



## **AGENDA**

**San Rafael Planning Commission  
Regular Meeting  
Tuesday, September 29, 2020, 7:00 P.M.**

### **Virtual Meeting**

**(669) 900-9128**

**Meeting ID: 897-5534-1830#**

#### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the Planning Commission receives your comments, submit written comments to the Alicia Giudice, Principal Planner ([alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org)), prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) if you have any questions.

Any member of the public who needs accommodations should contact the City Clerk (email [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Members of the public may speak on Agenda items.

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE**

#### **RECORDING OF MEMBERS PRESENT AND ABSENT**

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

#### **PUBLIC NOTIFICATION OF MEETING PROCEDURES**

#### **URGENT COMMUNICATION**

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

#### **CONSENT CALENDAR**

- 1. Approval of the Planning Commission Meeting Minutes of September 15, 2020**  
*Recommended Action – Approve as submitted*

## **PUBLIC HEARINGS**

### **2. 1309 Second Street**

Request for a Use Permit and an Environmental and Design Review Permit to demolish the existing single-family residence and construct a three-unit multi-tenant residential structure with four covered garage parking spaces; APN: 012-073-04; Second/Third Mixed Use West (2/3 MUW), Zoning District; Garl Alicia Family Trust 2012, Owner; Ron Kappe, Kappe Architects, Applicant; File No. UP20-013/ED20-022  
Project Planner: Ali Giudice  
*Recommended Action – Adopt Resolution*

### **3. 3301 Kerner Boulevard (Homeward Bound)**

Use Permit to allow for an emergency shelter to be located within an existing 25,000 square foot building; APN: 008-082-52; Canal Core Industrial/Office (CCI/O) Zoning District; Homeward Bound of Marin, applicant; Gilardi Charitable Remainder Unitrust Etal, owners; File No(s): UP20-017  
Project Planner: Ali Giudice  
*Recommended Action – Adopt Resolution*

## **DIRECTOR'S REPORT**

## **COMMISSION COMMUNICATION**

## **ADJOURNMENT**

*Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.*

*The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350 (for non-applicants) or a \$4,476 deposit (for applicants) made payable to the City of San Rafael, and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.*



**San Rafael Planning Commission  
Regular Meeting Minutes  
Tuesday, September 15, 2020, 7:00 P.M.**

**Virtual Meeting**  
**(669) 900-9128**  
**Meeting ID: 872-0645-4435#**

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Present: Chair Mercado  
Commissioner Davidson  
Commissioner Hill  
Commissioner Lubamersky  
Commissioner Previtali  
Commissioner Samudzi

Absent: Commissioner Saude

Also Present: Raffi Boloyan, Planning Manager  
Alicia Giudice, Principal Planner

**CALL TO ORDER**

Chair Mercado called the meeting to order at 7:03 p.m. and invited Principal Planner Alicia Giudice to call the roll. All were present, except for Commissioners Saude and Davidson. Commissioner Davidson arrived at 7:06 p.m.

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

None.

## **PUBLIC NOTIFICATION OF MEETING PROCEDURES**

Chair Mercado invited Planning Manager Raffi Boloyan who informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. He explained the process for community participation through the telephone and on YouTube.

Chair Mercado reviewed the procedures for the meeting.

## **URGENT COMMUNICATION**

None.

## **CONSENT CALENDAR**

Chair Mercado invited public comment; however, there was none.

Commissioner Lubamersky moved and Commissioner Hill seconded to approve the Consent Calendar.

### **1. Approval of the Planning Commission Meeting Minutes of August 11, 2020**

*Minutes approved as submitted*

AYES: Commissioners: Davidson, Hill, Lubamersky, Previtali, Samudzi & Chair Mercado  
NOES: Commissioners: None  
ABSENT: Commissioners: Saude  
ABSTAIN: Commissioners: None

Motion carried 6-0

## **PUBLIC HEARING**

### **2. 38 Upper Fremont**

The applicant is requesting 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

Commissioner Hill stated he lived within 500 feet of the site and was recusing himself from this item and left the meeting.

Alicia Giudice, Principal Planner presented the staff report.

Staff responded to questions from the Commissioners.

Owner/Applicant Jeff Prose gave a presentation.

Staff responded to questions from the Commissioners.

Chair Mercado declared the public hearing opened.

**Speakers:** Rena Harel, Jim Schmidt, Mark Abadi, Name withheld, Rena Harel

Staff responded to public comments.

Staff responded to comments and questions from the Commissioners.  
Commissioner Samudzi moved and Commissioner Lubamersky seconded to adopt the resolution approving project as presented with the addition of one new condition of approval requiring merger of the lots.

AYES: Commissioners: Davidson, Previtali, Samudzi & Chair Mercado  
NOES: Commissioners: Lubamersky  
ABSENT: Commissioners: Saude  
ABSTAIN: Commissioners: Hill

Motion carried 4-1

*Resolution 20-18 - 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*

Commissioner Hill reentered the meeting to participate in the next item.

## **OTHER AGENDA ITEMS**

### **3. Progress Report on San Rafael General Plan 2040/Downtown Precise Plan**

A progress report and update on General Plan 2040 and Downtown Precise Plan will be presented to the Planning Commission. The report will include a recap of work completed to date, outcome of the General Plan subcommittee work, organization of the new plans, major draft policy changes that will be included in draft plans and upcoming schedule/tasks anticipated for the upcoming release of the public review draft of the Plans and associated Environmental Impact Report (EIR); Case Nos.: GPA16-001 & P16-013.

Raffi Boloyan, Planning Manager introduced Barry Miller, GP2040 Project Manager who presented the staff report.

Staff responded to questions from the Commissioners.

Chair Mercado invited public comment.

**Speakers:** Bill Carney, Sustainable San Rafael

Staff responded to comments and questions from the Commissioners.

Commissioner Davidson moved and Commissioner Previtali seconded to accept the report.

AYES: Commissioners: Davidson, Hill, Lubamersky, Previtali, Samudzi & Chair Mercado  
NOES: Commissioners: None  
ABSENT: Commissioners: Saude  
ABSTAIN: Commissioners: None

Motion carried 6-0

**DIRECTOR'S REPORT**

Alicia Giudice, Principal Planner announced that Marin is in the next phase of opening our restaurants and retails, that they are able to expand their openings to indoor with some limitations.

Raffi Boloyan, Planning Manager announced that due to Veterans Day and city staff furloughs, the first November Planning Commission meeting will be held on Thursday, November 12, 2020.

**COMMISSION COMMUNICATION**

None.

**ADJOURNMENT**

Chair Mercado adjourned the meeting at 9:15 p.m.

\_\_\_\_\_  
LINDSAY LARA, City Clerk

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

\_\_\_\_\_  
ALDO MERCADO, Chair

DRAFT



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** September 29, 2020  
**Agenda Item:** 2  
**Case Numbers:** UP20-013; ED20-022  
**Project Planner:** Ali Giudice  
415-485-3092

## REPORT TO PLANNING COMMISSION

**SUBJECT: 1309 Second Street**– Request for a Use Permit and an Environmental and Design Review Permit to demolish the existing single-family residence and construct a three-unit multi-tenant residential structure with four covered garage parking spaces; APN: 012-073-04; Second/Third Mixed Use West (2/3 MUW), Zoning District; Garl Alicia Family Trust 2012, Owner; Ron Kappe, Kappe Architects, Applicant; File No. UP20-013/ED20-022.

### EXECUTIVE SUMMARY

The City has received an application for an Environmental and Design Review Permit and Conditional Use Permit to demolish an existing 1,034 square foot single-family home and construct a new three-story approximately 3,580 square foot multi-family residential structure containing 3 residential units with ground floor parking.

The project site has a General Plan Land Use of Second/Third Street Mixed-Use (2/3MU) which allows residential uses. The implementing zone of the project site is Second/Third Mixed Use West (2/3MUW), which permits multi-family residential uses through an administrative Staff Level Use Permit. Given that the Design Review Permit requires Planning Commission approval, the Use Permit is subject to Commission review and approval.

The project was reviewed by a subcommittee of the Design Review Board (DRB) on August 5, 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 a Use Permit and Environmental and Design Review Permit for a new approximately 3,580 square foot, three-story residential structure containing three dwelling units.

**PROPERTY FACTS**

<b>Address:</b>	1309 Second Street	<b>Parcel Number(s):</b>	012-073-04
<b>Property Size:</b>	2,940 square feet	<b>Neighborhood:</b>	Downtown

**Site Characteristics**

	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	2/3 MU	2/3 MUW	Single-family Residence
<b>North:</b>	2/3 MU	2/3 MUW	Commercial
<b>South:</b>	R/O	R/O	Commercial/Office
<b>East:</b>	2/3 MU	2/3 MUW	Commercial/Office/Retail/Res
<b>West:</b>	2/3 MU	2/3 MUW	Commercial

**Site Description/Setting:**

The project site is located in Downtown San Rafael on Second Street between C Street to the east and D Street to the west. The existing character of this area of Downtown San Rafael is defined by the one-way pair of Second and Third Streets, which carry traffic through downtown. Second Street at this location is characterized by a mix of commercial, retail, office, and residential uses. The project site is currently developed with a two-story, 1,034 square-foot single-family residence, which was originally constructed in 1877 by Isaac Shaver. The property is listed on the City’s historic inventory as a potentially significant historic resource and therefore required the preparation of a Historic Resources Evaluation (HRE). A report was prepared, which concluded that the house does not qualify as a historic resource. See Background section for more information.

**BACKGROUND**

As previously stated, the project site is currently developed with a single-family residence which was originally constructed in 1877 by Isaac Shaver, a notable nineteenth century contractor. Due to the age of the structure and the site’s listing on the City’s historic inventory as a potentially significant resource, a Historic Resource Evaluation was prepared to determine the eligibility for historic status of the residence. The California Environmental Quality Act (CEQA) states that an environmental impact would result if a project causes a substantial adverse change in the significance of a historical resource. As stated in the HRE a historic resource includes a building, structure, or object that is (1) listed or (2) eligible for listing on the California Register of Historic Resources (CRHR), (3) included in a local register of historical resources, or (4) determined by the lead agency, through the presence of substantial evidence, to be historically significant. The residence would be considered eligible for listing if it meets one or more of the following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. Associated with the lives of persons important to local, California, or National history.
3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

As stated in the HRE, the residence is not associated with historically significant events and is consistent with national trends of post-railroad growth and development patterns, non-unique to the City of San Rafael and therefore, is not eligible for listing under criterion 1. Modifications made over time have compromised the physical integrity of the structure and hinder its ability to convey its origins and associations with the notable contractor, Isaac Shaver and is therefore ineligible for listing under



criterion 2. Modifications to the residence since its original construction include increasing the height from one to two stories to accommodate a garage, replacement of windows, reconfiguration of the front porch, and reconfiguration of the fenestration patterns along the primary façade. These modifications have resulted in the retention of minimal character defining features of its original Folk Victorian style, and therefore is not eligible for listing under criterion 3. Lastly, the project site has been significantly disturbed over time and is not known to contain any archaeological resources and is therefore not eligible for listing under criterion 4. As such, the house does not qualify as a historic resource under the California Environmental Quality Act and its demolition will not result in a significant environmental impact.

