hillside neighborhoods of the Greater Bay Area were constructed without any soil engineering or civil engineering control. Fills were constructed by merely pushing cut materials off the downhill side with no compaction and no keying or benching, and with steep slopes of about 1 1/4:1 to 1 1/2:1 (compared with 2:1 contemporary compacted and keyed fill slopes). Such steep uncompacted fill slopes are of lower stability and subject to creep and occasional sliding and slipouts. The upslope road cuts were made steep and then gradually achieved a quasi angle of repose after years of local eroding, sloughing and sliding.

Grading aiso disturbs the natural site ground cover and vegetation which results in accelerated erosion and sloughing and also usually changes natural drainage patterns.

During the very heavy winters of 1982 and 1983, as well as during our 34 years of geotechnical experience, we have observed that unretained cut slopes are a frequent cause of sloughing and sliding.

From many years of geotechnical engineering experience in Northern California, we have observed that generally the larger the amount of site grading that occurs within a project, the greater the risk of long-term problems including sloughing, sliding, erosion and maintenance. Therefore, we feel that it is important to keep the site grading at this project to a minimum.

To San Rafael Planning Commission

REF. 38 Upper Fremont Drive proposal

I received notice of this development and have reviewed documents available on line and visited the site. Our property is parcel 012-132-63 which occupies the ridge line south and above of the proposed site. It is one acre of undeveloped land and is adjacent to dedicated city open space to the west. Our home on [redacted] is downhill South from the ridgeline, and adjacent to this parcel.

The proposed building is on a small but steep lot of 7977 square feet within a tight hairpin curve of the road and down hill from 4 homes just below the ridgeline. All of the surrounding areas are dense brush and trees including the open space. This steep lot is a challenging site.

Our main concerns are fire and access.

Upper Fremont drive and this site are not accessible to emergency equipment as outlined in the fire inspection report:

NOTE: Comment 4 pertains to the Upper Fremont Drive roadway. The Fire Department is unable to provide emergency fire or EMS services that meets NFPA Standard 1710 response time criteria because the existing public roadway does not accommodate fire apparatus vehicles and does not meet CFC provisions for Fire Apparatus Access Roads. San Rafael Fire vehicles are unable to maneuver to this property due to unusual topographical conditions, substandard roadway width, and hairpin type curves that do not meet CFC turning radius provisions. Additionally, there is no existing provision on Upper Fremont Drive to accommodate the turning around of fire apparatus as required by CFC Appendix D.

The road is narrow with 3 hairpin turns below the proposed construction. It is difficult for even a single car to negotiate this roadway.

I would encourage Commission members to drive up this road to understand its problems.

In addition to emergency vehicles, it would seem impossible for construction equipment to access this site without blocking the street. The site plans call for roughly 15 foot excavation into the steep hillside, meaning heavy equipment, trucks, etc. I doubt the roadway could sustain such loads and traffic, and suggest the San Rafael Public Works be consulted. Excavation of this hillside during rainy season could pose risks to downhill properties.

Construction is a time of higher risk for on site fires. If the project goes ahead, especially during the dry season, perhaps fire prevention measures and mitigation could be undertaken such as creating the 100 foot defensible space around the building footprint before construction starts. The Fire inspector may have other recommendations to reduce risks and should be consulted.

The ultimate solution if the City plans to develop this step hillside is to widen and reinforce the roadway sufficiently to allow emergency access. This would serve not only this site, but the houses above and access to the dense brush of city open space in case of fires.

Thank you for your time and consideration,

Richard and Julia Geist

[redacted]

San Rafael, CA. 94901

September 1, 2020

Reply all | Delete | Junk | Block | ···

38 Upper Fremont WENA Comment Letter

You forwarded this message on Wed 8/19/2020 7:51 AM

FC

Fred P. Cushing [redacted]
Tue 8/18/2020 6:36 PM
To: Alicia Giudice
Cc: Victoria DeWitt [redacted]; Michael Smith [redacted]

38 Upper Fremont-WENA c...
196 KB

Good Evening Alicia,

In response to the request you made in your email of 8.13.20 (see below), seeking clarification regarding the neighborhood association (WENA) position on #38, I have been asked to forward to you our official letter sanctioned by WENA leadership and signed by 16 current WENA residents in close proximity to the proposed #38 Upper Fremont Drive residence.