## PROJECT DESCRIPTION

The applicant is seeking approval from the Planning Commission for a Use Permit and Environmental and Design Review Permit to construct a three-unit approximately 3,580 square foot multi-tenant residential structure in the Downtown neighborhood. The ground floor includes a covered parking area accommodating up to four parking spaces, one of which will be ADA compliant. The second floor includes two units and the third includes 895 square foot units and the third floor includes one 1,656 square foot unit. Floor plans are further detailed below.

### Required Entitlements:

Use Permit. Pursuant to Section 14.05.022 of the SRMC multi-family residential uses in the 2/3 MUW Zoning District require approval of an Administrative Use Permit subject to Performance Standards for residential uses in commercial districts as set forth in Section 14.17.100 of the SRMC. Although the Zoning Ordinance established this as an Administrative level Use Permit, since it is joined with a Design Review Permit that requires Planning Commission review and approval, all planning entitlements are considered at the highest hearing body required.

Environmental and Design Review. Pursuant to Section 14.25.040, major physical improvements, including new construction of residential structures with three or more units requires approval by the Planning Commission. The proposed development includes the demolition of an existing single-family residence and the construction of a new three unit multi-family residential structure and is therefore subject to review and approval by the Planning Commission.

### Site and Use Description:

Use. The project proposes to construct a new multi-family residential structure on a lot zoned as mixed-use (2/3 MUW), which conditionally permits residential uses.

Site Plan. The new residential structure proposes a gross floor area of 3,580 square feet. The structure will be setback five feet from the front property line, as required and includes zero-foot side and rear setbacks. The existing driveway located adjacent to Second Street will provide access to the ground floor covered parking area which includes four spaces, one of which is a van accessible ADA space. Also located on the ground floor will be a bicycle parking area, resident mailboxes, refuse bin storage area, stair access to the second floor, and a limited use/limited application (LULA) elevator which will provide second floor accessibility for handicapped residents. The second floor includes two 895 square foot dwelling units (units 1 and 2) with a mirrored two-bed two-bath floor plan. The third floor includes one 1,656 square foot unit (unit 3) and includes three bedrooms and two bathrooms. The overall height of the structure will be 30-feet 6 ½-inches.

Parking and Circulation. Chapter 14.18 of the San Rafael Municipal Code provides reduced parking requirements for properties located within a downtown zoning district, including the subject property. One parking space is required for two-bedroom multi-family units under 900 square feet and two spaces for three or more bedroom multi-family units. As previously stated, the project proposes three units, two

of which are two-bedroom and under 900 square feet and one of which is a three-bedroom unit. As such, the total number of parking spaces required is four and will be accommodated in the proposed ground floor garage.

Architecture. The proposed multi-family residential structure is designed in a modern architectural style. Features include gabled roof forms, wood clad stairways, uncovered walkways, handrails, windows, and decorative planter boxes. Proposed materials include a composition shingle roof, stucco walls, vertical and horizontally applied natural redwood, wood doors, and cast concrete. Proposed colors are included on Sheet A5.0 of the submitted plans and building elevations are provided on Sheet A3.1.

Landscaping. As proposed, the project provides bioretention planter boxes at the ground floor of the north elevation and the second floor of the east elevation. The total area of the bioretention planter boxes is 126 square feet, which is less than 294 square feet (10 percent) required by the zoning ordinance. Although the landscaping proposed is less than the minimum required, the Design Review Board concluded that the amount provided was appropriate given site constraints. As conditioned, the applicant will be required to provide a final landscape plan that shows permeable pavers at the project frontage, upon submittal of a building permit, which will be reviewed by members of the Board to determine appropriateness of proposed plantings.

Lighting. The project proposes to install wall sconces with LED lighting adjacent to residential entrances and motion detector lights in the garage and at the stairways. As conditioned, lighting will comply with City standards to reduce light and glare.

Grading/Drainage. The project site is relatively flat, and therefore minimal grading will be required. As conditioned, the applicant will be required to confirm cut and fill values which will be reviewed by the City's Department of Public Works. Furthermore, the project proposes bioretention areas to treat stormwater onsite. As conditioned, at the time of building permit submittal the applicant will be required to submit a stormwater control plan that complies with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards.

## ANALYSIS

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

The site has a General Plan designation of Second/Third Mixed Use (2/3 MU) which allows for a mix of retail, limited auto-serving, and 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, and Community Design. Attached to this report is a list and evaluation of the projects consistency with the General Plan. However, key relevant policies are discussed in detail below.

### Land Use Policies

Land Use Policy LU-8a (*Residential Zoning*) Intends to implement Land Use Element densities by setting appropriate maximum allowed densities in the Zoning Ordinance. As further discussed below, the applicable zoning designation allows for one dwelling unit per 1,000 square feet of lot area. At this density, 2.94 units would be permitted on the 2,940 square foot lot. As provided in the Zoning Ordinance, when calculating the number of required affordable housing units, fractional units greater than 0.5 are rounded to the next whole number. State density bonus law also requires application of this type of rounding for project that seek a density bonus. The rounding is applicable to base density units, affordable housing units and density bonus units. The purpose of this type of rounding is to maximize housing production. While the City's zoning ordinance is silent on the rounding in general, rounding of fractional units would provide an effective way in helping the City meet our RHNA obligation. In addition, the City Council has directed staff to continue to look for efficient and creative ways to encourage

housing production. Rounding fractional units is a practice that is already used for affordable housing densities and could be implemented for all multi-family housing immediately.

Development of the site at the maximum permissible density through use of rounding fractional units is consistent with the density ranges allowed by the General Plan (32-62 units per acre).

LU-12 (*Building Heights*) identifies maximum building height limits in Central San Rafael. The area of the proposed project allows a maximum building height of 36 feet whereas the project proposes a maximum height of 30 feet 6 ½ inches. Therefore, the proposed project is consistent with the maximum allowable height for the site and with this General Plan policy.

LU-14a (*Land Use Compatibility*) Seeks to evaluate the compatibility of proposed residential uses in commercial areas through the development review process. The proposed project is located in a mixed-use area and has been reviewed for consistency with the performance standards identified in the SRMC for residential uses in commercial districts. As further discussed below the project is consistent with the performance standards and as such is consistent with this General Plan policy.

#### Housing Policies

Housing Policy H-2 (*Design That Fits into the Neighborhood Context*) recognizes that construction of new housing can add to the appearance and value of the neighborhood if it fits into the established character of the area. The proposed design complies with development standards and has been reviewed for consistency with applicable design guidelines, as further discussed below. The proposed project will replace an existing single-family residence with a multi-family residential development. The scale and design of the building is compatible with adjacent developments which also feature zero foot setbacks and similar height and massing. The project has also been reviewed by the Design Review Board and found to be consistent with applicable design criteria. As such, the project is consistent with this General Plan policy.

H-14b (*Efficient Use of Multi-family Housing Sites*) states that development of multi-family housing sites shall not be approved below the minimum General Plan base density. For residential-only projects the density should be in the mid to high range of the zoning district. The project proposes to provide three units, which would be the maximum units allowed by the zoning district with rounding of fractional units. The project proposes a density at the higher range of the General Plan Densities which would allow between 2-4 units for this .067-acre lot (.067 acres x 32 to 62 units per acre = 2 to 4 units), consistent with this General Plan policy.

#### Neighborhoods Policies

Neighborhoods Policy NH-2 (*Housing Downtown*) seeks to create a popular and attractive residential environment downtown that contributes to the activity and sense of community and takes advantage of proximity to shopping, services, and transit. The proposed project will introduce a multi-family residential building to an area adjacent to existing single-family residences, commercial, office, and retail uses and within 0.5 miles of the SMART train, which provides regional access between Marin and Sonoma Counties. The addition of a new multi-family development will add to the existing housing stock in Downtown San Rafael and will introduce new residents in close proximity to goods, services, and transit which will contribute to the existing activity and sense of community in the area. As such, the project is consistent with this General Plan policy.

NH-17 (*Competing Concerns*). Recognizes the challenging task of reviewing, evaluating, and making decisions on projects where there may be competing economic, housing, environmental and design concerns that must be balanced. This policy states that: “*No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.*” The City Council’s guidance over the past several years has been to look for ways to encourage housing production. The

proposed development provides variety in the mix of housing that would be available in the downtown and that could contribute to the vitality of the downtown. As such the proposed project is consistent with the guidance in this policy.

NH-22 (*Housing Downtown*). Calls for more housing in the downtown to “*create a popular and attractive residential environment.*” The proposed project would add units to the downtown area providing opportunities for increased use of the nearby retail/restaurants and services.

NH-31 (*Ground Floor Design*) recognizes the importance of pedestrian activity in the Downtown area and seeks to ensure that all buildings, regardless of height, create a comfortable environment for pedestrians. The project proposes design features that are consistent with the existing residence including height, recessed garage door, exterior stairs facing the street, and front setbacks. The proposed design is pedestrian oriented and will maintain the comfortable walking environment that currently exists, consistent with this General Plan policy.

#### Community Design Policies

Community Design Policy CD-3 (*Neighborhoods*) seeks to preserve and enhance the positive qualities that are unique to each neighborhood. The City’s Downtown neighborhood provides a wide range of uses and building types. The project will introduce a modern multi-family residential building which will add to the existing housing stock and represents an increase residential density on the lot. The introduction of new residences to Downtown will promote accessibility to surrounding commercial, retail, and office uses and will provide an opportunity for new residents to access nearby transit, which is unique to Downtown. As such, the project is 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, use permit, and performance standards findings. An analysis of the project’s consistency with applicable regulations is included below.

#### Development Standards

The project site is located within the 2/3 MUW zoning district, which allows multi-family development through approval of a use permit. The project’s consistency with applicable development standards are further discussed below.

Pursuant to Section 14.05.032 of the SRMC, the site is permitted to have one (1) residential unit per 1,000 square feet of lot area. The project site is 2,940 square feet in area, which allows for a total of 2.94 units. Section 14.16.030(2) of the SMRC states that when providing affordable housing, fractional units of 0.5 or greater are rounded up to the nearest whole number. With regard to projects that provide only market rate housing units, the zoning code is silent on rounding for fractional units. Due to the widespread regional and statewide housing crisis and the increasing pressure placed on the community to provide housing at all affordability levels, the City Council has directed staff to pursue efficient and creative solutions that encourage housing production. Rounding fractional units, though not historically applied to market rate housing developments, is a practice that is currently used for projects that include affordable housing. Pursuant to State Density Bonus law, the rounding or units shall apply to base densities units, affordable housing units, and density bonus units. Since the intent of SDBL is to encourage production of more housing this rounding of units could be implemented for other multi-family housing developments such as the proposed project. This practice should be reviewed on a case-by-case basis to ensure design integrity is maintained and other applicable development standards such as setbacks, height, and parking can be met without compromising the public health, safety, and welfare and to ensure consistency with the City’s General Plan and other applicable policies and regulations. Furthermore, the project proposes two units under 1,000 square feet, which due to their smaller size,

are affordable by design and will accommodate a level of housing affordability that is needed within the City.

*Setbacks* - The 2/3 MUW Zoning District requires a minimum front setback of 5 feet and does not require setbacks at the rear and side property lines. As proposed the project meets the minimum setback requirements of the 2/3 MUW Zoning District.

*Building height* - Section 14.05.032 of the SRMC establish a height limit ranging from 36 to 42 feet in the 2/3 MUW Zoning District. The subject property has a maximum height of 36 feet and the project proposes a maximum height of 30 feet 6 ½ inches. As proposed, the project meets the building height requirements of the district.

*Landscaping* - As previously discussed, the landscaping requirement for properties zoned 2/3 MUW is 10 percent of the total lot area. The project site is approximately 2,940 square feet and would therefore be required to provide 294 square feet of landscaping. As proposed, the project will provide 126 square feet of landscaping, which is less than the required amount, however, the Design Review Board determined that the amount of landscaping provided is appropriate given the context of the proposed development.

*Parking* - As described above, the project proposes to provide four off-street parking spaces including one van accessible space 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 multi-family uses in the City.

*Affordable Housing Requirements* - Section 14.16.030 provides affordable housing requirements for residential and non-residential developments. Certain types of projects, including residential developments of four or fewer units in a single structure and residential developments of four or fewer units where the square footage of each unit is less than 1,800 square feet are exempt from the affordable housing requirements. The project is exempt as it provides three units in a single structure and the floor area of each unit is less than 1,800 square feet.

*Historic Preservation* - Section 14.16.210 of the SRMC states that alteration, including demolition of a structure on a landmark site or in a historic district may be subject to a Certificate of Appropriateness, subject to review and approval by the Planning Commission. Though the site is listed on the City's historic inventory as a potentially significant historic resource, the Historic Resource Evaluation prepared for the site determined that the residence has been significantly altered overtime and is not listed or eligible for listing as a historic resource. Therefore, no Certificate of Appropriateness is required for demolition of the existing residence.

*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 include neutral tones and lighting is designed to reduce offsite light and glare. Furthermore, standard conditions of approval include a 90-day post constructing lighting

inspection which allows staff to evaluate any necessary adjustments to ensure compliance with applicable standards.

*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.

#### Performance Standards

Section 14.17.100 provides specific regulations for residential uses in commercial districts to ensure that residents will not be adversely impacted by adjacent uses and to ensure that the overall interest of both commercial and residential uses is maintained. As provided therein, the location of residential units in the 2/3 MUW district is determined through project review. The proposed project will introduce a new multi-family residential building on a site currently developed as a single-family residence. Though the proposed structure will have a larger footprint than the existing single-family home, the siting of the structure is compatible with surrounding uses and new residents will not be adversely impacted by adjacent commercial uses. The proposed project meets other applicable standards of Section 14.17.100 including provisions related to separate and secured entrances, and compliance with parking noise, lighting, and reuse storage. As such, the project is consistent with applicable performance standards for residential uses in commercial districts.

#### Use Permit Findings

The proposed project is consistent with the required findings set forth in Section 14.21.080 of the SRMC. A detailed analysis of staff findings is contained in the draft resolution set forth in Exhibit 2.

#### 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.

### **DESIGN REVIEW BOARD RECOMMENDATION**

The project received Conceptual Design Review and Formal Design Review by the Design Review Board. It should be noted that due to shelter in place orders issued by the State of California and Marin County, 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.

As required by Section 14.25.030(B) of the SRMC, the applicant applied for Conceptual Design Review prior to submittal of a formal application, which was reviewed by a subcommittee of the Design Review Board on April 8, 2020. Following review of the concept design by the Board the applicant submitted a formal application for the project including a Use Permit and an Environmental and Design Review Permit. On August 5, 2020 the formal project submittal was reviewed by a subcommittee of the Design Review Board (Commissioners **XXX and XX**), who recommended approval of the project design by a vote of 2-0, subject to conditions of approval.

The Design Review Board Subcommittee recommended approval of the design as submitted with the condition that a final landscape plan be submitted with the building permit application. Upon review of the landscape plan, staff will discuss the appropriateness of the proposed landscape with the Design Review Board.

## 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 multi-family residential structure totaling no more than four dwelling units. Additionally, the project does not conflict with any of the exceptions to the use of a categorical exemption including a project which may result in a substantial adverse change in the significance of a historical resource. As described in the Historic Resource Evaluation, the existing residence does not qualify as a historically significant resource, and therefore its demolition will not result in a substantial adverse impact under CEQA. As such, no further environmental review is required.

## NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of 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 all meetings, including this hearing.

No public comments have been received as of the publishing of this staff 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

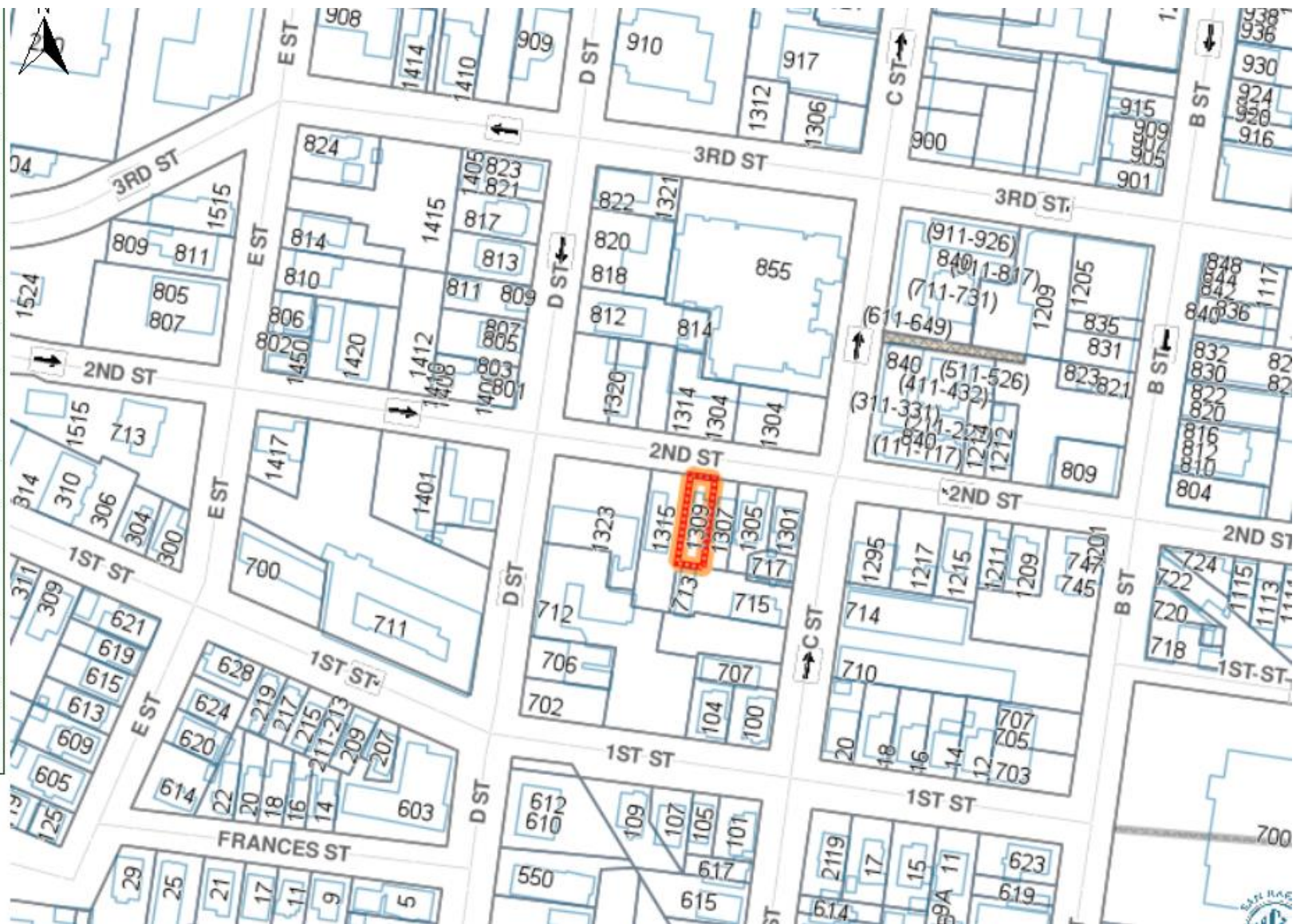
1. Vicinity/Location Map
2. Draft Resolution recommending approval of the Use Permit and Environmental and Design Review Permit
3. General Plan 2020 Consistency Table
4. Reduced Project Plans

Electronic copies of plans can be viewed on line at <https://www.cityofsanrafael.org/major-planning-projects/>



# Exhibit 1 Vicinity Map

- Legend
- Water Features
  - Bay Waters
- Parcels
  - Parcels
- One Way
  - One Way Arrows
- Other Easements
  - EASEMENTS
- AWD Easements
  - EASEMENTS
- Boat Docks
  - Boat Docks
- Buildings
  - Buildings
- One Way Arrows
  - One Way Arrows
- Medians
  - Medians
- Street Centerline
  - Street Centerline
- Street Names
  - Street Names
- Address
  - SITUS
- In Rafael Sphere of Influence
  - San Rafael Sphere of Influence
- In Rafael City Limit
  - City Limit Line
- Query Results
  - Results