We apologize for any confusion regarding WENA's position on this project. As with so much lately during the pandemic, and with some recent personnel shifts, things got missed or overlooked. So we thank you for providing us with the opportunity to reach out to our neighbors, and to clarify our collective response to this proposed construction project and get our "house" in order.

The attached revised letter therefore represents the collective concerns of those of us most likely impacted by this project and the West End Neighborhood Association. As before I ask that you please acknowledge receipt of this email and attached letter via return email.

Thank you for your time, patience, and consideration. And for representing our collective concerns and positions to the Planning Commission.

Fred Cushing

Sent from Fred's iPad

> On Aug 13, 2020, at 5:42 PM, Alicia Giudice <Alicia.Giudice@cityofsanrafael.org> wrote:

West End Neighborhood Association

August 17, 2020

Ali Giudice
City of San Rafael - Planning Division
1400 Fifth Ave
San Rafael, CA. 94901

RE: 38 Upper Fremont; ED18-082, Plans dated 4/13/20 (cover sheet 6/25/20)

We have the following comments for this formal application:

Note: It should be noted that many of the comments contained in this letter were also detailed in previous letters to staff. A previous hearing was canceled because the lot was found to be 1,111 sq' smaller than previously thought (7,977 sq' vs 6,866 sq' per current survey). The applicant has now included a survey/topographic map with lot square footage calculated by the land surveyor. While the applicant has responded to some of our comments, there are still several issues contained in this letter that we would like addressed. We request that Planning respond to our comments in the staff report prepared for the Planning Commission hearing.

1. COMPLIANCE WITH HILLSIDE DESIGN GUIDELINES (HDG)

a) Hillside Design

i) Location of main entrance.
The colored drawings from A1 Cover Sheet shows what appears to be the front door painted a bright orange color. However, looking at the drawings on pg A6 Entry/Garage Plan, the bright colored door appears to be a storage door with the main entrance tucked away to the right. This promotes confusion and doesn't provide a clear design statement or visible entrance to this home. The entrance is more like a "back entrance."

We believe good functional design would have the main entrance for a home enter directly into the living area, without having to walk up several stairs. With a corner lot, like this, providing extensive street access, designing an entrance to lead into the living areas should be possible and preferable. The current entrance as designed is hidden and not very welcoming.

ii) Lack of 2nd exterior door:
There appears to be only one exterior door for this house, at the garage level. Aren't you required to have at least 2 means of ingress and egress, ie 2 exterior doors? An exterior door at the living area level would make sense and could provide access to the street above. Fire Safety alone should require another means of egress, in case of fire, which occurred at 55 Upper Fremont a few years ago.

iii) Unusual layout.
The layout of the house is unusual in that the entry leads to the bedroom level first. To get to the main living area requires walking up two flight of stairs. An exterior door at the living area level could provide access to the street above. The plans provide a needed addition of a "dumb waiter" as a means of getting groceries and supplies from the front door to the kitchen, two-flights up.

iv) North elevation:
We are concerned that the height of the building which faces traffic coming up the hill is too bulky in appearance and will create a wall effect.

v.) Ridgeline Development
We would like the Planning staff to verify that the proposed building is well within 100 feet of the ridgeline.

vi) Identify all exceptions/variances to HDG:
All other Hillside Design Guidelines, zoning and building codes, ie. setbacks, stepbacks, height restrictions should be complied with or exceptions/variances identified in the staff report.

b) Parking

Upper Fremont Drive is a very steep, narrow (2-way/1 lane), very substandard hillside street with NO public (street) parking. Therefore, parking requirements must comply with current code, with NO exceptions.

i.) Parking Pit
The applicant is proposing a pit-stacker system to comply with City parking requirements. This is an unusual design for hillside residential parking. The SR Zoning Ordinance Parking Standards allow mechanical/automated parking systems within the downtown zoning districts (14.18.010-I.3.c.) but there is nothing in the code to describe their use in residential or hillside zonings.

Recently, a mixed use project in the downtown, at 703 Third St., proposed 120 units plus retail space with a mechanical parking system and would use mechanical lifts with no pit or underground feature. The City is requiring a use permit for the mechanical lift parking proposal along with recommendations of the PW Director and the Planning Commission, per staff report prepared by Steve Stafford on Feb 26, 2019.

The City has no standards or zoning codes to address pit stack parking in a residential area, let alone addressing the safety of using such a system on steep hillside lots. Some vehicles cannot be accommodated by mechanical parking systems because of the size or weight, ie large sport utility vehicles and pick-up trucks. We don't have any code or standards as to what the minimum size vehicle these systems should accommodate.

We found that Sunnyvale, Palo Alto and San Luis Obispo allow mechanical parking systems in multi-family zones and commercial zones but not single family residential. The City of Belvedere does not have parking pits on hillsides because of concerns about excess grading/excavation; there is a lift system on the lagoon. Sausalito, while not prohibited, might allow mechanical parking systems for two/multi-family uses.

Pit stack parking does not meet the requirement that guest parking spaces be independently accessible as required by the hillside design guidelines, per San Rafael municipal code:

15.07.030 - Street, driveway and parking standards.
(c) Each lot created on substandard city streets and all private streets shall provide a minimum of two (2) off-street, independently accessible guest parking places for each dwelling unit intended to be developed on the lot. These parking spaces shall not be located on the driveway apron. These spaces shall be conveniently placed relative to the dwelling unit they serve.

Providing additional on-site parking next to a substandard street can improve access for emergency vehicles, per Municipal Code 15.07.010. This is especially true on a street like Upper Fremont with NO emergency vehicle turn-around. It could definitely benefit from the additional street width added by siting guest parking spaces immediately next to the street rather than hidden away underground. Guest parking spaces added adjacent to the street can also provide additional room for passing vehicles to maneuver on a narrow street like Upper Fremont.

Lastly, digging a deep pit on a steep hillside with a long history of slides and underground waterways, next to a narrow road which was not built to current standards, is a threat to public safety.

San Rafael Municipal Zoning code 14.18.010. G. states:
"Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety and, where appropriate, insulate surrounding land uses from adverse impacts;"

There are many underground waterways on this hill and diverting water around a subterranean garage seems risky. Where would the disturbed flow of water be diverted to? The required depth of the pit would have to be at least 20 feet (per plans); a detailed description of the pit and the stacking mechanism is missing from the plans.

Upper Fremont Drive is not built according to today's standards. How will digging a deep pit affect the stability of the road and the surrounding properties, as the hill immediately and steeply drops off on the

opposite side of the road, leaving it vulnerable to collapse? Any damage to the roadway could effectively cut off emergency response vehicle access to properties further up the hill.

Earth Science Consultants was hired by a previous owner to do a geotechnical investigation of this site. Their report, dated October 15, 2000, states the purpose, as follows:

"The purpose of our work was to perform a visual site observation and reconnaissance of exposed surfaces features, review existing soil and geologic data of the area, log representative exploration test borings and provide our opinion in the form of conclusions and recommendations as they relate to our specialty field of practice, geotechnical engineering."

Earth Science Consultants describes how Upper Fremont was most likely constructed and the likely stability of the road given it's age:

"As the roadway appears to be relatively old, the roadway fill materials were probably placed during a period of lesser control and may be of possible lower or marginal stability, as is typical of most older roadway embankments in the Bay Area."

"Our attendance at the Association of Bay Area Governments' (ABAG) "Land Slippage Hazard Mitigation" seminar on December 17, 1991, at the Oakland Metro Center, confirmed our previous understanding and knowledge that the roads in the older hillside neighborhoods of the Greater Bay Area were constructed without any soil engineering or civil engineering control. Fills were constructed by merely pushing cut materials off the downhill side with no compaction and no keying or benching, and with steep slopes of about 1 ¼:1 to 1 ½:1 (compared with 2:1 contemporary compacted and keyed fill slopes). Such steep uncompacted fill slopes are of lower stability and subject to creep and occasional sliding and slipouts. The upslope road cuts were made steep and then gradually achieved a quasi angle of repose after years of local eroding, sloughing and sliding."

With regard to grading, the report states:

"Grading also disturbs the natural site ground cover and vegetation which results in accelerated erosion and sloughing and also usually changes natural drainage patterns."

In conclusion, the report states:

"From many years of geotechnical engineering experience in Northern California, we have observed that generally the larger the amount of site grading that occurs within a project, the greater the risk of long-term problems including sloughing, sliding, erosion and maintenance. Therefore, we feel that it is important to keep the site grading at this project to a minimum."