**RESOLUTION NO. 20-\_\_\_**

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING A  
USE PERMIT AND ENVIRONMENTAL AND DESIGN REVIEW PERMIT FOR NEW  
CONSTRUCTION OF A THREE UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE  
ON A 2,940 SQUARE FOOT LOT LOCATED AT 1309 SECOND STREET  
APN: 012-073-04**

**WHEREAS**, the City of San Rafael has received an application for a Use Permit and Environmental and Design Review Permit for a 3-unit multi-family residential structure at 1309 Second Street in the Second/Third Mixed-use West (2/3 MUW) Zoning District; 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 April 8, 2020 the project received Conceptual Design Review by a subcommittee of the City of San Rafael Design Review Board consistent with the aforementioned Policy Statement and pursuant to Section 14.25.030(B) of the San Rafael Municipal Code; and

**WHEREAS**, on August 5, 2020 the project received Formal Design Review by a subcommittee of the City of San Rafael Design Review Board (Members Saude and Kent) consistent with the Policy Statement described above and the subcommittee recommended approval (2-0) of the design to the Planning Commission; and

**WHEREAS**, on September 29, 2020, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit (UP20-013) and Environmental and Design Review Permit (ED20-022), 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, which exempts construction of multi-family residential structure totaling no more than four dwelling units; and

**WHEREAS**, a Historic Resource Evaluation was prepared for the project and determined that the existing residence does not qualify as a historically significant resource, and therefore its demolition will not result in a substantial adverse impact under CEQA.

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission makes the following findings relating to the Use Permit (UP20-013) and Environmental and Design Review Permit (ED20-022) for the proposed three-unit multi-family residential structure.

**USE PERMIT (UP20-013)  
FINDINGS**

- A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located:**

The site is designated as Second/Third Mixed-use West (2/3 MUW) on the General Plan 2020 Land Use Map which allows for the establishment of multi-family uses. Additionally, the project is consistent with the General Plan and specifically with the following key General Plan Policies:

**LU-8a (Residential Zoning)** Intends to implement Land Use Element densities by setting appropriate maximum allowed densities in the Zoning Ordinance. As further discussed below, the applicable zoning designation allows for one dwelling unit per 1,000 square feet of lot area. At this density, 2.94 units would be permitted on the 2,940 square foot lot. As provided in the Zoning Ordinance, when calculating the number of required affordable housing units, fractional units greater than 0.5 are rounded to the next whole number. With regard to market rate housing, a similar provision for fractional units is not specified in the Zoning Ordinance. Although the project proposes to provide market rate housing, staff is recommending that the project be permitted to construct three units using the practice of rounding the fractional units (2.94) to a whole number. Development of the site at the maximum permissible density through use of rounding fractional units is consistent with the intent of this General Plan policy.

**Land Use Policy LU-12 (Building Heights)** identifies maximum building height limits in Central San Rafael. The area of the proposed project allows a maximum building height of 36 feet whereas the project proposes a maximum height of 30 feet 6 ½ inches. Therefore, the proposed project is consistent with the maximum allowable height for the site and with this General Plan policy.

**LU-14a (Land Use Compatibility)** Seeks to evaluate the compatibility of proposed residential uses in commercial areas through the development review process. The proposed project is located in a mixed-use area and has been reviewed for consistency with the performance standards identified in the SRMC for residential uses in commercial districts. As further discussed below the project is consistent with the performance standards and as such is consistent with this General Plan policy.

**Housing Policy H-14b (Efficient Use of Multi-family Housing Sites)** states that development of multi-family housing sites shall not be approved below the minimum General Plan base density. For residential-only projects the density should be in the mid to high range of the zoning district. The project proposes to provide three units, which would be the maximum units allowed by the zoning district with rounding of fractional units. The project proposes a density at the highest range, consistent with this General Plan policy.

**B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city:**

The project has been reviewed by appropriate city departments, including the Building Division, Fire Department, Department of Public Works, and Marin Sanitary Service. As conditioned, the project will require application of a building permit that complies with all applicable Building and Fire Code requirements prior to construction. In addition, the applicant will be required to comply with conditions of approval imposed by the Department of Public Works and Marin Sanitary Service as contained herein.

**C. That the proposed use complies with each of the applicable provisions of the zoning ordinance:**

The project, as proposed and conditioned, is consistent with the intent of Chapter 14 (Zoning) of the San Rafael Municipal Code (SRMC).

**14.05.030 - Property development standards.** The project is consistent with applicable development standards for the 2/3 MUW Zoning District and meets the intent of provisions contained therein including the following:

- Maximum Residential Intensity. Pursuant to Section 14.05.032 of the SRMC, the site is permitted to have one (1) residential unit per 1,000 square feet of lot area. The project site is 2,940 square feet in area, which allows for a total of 2.94 units. Section 14.16.030(2) of the SMRC states that when providing affordable housing, fractional units of 0.5 or greater are rounded up to the nearest whole number. With regard to projects that provide only market rate housing units, the zoning code is silent on rounding for fractional units. Due to the widespread regional and statewide housing crisis and the increasing pressure placed on the community to provide housing at all affordability levels, the City Council has directed staff to pursue efficient and creative solutions that encourage housing production. Rounding fractional units, though not historically applied to market rate housing developments, is a practice that is currently used for affordable housing densities and could be implemented for other multi-family housing developments such as the proposed project. This practice should be reviewed on a case-by-case basis to ensure design integrity is maintained and other applicable development standards such as setbacks, height, and parking can be met without compromising the public health, safety, and welfare and to ensure consistency with the City's General Plan and other applicable policies and regulations. Furthermore, the project proposes two units under 1,000 square feet, which due to their smaller size, are affordable by design and will accommodate a level of housing affordability that is needed within the City.
- Setbacks: The 2/3 MUW Zoning District requires a minimum front setback of 5 feet and does not require setbacks at the rear and side property lines. As proposed the project meets the minimum setback requirements of the 2/3 MUW Zoning District.
- Building height: Section 14.05.032 of the SRMC establish a height limit ranging from 36 to 42 feet in the 2/3 MUW Zoning District. The subject property has a maximum height of 36 feet and the project proposes a maximum height of 30 feet 6 ½ inches. As proposed, the project meets the building height requirements of the district.
- Landscaping. The landscaping requirement for properties zoned 2/3 MUW is 10 percent of the total lot area. The project site is approximately 2,940 square feet and would therefore be required to provide 294 square feet of landscaping. As proposed, the project will provide 126 square feet of landscaping, which is less than the required amount, however, the Design Review Board determined that the amount of landscaping provided is appropriate given the context of the proposed development.

**Chapter 14.16 (Site and Use Regulations).** The project is consistent with the following applicable site and use regulations.

- 14.16.025 - Refuse enclosure requirement. 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 multi-family uses in the City.
- 14.16.030 - Affordable housing requirement. Section 14.16.030 provides affordable housing requirements for residential and non-residential developments. Certain types of projects, including residential developments of four or fewer units in a single structure and residential developments of four or fewer units where the square footage of each unit is less than 1,800

square feet are exempt from the affordable housing requirements. The project is exempt as it provides three units in a single structure and each units floor area is less than 1,800 square feet.

- 14.16.227 - 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 include neutral tones and lighting is designed to reduce offsite light and glare. Furthermore, standard conditions of approval include a 90-day post constructing lighting inspection which allows staff to evaluate any necessary adjustments to ensure compliance with applicable standards.
- 14.16.295 - 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.

**Chapter 14.17 (Performance Standards).** Section 14.17.100 provides specific regulations for residential uses in commercial districts to ensure that residents will not be adversely impacted by adjacent uses and to ensure that the overall interest of both commercial and residential uses is maintained. As provided therein, the location of residential units in the 2/3 MUW district is determined through project review. The proposed project will introduce a new multi-family residential building on a site currently developed as a single-family residence. Though the proposed structure will have a larger footprint than the existing single-family home, the siting of the structure is compatible with surrounding uses and new residents will not be adversely impacted by adjacent commercial uses. The proposed project meets other applicable standards of Section 14.17.100 including provisions related to separate and secured entrances, and compliance with parking noise, lighting, and reuse storage. As such, the project is consistent with applicable performance standards for residential uses in commercial districts.

**Chapter 14.18 (Parking Standards).** The project proposes to provide four off-street parking spaces including one van accessible space 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.

## **ENVIRONMENTAL AND DESIGN REVIEW FINDINGS (ED20-022)**

**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 Second/Third Mixed-Use (2/3 MU) on the General Plan 2020 Land Use Map and is within the Second/Third Mixed-Use West (2/3 MUW) Zoning District. Multi-family residential uses are allowable in the 2/3 MUW Zoning District with prior Conditional Use Permit approval. The project is consistent with the following design-related General Plan polices:

**Neighborhoods Policy NH-2 (Housing Downtown)** seeks to create a popular and attractive residential environment downtown that contributes to the activity and sense of community and takes advantage of proximity to shopping, services, and transit. The proposed project will introduce a multi-family residential building to an area adjacent to existing single-family residences, commercial, office, and retail uses and within 0.5 miles of the SMART train, which provides regional access between Marin and Sonoma Counties. The addition of a new multi-family development will add to the existing housing

stock in Downtown San Rafael and will introduce new residents in close proximity to goods, services, and transit which will contribute to the existing activity and sense of community in the area. As such, the project is consistent with this General Plan policy.

**Neighborhoods Policy NH-31 (Ground Floor Design)** recognizes the importance of pedestrian activity in the Downtown area and seeks to ensure that all buildings, regardless of height, create a comfortable environment for pedestrians. The project proposes design features that are consistent with the existing residence including height, recessed garage door, exterior stairs facing the street, and front setbacks. The proposed design is pedestrian oriented and will maintain the comfortable walking environment that currently exists, consistent with this General Plan policy.

**Community Design Policy CD-3 (Neighborhoods)** seeks to preserve and enhance the positive qualities that are unique to each neighborhood. The City's Downtown neighborhood provides a wide range of uses and building types. The project will introduce a modern multi-family residential building which will add to the existing housing stock and represents an increase residential density on the lot. The introduction of new residences to Downtown will promote accessibility to surrounding commercial, retail, and office uses and will provide an opportunity for new residents to access nearby transit, which is unique to Downtown. 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:**

A subcommittee of the Design Review Board (Board) evaluated the design of the project on April 8, 2020, as part of conceptual design review and on August 5, 2020 as part of a formal design review. The Design Review Board Subcommittee unanimously (2-0) found that the project was appropriate in design 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 multi-family residential structure totaling no more than four dwelling units. Additionally, the project does not conflict with any of the exceptions to the use of a categorical exemption including a project which may result in a substantial adverse change in the significance of a historical resource. As described in the Historic Resource Evaluation, the existing residence does not qualify as a historically significant resource, and therefore its demolition will not result in a substantial adverse impact under CEQA. 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 appropriate 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.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of San Rafael approves the Use Permit and Environmental and Design Review Permit subject to the following conditions:

**USE PERMIT (UP20-013)  
CONDITIONS OF APPROVAL**

1. This Use Permit approves a three-unit multi-family residential project with sit improvements at 1309 Second Street and within the Second/Third Mixed-Use West (2/3 MUW) Zoning District. Plans submitted for building permit shall be in substantial conformance to the plans approved September 29, 2020 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval.
2. This Use Permit shall run with the land. This Use Permit shall become null and void if not vested within two (2) years from the date of approval, or no later than September 29, 2022 unless a time extension is granted before such time. Vesting shall include issuance of necessary building permits.
3. Prior to Issuance of Building Permits, the applicant shall pay any outstanding Planning Division application processing fees.
4. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Modifications deemed greater than minor by the Community Development Director shall require review and approval by the Planning Commission.

**ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED20-022)  
CONDITIONS OF APPROVAL**

Community Development Department - Planning Division

1. This Environmental and Design Review Permit approves a 30-foot 6 1/2-inch tall, three-unit multi-family development project with associated parking, access and landscape improvements at 1309 Second Street and within the Second/Third Mixed-Use West (2/3 MUW) Zoning District. Plans submitted for building permit shall be in substantial conformance to the plans approved September 29, 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 (ED20-022) shall be valid for two years from approval or until September 29, 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. The project is subject to a 90 day post installation lighting inspection to evaluate the need for adjustment and to assure compliance with SRMC Section 14.16.227.
4. Prior to Issuance of Building Permits, the applicant shall pay any outstanding Planning Division application processing fees.
5. Upon submittal of a building permit, the applicant shall submit a final landscape plan which shall be subject to review by Planning staff and members of the Design Review Board.
6. Prior to Issuance of Building Permits, the applicant shall pay all development impact fees required for the project.

7. The project shall comply with the City construction operation limits as follows:
  - a. Construction hours shall be limited to
    - i. Weekdays between 7:00am and 6:00pm
    - ii. Saturdays between 9:00am and 6:00pm
    - iii. Sundays and holidays NO construction permitted.
  - b. Prohibit all unnecessary idling of internal combustion engines.
  - c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
  - d. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
  - e. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
  - f. Notify all adjacent noise sensitive land uses of the construction schedule in writing.
  - g. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
8. 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.
9. 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.

Community Development Department - Building Division

10. The design and construction of all site alterations shall comply with the 2019 California Residential Code (CRC), 2019 California Building Code (CBC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Mechanical Code CCMC), 2019 California Fire Code (CFC), 2019 California Energy Code, 2019 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

11. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
  - a. Architectural plans
  - b. Structural plans
  - c. Electrical plans
  - d. Plumbing plans
  - e. Mechanical plans
  - f. Site/civil plans (clearly identifying grade plane and height of the building)
  - g. Structural Calculations
  - h. Truss Calculations
  - i. Soils reports
  - j. Green Building documentation
  - k. Title-24 energy documentation
12. 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.
13. The applicant shall apply for a new address for this building from the Building Division.
14. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected.
15. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
16. A portion of the subject property appears to be in a flood zone, which is identified as an area of special flood hazard. All new construction and in some cases, existing improvements, are to be designed to ensure that the potential for flooding is minimized. This may involve grading to elevate the building pad or raising of existing building components to a level above the highest flood level.

No new construction, or substantial improvements of a structure which would require a building permit, pursuant to the applicable provisions of the California Building Code as adopted, shall take place in an area of special flood hazard without full compliance with the applicable flood control requirements. Prior to submittal of plans to the Building Division for plan review, the applicant shall determine where the actual flood fringe boundary lines occur on the property. The lines shall be incorporated onto a site/topographical plan which shall be included as part of the required plan information noted above.
17. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
18. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:



- a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
  - b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system
  - c. More than 12 inches into areas where openings are prohibited.
19. CRC Section 302 - Based on the distance to the property line, single family residential and their associated accessory buildings, depending whether the structure(s) have an automatic fire sprinkler system, have specific requirements and limitations regarding:
- Fire resistive rating of exterior walls
  - Projections of eaves and decks
  - Wall openings (doors and windows)
- Generally, structures within 5 feet of the property line require additional review.
20. Ventilation area required, the minimum openable area to the outdoors is 4 percent of the floor area being ventilated CBC 1203.5.1 or mechanical ventilation in accordance with the California Mechanical Code.
21. Provided means of egress from bedrooms that do not enter the building or exit through the garage.

Fire Department - Fire Prevention Bureau

22. The design and construction of all site alterations shall comply with the 2019 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.
23. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
- a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
  - b. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
  - c. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
24. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3200 Series is required for new buildings; surface mount for all others. the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans. <https://www.knoxbox.com/commercial-knoxboxes/>
25. A Knox key switch is required for driveway or access road automatic gates. <https://www.knoxbox.com/gate-keys-and-padlocks/>
26. If the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.  
The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
- a. The minimum unobstructed width for an aerial fire apparatus access road is 26-feet.
  - b. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.

27. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally
28. illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4” tall with ½” stroke. For commercial – 6” tall with ½” stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.
29. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection system.

#### Public Works Department

30. It is our understanding that this project is an apartment building. Please note that condominiums may have additional requirements.
31. Frontage improvements such as curb and gutter shall be required as approved by DPW. Roadway resurfacing shall be included, for estimation purposes provide 2 lanes of resurfacing. The full extent of these improvements shall be reviewed again at the time the encroachment permit is obtained, based on field conditions as well as more precise utility work locations.
32. Provide a striping and signage plan for review by the City Traffic Engineer. For example:
  - Signs at the driveway exit to alert drivers for pedestrians on the sidewalk.
  - Signage and/or striping for the one-way traffic conditions of Second Street.
33. This property is located within SFHA Zone AE, in between transects of 16 and 14 with an approximate BFE interpolated as 15.65 ft. We recommend that the surveyor review the FIS to confirm a precise BFE for the project. The structure shall be floodproofed with the residential area located above the BFE. Please see Title 18 of the Municipal Code. Please also refer to FEMA Technical Bulletins 1,2, 4 and 7 <https://www.fema.gov/nfip-technical-bulletins>
34. Due to the property dimension limitations it appears that the proposed parking configuration provides the maximum maneuverability to allow vehicles to turn around on-site, and not back out onto Second St. Based on the scope of the project it appears that the proposed solution is reasonable and the result of coordination with the Department of Public Works.  
Please note that larger vehicles may need additional turning movements turn around. An alternative may be for mechanical devices. The applicant may consider constructing that could easily allow for this in the future, if needed.
35. Prior to any work within the Right-of-Way an encroachment permit is required from the Department of Public Works, located at 111 Morphew St.
36. Provide a construction management plan. Please note that staging shall occur on-site. Lane closures for Second Street may be limited. Additionally, deliveries and trucking shall be coordinated with the Department of Public Works to reduce disturbance to traffic.
37. The pilaster shown near the accessible parking space may result in a minor adjustment to the space to maintain required clear area. Please confirm the dimensions on the building permit.
38. The plan shows bio-retention areas for the proposed stormwater treatment. Based on the location near foundations and elevations, these bio-retention areas may be modified to filtration planters, which

include a lining system but are better able to be elevated for gravity flow. Show the details for this on the building permit. A stormwater control plan shall be required per MCSTOPPP standards. More information is available on the County website at:  
<https://www.marincounty.org/depts/pw/divisions/creeks-bay-and-flood/mcstoppp/development/new-and-redevelopment-projects>

39. Show the proposed grading on the plans, include cut and fill amounts. For projects with earthwork of 50 cubic yards or more, a grading permit shall be required from the Department of Public Works, located at 111 Morphew St.
40. The applicant shall pay a traffic mitigation fee shall be required for net new AM and PM trips. The current rate is \$4,246 per trip. Due at the time of building permit issuance. The existing residence has an estimated 2 total peak hour AM and PM trips. The proposed 3 apartment units would have an estimated 3 total peak hour AM and PM trips. This results in a **1 net new trip**.
41. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

San Rafael Sanitation District

42. All sewer related work shall be performed in accordance with the San Rafael Sanitation District (SRSD) standards.
43. Applicant shall submit civil/utility plans prepared by a registered civil engineer if a new sewer lateral connection to the mainline is proposed.
44. If the existing sewer lateral connection to the mainline will be used for the proposed project, it shall be televised to determine its condition prior to the issuance of a building permit. The results of the televised survey shall be submitted to the City with the building permit application and forwarded to SRSD for review. In the event the televised survey recommends improvements or repairs to the sewer lateral or connection, the project sponsor shall be responsible for completing this work in coordination with SRSD staff.
45. The District will require payment of a sewer connection fee prior to approval of the Building Permit.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 29<sup>th</sup> 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

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

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

DRAFT

### Exhibit 3

#### REVIEW OF GENERAL PLAN 2020 GOALS AND POLICIES 1309 Second Street Project Consistency with San Rafael General Plan 2020 Policies