We strongly request that the City require the applicant to conduct a thorough safety and feasibility study prior to any approval of this untested parking system.

ii.) Page A11 Parking and Circulation Diagram:

We think the legibility of this drawing could be improved by increasing the scale to the same size as the other pages, 1/4" =1 foot. It is difficult and dangerous to back up at an angle onto a narrow, steep and poorly-lit road with no downhill guard rail. The applicant has not included information about the slope and angle of the road in relation to the driveway and the drawing is difficult to read the boundaries of the road; it is important to show where the road ends and the private guest parking for the opposite neighbor begins. This diagram should show that cars maneuvering in and out of the driveway do not need to use the opposite neighbors guest parking spaces or potentially damage cars parked there. You can assume that FedEx trucks will be turning around in the driveway. There is a reason why the Municipal Code (14.12.030(F)) prohibits vehicles from backing out onto a street less than twenty-six feet wide. There is history of a car being parked on this site that rolled several feet down the hill and there were no guard rails to stop it. Luckily, no one was injured.

c) Natural State requirement/ house size

We emphasize the importance of complying with all hillside design guidelines, including the natural state requirement. With such a small allowable footprint for a home on this site, City planners and board members must verify applicant's calculations and ensure compliance with the natural state requirement. The applicant has now provided a topographic map prepared by a land surveyor. However, the slope calculation was NOT included on the topographic map with the wet stamp of the engineer. Instead, it appears the slope calculation was done by the applicant (owner/architect) and is calculated for a portion of the lot and not the entire lot. Plans submitted by the prior owner of this lot, Todd Sontag, in January 2008, stated average slope at 60%. The applicant has calculated a slope of 56.5% up from 55.8% and 53% slope on prior plans. *We think the slope calculation should be prepared by the engineer that prepared the topographic map and not the applicant.*

We understand that the applicant does not want to apply for an exception or variance so it is important that the lot size and slope are accurate in order to calculate accurate disturbed area/natural state requirements. *We would like the applicant to show the calculations for the natural state and the disturbed area clearly on the plans*, understanding that the "disturbed area" includes more than the "lot coverage." Other projects in the immediate vicinity have been required to comply with the natural state requirement. There are other vacant lots immediately past this lot on Upper Fremont that we expect will eventually be improved and will have to comply with the natural state requirement.

On page A1, the applicant has listed the square footage of most homes located on Upper Fremont. We find there are some inconsistencies in his numbers. For example, 75 Upper Fremont (APN 012-045-11) and 79 Upper Fremont (APN 012-045-14) are 2,903 sq' for each residence per Marin County Assessor records, not 3,500 sq' as the applicant shows on his chart. Apparently, he used information from Zillow. Both homes were built in 2004. 75 Upper Fremont combined 4 old lots with a total of 17,000 sq'. The slope was 45.6% and the natural state requirement was 70.6% with 74% proposed with the new home. When compared to the lot, the home size is 17% of the lot size. 79 Upper Fremont combined 2 existing lots with a total of 28,050 sq' (per Planning document). The slope was 47.3% and the natural state requirement was 72.3% with a proposed natural state of 84%. The home

square footage is 10% of the lot size. When looking at the homes immediately surrounding 38 Upper Fremont, the home square footage as a percentage of the lot size ranges from 4% to 19%. In contrast, we estimate the proposed home at 38 Upper Fremont to be 25% or greater, exceeding the surrounding development pattern.

Both neighboring homes at #31 and #39 have much larger lots, 60% to 240% larger than the applicant's. In order to comply with all the Hillside Design Guidelines and be compatible with neighboring properties, the applicant may consider a more moderate sized home, such as 1,500 or 1,600 sq'.

Developers like to build larger homes because prices are frequently calculated by using square footage but moderate to smaller sized homes are compatible with this area and they are more affordable for less affluent buyers. They fulfill a need in Marin to have more affordable homes to buy, not just to rent. It creates healthier neighborhoods to have a mix of home sizes to accommodate different family sizes, economic, and age levels.

4. ROADWAY IMPROVEMENTS:

On the uphill side, the property fronts a dirt road which is the continuation of Upper Fremont Drive, a city street. The paved road above this is a private road/driveway owned by #39. Sections of the upper roadway may require stabilization to protect the property from soil moving downhill and settling against the new structure, per Geotechnical Report from April 30, 2015.

Public Works is requiring a condition of approval that the unimproved portion of Upper Fremont abutting this property be paved to provide a vehicular turnaround at the Y with the private section of Upper Fremont (Memo dated April 30, 2019 to Planning from PW). Currently, delivery companies have refused delivery to residents on Upper Fremont and emergency vehicles have no place to turnaround. The turn-around needs to meet minimum standards for roadway improvements and be able to accommodate the maneuvering of delivery and emergency vehicles. *The Plans do not currently include this roadway improvement and should be shown on the plans.* The survey/topographic map prepared by Transamerican Engineers, shows Upper Fremont width of 20 feet but actual road width is around 12 feet.

In the conditions of approval for 31 Upper Fremont (in 1998), the City required that the street be paved along the entire frontage of the property with a 2" asphalt overlay prior to occupancy of the house. Likewise, the City should require paving along the entire street frontage of 38 Upper Fremont before occupancy.

5. CONCRETE DELIVERY PLAN:

The applicant needs to put forth a workable and approved feasible concrete delivery plan. When #75 and #79 Upper Fremont were built in 2004, the City required a change in the way concrete was delivered to the sites after concrete trucks began losing traction on Upper Fremont and endangering people and property downhill. The City approved pumping concrete via a long tube originating from

Espalda Court on the other side of the hill. The applicant should submit plans on how concrete will be pumped from Espalda Court to the site to ensure safety and that access is not compromised. We understand the applicant has made arrangements with property owners.

Any other large or heavy construction vehicles will need permission from the individual property owners to use private property to maneuver those vehicles. Private property includes the privately owned streets at Trost and #39 Upper Fremont, as well as all neighboring driveways and private parking areas and property. The applicant also needs to provide detail in their plans as to exactly where the "staging area" for construction will be located.

In addition, the applicant needs to post a bond and document the condition of the street before and after construction.

6. <u>FIRE PROTECTION:</u>

The Fire Marshall has provided the following comment re 38 Upper Fremont:

"The Fire Department is unable to provide emergency fire or EMS services that meets NFPA Standard 1710 response time criteria because the existing public roadway does not accommodate fire apparatus vehicles and does not meet CFC provisions for Fire Apparatus Access Roads. San Rafael Fire vehicles are unable to maneuver to this property due to unusual topographical conditions, substandard roadway width, and hairpin type curves that do not meet CFC turning radius provisions. Additionally, there is no existing provision on Upper Fremont Drive to accommodate the turning around of fire apparatus as required by CFC Appendix D."

What liability does the City incur by knowingly allowing the building of a home that the City cannot defend in case of a fire? What measures can be taken to provide required fire protection and emergency access to Upper Fremont?

On January 4, 2016, a house down the road from #38 Upper Fremont caught fire and was damaged beyond repair. The Fire truck had difficulty making it up the hill and the fire fighters hand carried equipment uphill (up a steep incline) several hundred feet to the burning house. According to the Fire incident report, two fire vehicles got stuck and were unable to get off the hill. Luckily, it was raining that night; otherwise, the outcome would have been very different.

As generally required by code, the applicant can use fire resistant materials but nothing is fire proof. A Santa Rosa couple narrowly escaped the fire that engulfed their home. Their house was newly constructed according to all the latest building codes for fire resistance. In fact, their house was so well insulated and air-tight that they didn't hear the fire coming or smell the smoke until it was almost too late. They had to be treated for significant burns to their bodies. It is a sobering reminder of how unpredictable and devastating fire can be.

There needs to be a turn-around at the end of the paved section of the city street, Upper Fremont Drive, per the International Fire Code which requires a turn-around on access roads in excess of 150 feet

(Section D 103.4). This is important for emergency vehicles, such as ambulances, as well as Fire Suppression equipment.

In addition to improved access, before any building permits are issued and at all times, a fire hose must be hooked up to a water source and be immediately available for use during all phases of construction until an occupancy permit is granted. Several years ago, a fire was started at a construction site on Terrace Avenue from a spark caused by cutting rebar.