LAND USE ELEMENT	
<p><b>LU-8a. Residential Zoning.</b> Implement Land Use Element densities by setting appropriate maximum allowed densities in the zoning ordinance.</p>	<p><i>Consistent</i></p> <p>The 2/3 MUW zoning designation allows for one dwelling unit per 1,000 square feet of lot area. At this density, 2.94 units would be permitted on the 2,940 square foot lot. As provided in the Zoning Ordinance, when calculating the number of required affordable housing units, fractional units greater than 0.5 are rounded to the next whole number. With regard to market rate housing, a similar provision for fractional units is not specified in the Zoning Ordinance. Although the project proposes to provide market rate housing, staff is recommending that the project be permitted to construct three units using the practice of rounding the fractional units (2.94) to a whole number. Development of the site at the maximum permissible density through use of rounding fractional units is consistent with the intent of this General Plan policy</p>
<p><b>LU-12. Building Heights.</b> Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9:</p>	<p><i>Consistent</i></p> <p>The area of the proposed project allows a maximum building height of 36 feet whereas the project proposes a maximum height of 30 feet 6 ½ inches. Therefore, the proposed project is consistent with the maximum allowable height for the site and with this General Plan policy.</p>
<p><b>LU-14a. Land Use Compatibility.</b> Evaluate the compatibility of proposed residential use in commercial areas through the development review process.</p>	<p><i>Consistent</i></p> <p>The proposed project is located in a mixed-use area and has been reviewed for consistency with the performance standards identified in the SRMC for residential uses in commercial districts. As further discussed below the project is consistent with the performance standards and as such is consistent with this General Plan policy.</p>
HOUSING ELEMENT	
<p><b>H-2. Design That Fits into the Neighborhood Context.</b> 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.</p>	<p><i>Consistent</i></p> <p>The proposed design complies with development standards and has been reviewed for consistency with applicable design guidelines, as further discussed below. The proposed project will replace an existing single-family residence with a multi-family residential development. The scale and design of the building is compatible with adjacent developments which also feature zero foot setbacks and similar height and massing. The project has also been reviewed by the Design Review Board and found to be consistent with applicable design criteria. As such, the project is consistent with this General Plan policy.</p>

### Exhibit 3

#### REVIEW OF GENERAL PLAN 2020 GOALS AND POLICIES 1309 Second Street Project Consistency with San Rafael General Plan 2020 Policies

<p><b>H-14b. Efficient Use of Multifamily Housing Sites.</b> Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p>	<p><i>Consistent</i></p> <p>For residential-only projects the density should be in the mid to high range of the zoning district. The project proposes to provide three units, which would be the maximum units allowed by the zoning district with rounding of fractional units. The project proposes a density at the highest range, consistent with this General Plan policy.</p>
<p><b>NEIGHBORHOOD ELEMENT</b></p>	
<p><b>NH-2. New Development in Residential Neighborhoods.</b> Preserve, enhance and maintain the residential character of neighborhoods to make them desirable places to live. New development should enhance 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.</p>	<p><i>Consistent</i></p> <p>The proposed project will introduce a multi-family residential building to an area adjacent to existing single-family residences, commercial, office, and retail uses and within 0.5 miles of the SMART train, which provides regional access between Marin and Sonoma Counties. The addition of a new multi-family development will add to the existing housing stock in Downtown San Rafael and will introduce new residents in close proximity to goods, services, and transit which will contribute to the existing activity and sense of community in the area. As such, the project is consistent with this General Plan policy.</p>
<p><b>NH-31. Ground Floor Designed for Pedestrians.</b> Ensure that all buildings, regardless of height, are comfortable for people at the street level.</p>	<p><i>Consistent</i></p> <p>The project proposes design features that are consistent with the existing residence including height, recessed garage door, exterior stairs facing the street, and front setbacks. The proposed design is pedestrian oriented and will maintain the comfortable walking environment that currently exists, consistent with this General Plan policy.</p>
<p><b>COMMUNITY DESIGN ELEMENT</b></p>	
<p><b>CD-3. Neighborhoods.</b> Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i></p> <p>The City's Downtown neighborhood provides a wide range of uses and building types. The project will introduce a modern multi-family residential building which will add to the existing housing stock and represents an increase residential density on the lot. The introduction of new residences to Downtown will promote accessibility to surrounding commercial, retail, and office uses and will provide an opportunity for new residents to access nearby transit, which is unique to Downtown. As such, the project is consistent with this General Plan policy.</p>
<p><b>CIRCULATION ELEMENT</b></p>	

### Exhibit 3

#### REVIEW OF GENERAL PLAN 2020 GOALS AND POLICIES 1309 Second Street Project Consistency with San Rafael General Plan 2020 Policies

<p><b>C-7a. Traffic Mitigation Fees.</b> Continue to implement and periodically update the City's Traffic Mitigation Program</p>	<p><i>Consistent</i> The project, as conditioned, is required to pay a fair share of traffic mitigation fees consistent with this policy.</p>
<p><b>SAFETY ELEMENT</b></p>	
<p><b>S-6. Seismic Safety of New Buildings.</b> Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent</i> 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.</p>
<p><b>Policy S-25. Regional Water Quality Control Board (RWQCB) Requirements.</b> Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p><i>Consistent</i> As conditioned the project will be required to comply with standard storm drain requirements. The applicant proposes use of bioretention planters. As such, the project is consistent with this policy.</p>
<p><b>S-31a. New Development.</b> 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.</p>	<p><i>Consistent</i> 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 multi-family residential structure will be required to install fire sprinklers. As such, the project is consistent with this General Plan policy.</p>



# 3-UNIT RESIDENTIAL BUILDING

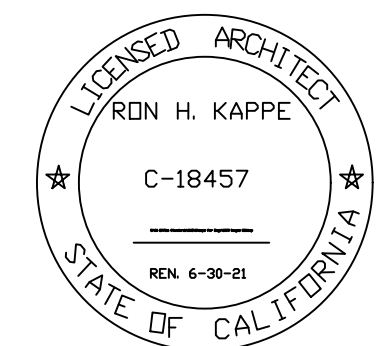
1309 2nd STREET  
SAN RAFAEL, CA 94901

KAPPE ARCHITECTS

801 'D' STREET SAN RAFAEL, CA 94901  
TEL.: 415.457.7801 FAX: 415.457.7885

## 3-UNIT RESIDENTIAL BUILDING

1309 2ND STREET  
SAN RAFAEL, CA 94901



AP #: 012-073-04

Project No.:	19.12
Drawn By:	GC
Checked By:	RR
Issued Date:	11/15/19
Revision	No. Date
DESIGN REVIEW	05/26/20

All drawings and written material herein are the original and unpublished property of and all rights are reserved by Kappe Architects. The same may not be duplicated, used without written or disclosed consent. Material herein is for use by authorized contractors, bidders and subcontractors in connection with this project only. All dimensions on these drawings shall take precedence over scaled dimensions. Contractors shall be responsible to verify all dimensions and conditions on the job. This office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop drawings must be reviewed by this office before proceeding with fabrication.

Sheet Title:  
**TITLE SHEET**

Scale: AS NOTED

Sheet No. **T-1**

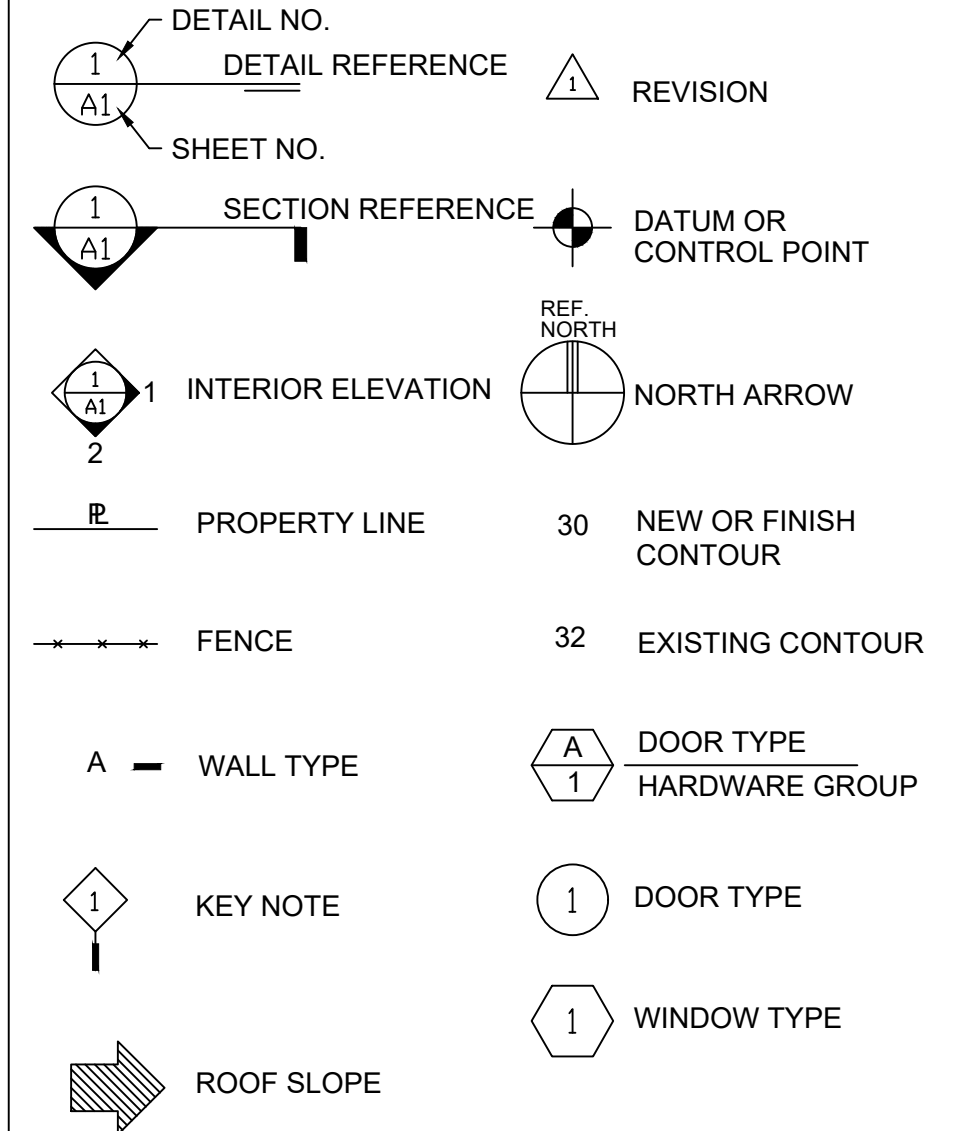
### GENERAL NOTES

- DESIGNS REPRESENTED BY THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND WERE DEVELOPED FOR USE ON THIS PROJECT ONLY. THESE DRAWINGS AND THE DESIGNS THEY REPRESENT SHALL NOT BE USED BY OR DISCLOSED TO ANY PERSON OR FIRM OUTSIDE THE SCOPE OF THIS PROJECT WITHOUT WRITTEN PERMISSION FROM KAPPE ARCHITECTS.
- THE GENERAL CONDITIONS OF THE CONTRACT FOR THE CONSTRUCTION OF BUILDINGS, PUBLISHED BY THE AMERICAN INSTITUTE OF ARCHITECTS SHALL APPLY TO AND GOVERN THE WORK OF THIS CONTRACT. A COPY OF THE GENERAL CONDITIONS, ALTHOUGH NOT BOUND HEREIN, IS AVAILABLE FOR REVIEW AT THE OFFICE OF THE ARCHITECT. ALL WORK SHALL CONFORM TO THE UNIFORM BUILDING CODE - 2016 EDITION AND STANDARDS REFERENCED THEREIN.
- CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD AND SHALL NOTIFY THE ARCHITECT PROMPTLY OF ANY VARIATIONS FROM DIMENSIONS AND CONDITIONS SHOWN. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. CONSTRUCTION DETAILS NOT FULLY SHOWN OR NOTED SHALL BE SIMILAR TO DETAILS SHOWN FOR SIMILAR CONDITIONS.
- DISCREPANCIES AND INCONSISTENCIES IN CONTRACT DOCUMENTS: IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO NOTIFY THE ARCHITECT IN WRITING, DURING THE BIDDING PERIOD, OF ANY INCONSISTENCIES OR OMISSIONS NOTED ON THE DRAWINGS OR IN THE SPECIFICATIONS OR ANY VARIATIONS NEEDED IN ORDER TO CONFORM TO CODES, RULES AND REGULATIONS. UPON RECEIPT OF THIS INFORMATION, THE ARCHITECT WILL SEND WRITTEN INSTRUCTION TO ALL CONCERNED. ANY SUCH DISCREPANCY, OMISSION, OR VARIATION NOT REPORTED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. ANY CLAIMS FOR EXTRAS WILL NOT BE HONORED.
- TESTING AND INSPECTIONS: THE CONTRACTOR SHALL ARRANGE AND PAY FOR ALL TESTING AND INSPECTIONS REQUIRED BY APPLICABLE BUILDING CODES, ORDINANCES OR DIRECTIVES OF ANY BUILDING OFFICIALS. THE OWNER OR ARCHITECT MAY REQUIRE TESTING OF MATERIALS FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS. THE OWNER SHALL PAY ALL COSTS FOR SUCH TESTING IF THE TESTS INDICATE CONFORMANCE. THE CONTRACTOR SHALL PAY COSTS WHEN THE TESTING INDICATES NON-COMFORMANCE.
- PERMITS AND INSPECTIONS: THE OWNER SHALL PAY FOR PLAN CHECKING FEES AND BUILDING PERMITS. EACH CONTRACTOR SHALL SECURE AND PAY FOR PERMITS REQUIRED FOR THEIR WORK AND FOR ALL INSPECTIONS WHICH MAY ALSO BE REQUIRED.
- SCOPE OF WORK: THE SCOPE OF WORK FOR EACH DIVISION SHALL INCLUDE ALL LABOR, MATERIALS, APPLIANCES, EQUIPMENT AND FACILITIES NECESSARY TO DO ALL OF THE WORK INDICATED IN THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL SUPPLY ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES OF EVERY KIND, INCLUDING WATER AND POWER, NECESSARY FOR THE PROPER EXECUTION OF THE WORK SHOWN ON THE CONSTRUCTION DOCUMENTS.
- ALL MATERIALS SHALL BE NEW AND UNUSED AND OF HIGH QUALITY IN EVERY RESPECT. ALL WORK TO BE DONE IN A PROFESSIONAL MANNER. MANUFACTURER'S MATERIAL, EQUIPMENT, ETC. SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS AND INSTRUCTIONS. ALL WORKERS AND SUBCONTRACTORS SHALL BE SKILLED IN THEIR TRADE.
- MATERIALS AND WORKMANSHIP WARRANTY: THE CONTRACTOR SHALL REPLACE ANY DEFECTIVE MATERIALS AND CORRECT POOR WORKMANSHIP WITH NO ADDITIONAL COST TO THE OWNER, AND SHALL REMEDY ANY DEFECTS IN MATERIAL OR WORKMANSHIP WHICH APPEAR IN ONE YEAR FROM THE DATE OF COMPLETION OF THE JOB. THIS WARRANTY APPLIES TO WORK DONE BY SUBCONTRACTORS AS WELL AS THE WORK DONE BY THE EMPLOYEES OF THE CONTRACTOR.
- SHORING: IT SHALL BE THE CONTRACTOR'S SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING AND FORMWORK AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING THE CONSTRUCTION OF THIS BUILDING.
- BRACING: TEMPORARY BRACING SHALL BE PROVIDED AS REQUIRED TO HOLD ALL COMPONENTS OF THE STRUCTURE IN PLACE UNTIL FINAL SUPPORT IS SECURELY ANCHORED.
- CONTRACTOR TO PROVIDE TAMPER RESISTANT RECEPTACLES FOR ALL NEW LOCATIONS PER CEC 210.52, ARC-FAULT PROTECTION FOR ALL NEW OUTLETS PER CEC 210.12 (B), AND GFCI PROTECTED OUTLETS FOR LOCATIONS PER 210.8 (A).
- MECHANICAL AND PLUMBING WORK TO BE DONE BY A LICENSED CONTRACTOR ON A DESIGN/BUILD BASIS.
- ALL PLUMBING FIXTURES WITHIN THE BUILDING THAT ARE NON-COMPLIANT SHALL BE UPGRADED WITH WATER CONSERVING PLUMBING FIXTURES. THIS INCLUDES: TOILETS THAT USE MORE THAN 1.6 GALLONS PER FLUSH, FAUCETS THAT EMIT MORE THAN 2.2 GALLONS OF WATER PER MINUTE, AND SHOWERHEADS THAT EMIT MORE THAN 2.5 GALLONS OF WATER PER MINUTE.
- ALL REQUIRED ENGINEERING OR DRAWINGS FOR ELECTRICAL SYSTEMS TO BE PROVIDED BY LICENSED ENGINEERS OR BY CONTRACTOR. COORDINATE ALL WORK WITH ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE WATER-RESISTANT GYPSUM WALL BOARD AT ALL WET LOCATION, INCLUDING BATHROOMS, SHOWER ROOMS AND KITCHENS. PROVIDE CEMENT BACKER BOARD AT ALL CERAMIC TILE SURFACES.
- ALL CONSTRUCTION SHALL COMPLY WITH ALL CODES REFERENCED ON THE TITLE SHEET ALONG WITH ALL APPLICABLE SECTIONS OF THE SAN RAFAEL MUNICIPAL CODE.
- ALL CONSTRUCTION SHALL COMPLY WITH OTHER APPLICABLE SECTIONS OF THE SAN RAFAEL MUNICIPAL CODE. SECTION R106.1
- ALL NEW AND EXISTING STRUCTURES ABUTTING ON ANY PUBLIC OR PRIVATE STREET, AVENUE DRIVE, ROAD, PLACE OR LANE WITHIN THE CITY SHALL BE GIVEN AND MARKED WITH AN OFFICIAL ADDRESS NUMBER. THE BUILDING OFFICIAL SHALL DECODE THE PROPER NUMBER TO BE ASSIGNED TO ANY STRUCTURE. ALL REQUESTS FOR NEW ADDRESSES OR CHANGE OF ADDRESS SHALL BE REVIEWS AND APPROVED BY THE BUILDING OFFICIAL. ADDRESS NUMBERS SHALL BE INSTALLED AS DESCRIBED IN CITY OF SAN RAFAEL STANDARD 'PREMISES IDENTIFICATION' AS APPROVED FROM TIME TO TIME BY THE BUILDING OFFICIAL.