7. EXISTING SEWER LATERAL LOCATED ON PROPERTY:

There is an existing sewer line running through the middle of this property. Older maps suggest that the sewer line for #39 and #77 may be located in the center of this property. In 2004, when #75 and #79 were built, they were connected to a new sewer main which runs under the dirt road. There are no records indicating that #39 and #77 were ever connected to the new sewer main and it appears that the sewer line located on this property is still active and is located in an abandoned City easement. Alicia Giudice and Don Jeppson, the City Building Official, visited the site and were shown the exposed sewer pipe. However, the location of the sewer pipe is not shown on the plans nor a plan for relocation discussed with the affected residents. The applicant cannot build a house on top of an active sewer line so *we would like to see this issue addressed as part of the review process.* See the attached photo.

8. GEOTECHNICAL/ARBORIST REPORTS:

The geotechnical report as submitted was performed on APN 012-041-23/24 on April 30, 2015, for a previous property owner. The proposed application is for APN 012-041-48. The geotechnical report needs to be updated for the identified lot and current proposed plan, including the feasibility of the proposed parking pit.

The tree report is also from 2015 and needs to be updated for the correct lot, proposed plan and current condition and size of existing trees, including the identification of significant trees. The current plans don't show what trees will be removed and what new trees will be planted. Applicant needs to submit a vegetation management plan (required by Fire Dept).

9. LOT MERGER:

The Planning Division needs to determine if the underlying lots, APN 012-041-23 and 012-041-24 (old lots 14, 15, and 16), have been merged into the current APN 012-041-48 and if not, a condition of approval should require merger of these lots.

10. OTHER COMMENTS:

a) We question how effective a solar system on the roof will be given that this is a heavily wooded north facing slope with limited sunlight for several months during the year. The drawings don't show the pitch of the solar panels and if they will raise the roof line.

b) There is no grading plan as required by Public Works and which would help in determining the "disturbed area" when calculating compliance with the natural state requirement.

c) Page A-2 Vicinity Plan does not appear to be drawn to scale. For example, 30 Upper Fremont is only 696 sq' but appears to be twice as large as 38 Upper Fremont.

11. <u>CONSTRUCTION MANAGEMENT PLAN (CMP) and STAGING AREA:</u>

Prior to the issuance of a building permit, a Construction Management Plan shall be submitted and approved by the Planning Division AFTER the applicant meets with surrounding neighbors, as was required for 75 Upper Fremont when it was built. We suggest scheduling the meeting at City Hall with a Planner present and at a time that is convenient for neighbors. It is imperative that the applicant meet with neighbors to create a Construction Management Plan (CMP) and address their concerns BEFORE approval from the Planning Division and a building permit is issued.

This plan would include hours of construction, staging plan, concrete delivery plan, plan for maneuvering construction vehicles without trespassing onto private property, parking plan for workers, delivery notification, emergency access during construction, contact numbers, resident notifications, etc. The CMP cannot be finalized until the applicant holds a meeting with the residents and addresses concerns raised during the meeting.

The CMP should detail where construction vehicles can maneuver without encroaching onto private property. For example, the paved road directly uphill from this property is a private street, currently in need of repair. Any maneuvering of construction vehicles on this private road could compromise the integrity of the road and the applicant needs permission from #39, the owner of the private road, to use the road. The condition of city streets used during construction should be documented and repaired for damage caused by construction, including Marquard, Fremont, Upper Fremont, and Trost.

Along with the Fire Department and Public Works, the applicant should outline a Staging Plan intended to reduce the negative impact of construction activities on the surrounding neighborhood by reducing, noise, dust, traffic, and other health hazards. A traffic circulation plan will be required for dump trucks, deliveries, parking for construction workers, etc..

Thank you for your consideration of these comments. *Please note that we have solicited comments and provided a copy of this letter to residents living on Fremont Road, Upper Fremont Drive and Trost.*

Sincerely,

Chris Leinbach, WENA Board member

Victoria DeWitt, Fremont Rd
Michael Smith, Upper Fremont
Crystal Wright, Upper Fremont
Fred P. Cushing, Upper Fremont
Davis Perkins, Upper Fremont
Rena Harel, Upper Fremont

Mikei Davis, Upper Fremont
Steve Thomson, Fremont Rd
Maren DeGraff, Fremont Rd
Toni McIntyre, Marquard
Zanette Johnson, Marquard

Lori Davis, Upper Fremont
Jasmin Thomson, Fremont Rd
Adam DeGraff, Fremont Rd
Mark Abadi, Marquard

cc: WENA

att: Photo showing sewer line at approximate location of proposed driveway (1 page)

August 17, 2020

San Rafael Planning Commission
c/o Alicia Giudice, Principal Planner
City of San Rafael
1400 Fifth Ave
San Rafael, CA. 94901

RECEIVED
AUG 24 2020
PLANNING

Members of the Planning Commission:

RE: Supplemental comments for 38 Upper Fremont, ED18-082

I am concerned about the safety and feasibility of the proposed parking pit at this site and would like an answer to the following question:

Why isn't a Geotechnical Investigation Report and Geotechnical Review being required for this application as described in the Geotechnical Review Matrix? Where is the geotechnical report that supports the safety and feasibility for a parking pit at this site?

The Safety Element of the General Plan addresses safety concerns and geotechnical review of development proposals:

S-1. Location of Future Development.
Permit development only in those areas where potential danger to the health, safety, and welfare of the residents of the community can be adequately mitigated.

S-3. Use of Hazard Maps in Development Review.
Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.

S-4. Geotechnical Review.
Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.

S-4a. Geotechnical Review of Proposed Development. Require soils and geologic peer review of development proposals in accordance with the Geotechnical Review Matrix to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement in order to determine if these hazards can be adequately mitigated.

S-5. Minimize Potential Effects of Geological Hazards.
Development proposed within areas of potential geological hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Development

in areas subject to soils and geologic hazards shall incorporate adequate mitigation measures. The City will only approve new development in areas of identified hazard if such hazard can be appropriately mitigated.

This application is being proposed for APN 012-041-48 which is a combination of 3 parcels, 012-041-23 & 24 (lots 15 and 16), and lot 14. There are 2 geotechnical reports that I have seen which were submitted by prior owners for lots 12-041-23 & 24 only and does not include lot 14, the westernmost lot. One report was prepared by Geotechnical Engineering Consultants, Inc. on April 30, 2015, to determine the feasibility for a conceptual drawing that does not include a parking pit. This report states that "geologic Maps show shallow slide activity, about 200 feet to the east". The other report was a geotechnical investigation prepared by Earth Science Consultants on October 15, 2000, to assess the potential construction of a new two to three story wood-frame SFD and described the site as being in stability zone 3 (Rice, Strand, and Smith). This report concludes that "it is important to keep the site grading at this project to a minimum".

According to the Geotechnical Review Matrix, a Geotechnical Investigation Report and a Geotechnical Review are required for a High Occupancy use (single-family residential) located in stability zone 3. According to S-3 (above), a review of slope stability should be done at the time the development is proposed. In "An Applicant's Guide to Procedures for Hillside Residential Development" prepared by the San Rafael Planning Department, it states in Appendix C that "sites which are rated 3 or 4 (most hazardous) on either Geoseismic Hazard or Slope Stability map will require a *Geotechnical Investigation Report* as part of the materials needed for completeness." Shouldn't a current Geotechnical Investigation Report for APN 12-041-48 be completed to determine the safety and feasibility of the proposed plan with a parking pit *BEFORE* this application is considered complete and heard before the Planning Commission? Or, am I misunderstanding something?

Please note the replacement of two gas services by PG&E in April, 2017, due to a landslide. This work was located relatively close, to the west of the site of this application and involved service to 39 and 77 Upper Fremont. See the attached Encroachment Permit submitted by PG&E.

Thank you for your consideration of my comments.

Sincerely,

Victoria DeWitt
[redacted]
San Rafael, CA. 94901

enc: 1. Geotechnical Review Matrix
2. PG&E Encroachment Permit, dated 4/17/2017

cc: Raffi Boloyan, Planning Manager
Paul Jensen, Community Development Director
Bill Guerin, Public Works Director

Exhibit HH:
GEOTECHNICAL REVIEW MATRIX

	SLOPE STABILITY & GEO-SEISMIC HAZARD ZONES 1, 2, 3 & 4															
	LAND USE CATEGORY (1)															
	CRITICAL				HIGH OCCUPANCY				LOW OCCUPANCY				PARKS/OPEN SPACE			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Rezoning, Master Plan	A	A	B/D	B/D	A	A	B/D	B/D	A	A	A	A	N/A	N/A	N/A	N/A
Subdivision – Tentative Map, Parcel Map, Conditional Certification of Compliance Design Review	B/D	B/D	B/D	B/D	B	B	B/D	B/D	A	A	B/D	B/D	A	A	B/D	B/D
Use Permit, Grading Permit, Building Permit	B/D	B/D	B/D	B/D	B	B	B/D	B/D	B	B	B/D	B/D	A	A	B/D	B/D
Occupancy Permit, Notice of Completion	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Requirements for the following to be determined on a case-by-case basis, dependent upon the specificity of proposal:

- General Plan Amendment
- Annexation
- Rezoning-General
- Subdivision-Other
- Variance
- Open Space Acceptance
- Pre-Application Feasibility

(1) Land Use Categories
Critical Use: Hospitals and related care centers, schools, auditoriums, churches and theaters, fire and police stations, transportation centers and facilities, major utilities, and communication facilities.
High Occupancy: Residential (single-family, apartments and PUDs); commercial (office buildings, restaurants and retail stores); and light and heavy manufacturing and assembling.
Low Occupancy: Warehouses, storage facilities and distribution centers.
Park/Open Space: Parks, marinas, and public and private open-space.

Report type

A Preliminary Geologic Report
B Geotechnical Investigation Report
C Construction Observation Report
D Geotechnical Review

NOTE: A hazardous waste investigation report (E) shall be submitted for sites where contamination is suspected, and for investigations of existing or proposed waste dumpsites.

PM: 31318742

SAN RAFAEL PUBLIC WORKS
PUBLIC WORKS DEPARTMENT • (415) 485-3355
111 MORPHEW ST. • P.O. Box 151560 • San Rafael, CA 94915

UTILITY / SPECIAL DISTRICT ENCROACHMENT
APPLICATION AND PERMIT

PROJECT/LOCATION: 39 & 77 UPPER FREMONT DR. DATE SUBMITTED: 4/17/2017

PARCEL NUMBER: 012-045-05

OWNER INFORMATION

NAME: RENA HAREL

ADDRESS: 39 UPPER FREMONT DR

CITY/STATE: SAN RAFAEL, CA

CONTACT NAME: MARK CONDON FOR PG&E

PHONE: 415-257-3332 FAX: 415-257-3429

PHONE: FAX:

CONTRACTOR INFORMATION

NAME: PACIFIC GAS & ELECTRIC CO.

ADDRESS: 1220 ANDERSEN DR.

CITY/STATE: SAN RAFAEL, CA 94901

PHONE: 415-257-3114 FAX:

CITY BUSINESS LIC.# (REQUIRED):

STATE LIC. #: (A or C-12 Only)

TYPE OF PERMIT REQUESTED

- ☐ CONSTRUCTION STAGING
- ☐ MAINTENANCE/ STREET CUT
- ☒ EXCAVATION WORK (Special requirements apply -- See S.R.M.C.§11.04.030.070)
- ☐ ABOVE-GROUND FACILITIES
- ☒ OTHER: REPLACE GAS SERVICE

REPLACE 2 GAS SERVICES DUE TO LANDSLIDE

DESCRIPTION AND PURPOSE OF WORK

INSTALL (1) 14' 1" PL GAS SERVICE ON DIRT ROAD IN FRANCHISE AT END OF UPPER FREMONT DR.

INSTALL (1) 75' 1" PL GAS SERVICE AT END OF UPPER FREMONT DR ON PRIVATE ROAD.

PRTIVATE ROAD AT END OF UPPER FREMONT DR WILL HAVE TO BE CLOSED TO INSTALL SERVICE TO 39 UPPER FREMONT DR

THERE WILL ALSO BE A CUTOFF ON ESPALDA CT WITH A BELL HOLE. NO ROAD CLOSURE WILL BE NEEDED. THE TCP ATTACHED IS FOR TAHT LOCATION.

DURATION OF CONSTRUCTION

REQUESTED STARTING DATE: 4/30/2017

ANTICIPATED COMPLETION DATE: 7/30/2017

REQUIRED ATTACHMENTS (Check if attached)

- ☐ DETAILED PLAN / KEY MAP
- ☐ C.P.U.C. CONSENT/ORDER
- ☐ TRAFFIC & PEDESTRIAN CONTROL PLAN
- ☐ MAPS/RECORDS OF UNDERGROUND UTILITIES

UTILITY / SPECIAL DISTRICT ENCROACHMENT PERMIT APPLICATION PERMIT NO. EP17-304