### ABBREVIATIONS

A.B. AC. T. ADJ. A.F.F. ALUM. ANOD. A.V.	ANCHOR BOLT ABOVE ASPHALTIC CONCRETE ACOUSTICAL TILE ADJUSTABLE ABOVE FINISH FLOOR ALUMINUM ANODIZED AUDIO VISUAL	KITCH. OR K. KITCHEN	L. LAM. LANDG. LAV. LIN. LOC. LT. WT.	LENGTH LAMINATE LANDING LAVATORY LINEN LOCATION LIGHT WEIGHT
BD. BDRM. BETWN. BLDG. BLK. BLKG. BM. BOT. BSMT. BR. B.U.	BOARD BEDROOM BETWEEN BUILDING BLOCK BLOCKING BEAM BOTTOM BASEMENT BEDROOM BUILT-UP	MACH. MACH. MAR. MTRL. MAX. M.B. MECH. MEM. MEMB. MEZZ. MFCNTR. MIN. MISC. M.O. M.S. MULL.	MACHINE MACHINE MARBLE MATERIAL MAXIMUM MACHINE BOLT MECHANICAL MEMBER MEMBRANE MEZZANINE MANUFACTURER MINIMUM MISCELLANEOUS MASONRY OPENING METAL STRIP MULLION	
C. C.A.R. CAB. CALCS. CANT. C.B. CEM. CER. TILE CLG. CLOS. CLR. CMPD. CMU COL. COMPSD. CONC. CONC. BLK. COND. CONSTR. CONST. CONTR. COR. CORR. CPT. C.S. CUST.	CHANNEL COLD AIR RETURN CABINET CALCULATIONS CANTILEVERED CATCH BASIN CEMENT CERAMIC TILE CEILING CLOSET CLEAR COMPOUND CONCRETE MASONRY UNIT COLUMN COMPRESSED CONCRETE CONCRETE BLOCK CONDITION CONSTRUCTION CONTINUOUS CONTRACTOR CORNER CORRIDOR CARPET COUNTER SUNK CUSTOM	(N) NEW NORTH NOT IN CONTRACT NUMBER N.T.S.	NEW NORTH NOT IN CONTRACT NUMBER NOT TO SCALE	
DAT. DBL. DET. D.F. DIA. DIM(S). DIV. DN. DR. DRWG. D.S. D.S.P.	DATUM DOUBLE DETAIL DRINKING FOUNTAIN DOUGLAS FIR DIAMETER DIMENSION(S) DIVISION DOWN DOOR DRAWING DOWN SPOUT DRY STAND PIPE	PART. PARTITION P.B. P.C.P. PERP. PKGS. PL. PLA. PLAM. PLAS. PLAN PLUMB. PLY. PR. PROP. PT. P.T.D.	OVER OBSCURE ON CENTER OUTSIDE DIAMETER OPENING	
E. EA. E.J. ELECT. ELEV. EQ. EQUIP. EXPAN. EXP. (E) EXT.	EAST EACH EXPANSION JOINT ELECTRICAL ELEVATION EQUAL EQUIPMENT EXPANSION EXPOSED EXISTING EXTERIOR	S & P SGL. SLT. S.O.G. ST. STL. STOR. STRUCT.	RADIUS, RISER, REGISTER RETURN AIR GRILL REINFORCED CONC. PIPE ROOF DRAIN REDWOOD REFERENCE RETAINING ROUGH OPENING	
F.B. F.D. F.E. F.F. F.G. F.H.C. F.H.M.S. F.H.W.S. FIN. FIXT. FLASH. FLR. FOLD. FTG. F.O.B. F.O.C. F.O.S. FT. FURR.	FLAT BAR FLOOR DRAIN FIRE EXTINGUISHER FINISH FLOOR FIXED GLASS FIRE HOSE CABINET FLAT HEAD MACHINE SCREWS FLAT HEAD WOOD SCREWS FINISH FIXTURE FLASHING FLOOR FOLDING FOOTING FACE OF BLOCK FACE OF CONCRETE FACE OF STUD OR STEEL FEET FURRING	T & G TEMP. T.M.E. T.O. T.O.M. T.O.W. T.P.H. TYP.	TONGUE AND GROOVE TEMPERED TO MATCH EXISTING TOP OF TOP OF MASONRY TOP OF WALL TOILET PAPER HOLDER TYPICAL	
G.A. GAL. GALV. G.C. GEN. G.I. GLM. BM. GRD. GRND. G.S.M.	GAUGE GALLON GALVANIZED GENERAL CONTRACTOR GENERAL GALVANIZED IRON GLASS GLUE LAMINATED BEAM GRADE GROUND GALVANIZED SHEET METAL	U.L. U.O.N.  V.C.T. VENT. VEND. MACH. VEST. VERT. V.G. V.G.D.F.	UNDERWRITER'S LABORATORY UNLESS OTHERWISE NOTED  VINYL COMPOSITION TILE VENTILATOR VENDING MACHINE VESTIBLE VERTICAL VERTICAL GRAIN VERTICAL GRAIN DOUGLAS FIR	
H.C. H.C. H.D. HWD. HRD. BD. H.M. HORIZ. HR. H.R.C. HT. HTG.	HANDICAPPED HOLLOW CORE HOLD DOWN HARDWOOD HARDWOOD BOARD HOLLOW METAL HORIZONTAL HOUR HOSE REEL CABINET HEIGHT HEATING	W. W/ WAINSCOT. W/C WD. WK. W/O W/P. W.REC. W.S.P. WT.	WEST WITH WAINSCOT WATER CLOSET WOOD WORK WINDOW OPENING WITHOUT WATERPROOF WASTE RECEPTACLE WET STAND PIPE WEIGHT	
INCL. I.D. IMPREG. INSUL. INV. INT.	INCLUDING INSIDE DIAMETER IMPREGNATED INSULATION INVERSE OR INVERT INTERIOR			
JAN. JR. JT.	JANITOR JUNIOR JOINT			

### SYMBOLS



### SCOPE OF WORK

NEW CONSTRUCTION OF MULTIPLE RESIDENTIAL 3-UNIT STRUCTURE WITH GROUND LEVEL PARKING GARAGE.

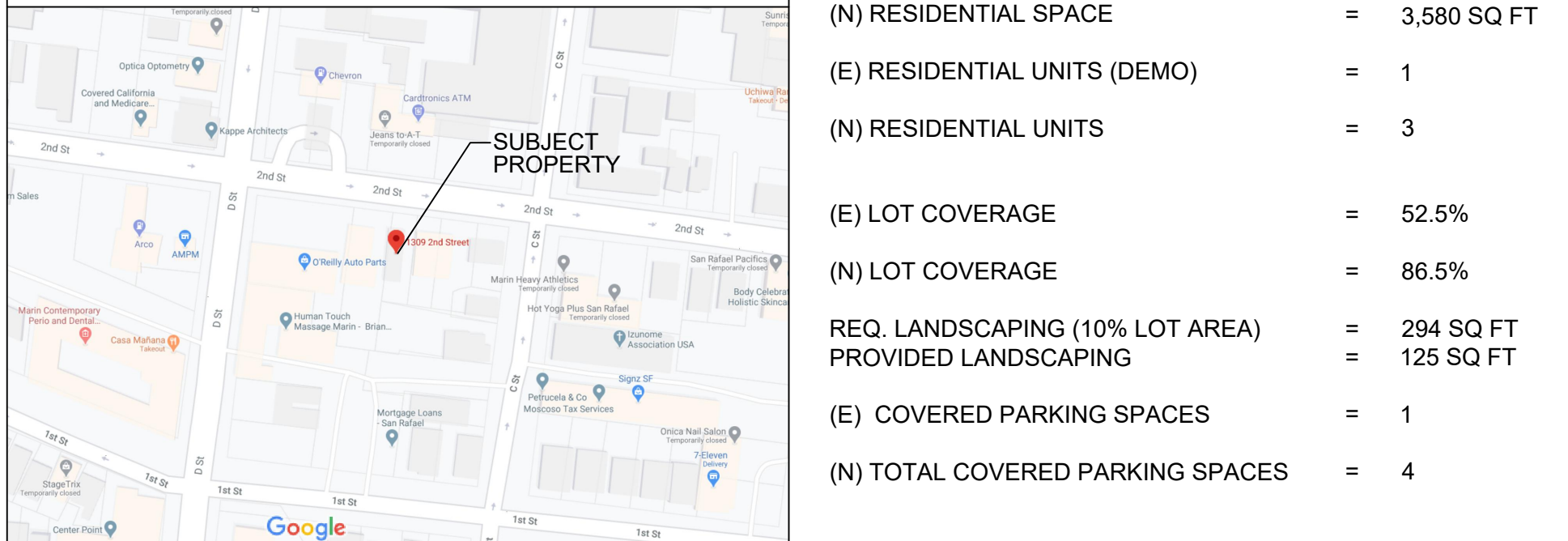
#### ZONING DATA

ZONING DISTRICT	=	2/3MUW
HEIGHT LIMIT	=	36 FT
MAX. LOT COVERAGE	=	NR
MIN. USABLE OUTDOOR	=	NR
FRONT SETBACK	=	5 FT.
SIDE SETBACKS	=	0 FT.
REAR SETBACK	=	0 FT.

#### PROJECT DATA SUMMARY

LOT SIZE	=	2,940 SQ FT
(E) RESIDENTIAL SPACE (DEMO)	=	1,034 SQ FT
(N) RESIDENTIAL SPACE	=	3,580 SQ FT
(E) RESIDENTIAL UNITS (DEMO)	=	1
(N) RESIDENTIAL UNITS	=	3
(E) LOT COVERAGE	=	52.5%
(N) LOT COVERAGE	=	86.5%
REQ. LANDSCAPING (10% LOT AREA)	=	294 SQ FT
PROVIDED LANDSCAPING	=	125 SQ FT
(E) COVERED PARKING SPACES	=	1
(N) TOTAL COVERED PARKING SPACES	=	4

### VICINITY MAP



### PROJECT RENDER



### PROJECT DIRECTORY

<u>OWNER</u>	GARL ALICIA FAMILY TRUST 2012 WILSON RINA V 1423 DONNA ST. NOVATO CA 94947
<u>ARCHITECT</u>	KAPPE ARCHITECTS 801 D STREET SAN RAFAEL, CA 94901 PH: (415) 457-7801 ron@kappearchitects.com
<u>STRUCTURAL ENGINEER</u>	BARRETT AGHAZARIAN AGHAZARIAN CONSULTING ENGINEERS, INC.  PH: (510) 326-4711 barrett@aceincorp.com
<u>CONTRACTOR</u>	MATTHEW BURNS 1127 GRANT AVE #3 PH: (415) 595-8611 matthew@sandbank.com

### INDEX OF DRAWINGS

<u>TITLE</u>	TITLE SHEET
<u>ARCHITECTURAL</u>	
A1.0	EXISTING SITE/ROOF PLAN
A1.1	PROPOSED SITE/ROOF PLAN
A1.2	PROPOSED ROOF DRAINAGE PLAN
A1.3	EXISTING/DEMO FLOOR PLANS
A2.0	PROPOSED PARKING CIRCULATION PLAN
A2.1	PROPOSED FIRST FLOOR RESIDENTIAL PLAN
A2.2	PROPOSED SECOND FLOOR RESIDENTIAL PLAN
A3.0	EXISTING ELEVATIONS
A3.1	PROPOSED ELEVATIONS
A5.0	PROPOSED MATERIALS PLAN
A5.1	SHADOW STUDIES
A5.2	WINDOW STUDIES
<u>STRUCTURAL</u>	
TBD	

### CODE DATA

- 2018 California Building Code (CBC)
- 2018 California Residential Code (CRC)
- 2018 California Electrical Code (CEC)
- 2018 California Mechanical Code (CMC)
- 2018 California Plumbing Code
- 2018 California Energy Efficiency Standards Code (CEES)
- 2018 California Fire Code (CFC)
- 2018 California Green Building Standards Code (CGBS or CALGreen)



KEY NOTES

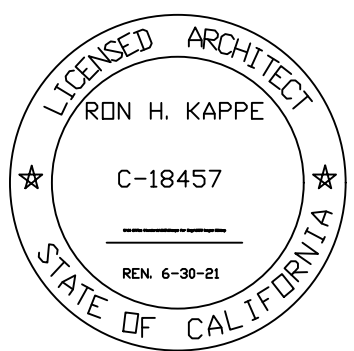
- ① (E) FENCE
- ② (E) FENCE GATE
- ③ WATER METER
- ④ (E) WOODEN STAIRS
- ⑤ (E) ENTRY STAIRS
- ⑥ ELECTRICAL CRISTY BOX AT SIDEWALK
- ⑦ (E) SIDEWALK
- ⑧ (E) CONC. DRIVEWAY
- ⑨ 5' FRONT YARD SETBACK

KAPPE ARCHITECTS

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TEL: 415.457.7801 FAX: 415.457.7885

**3-UNIT RESIDENTIAL BUILDING**

1309 2ND STREET  
SAN RAFAEL, CA 94901



AP #: 012-073-04

Project No.:	19.12
Drawn By:	GC
Checked By:	RK
Issued Date:	11/15/19
Revision	No. Date
DESIGN REVIEW	▲ 05/26/20

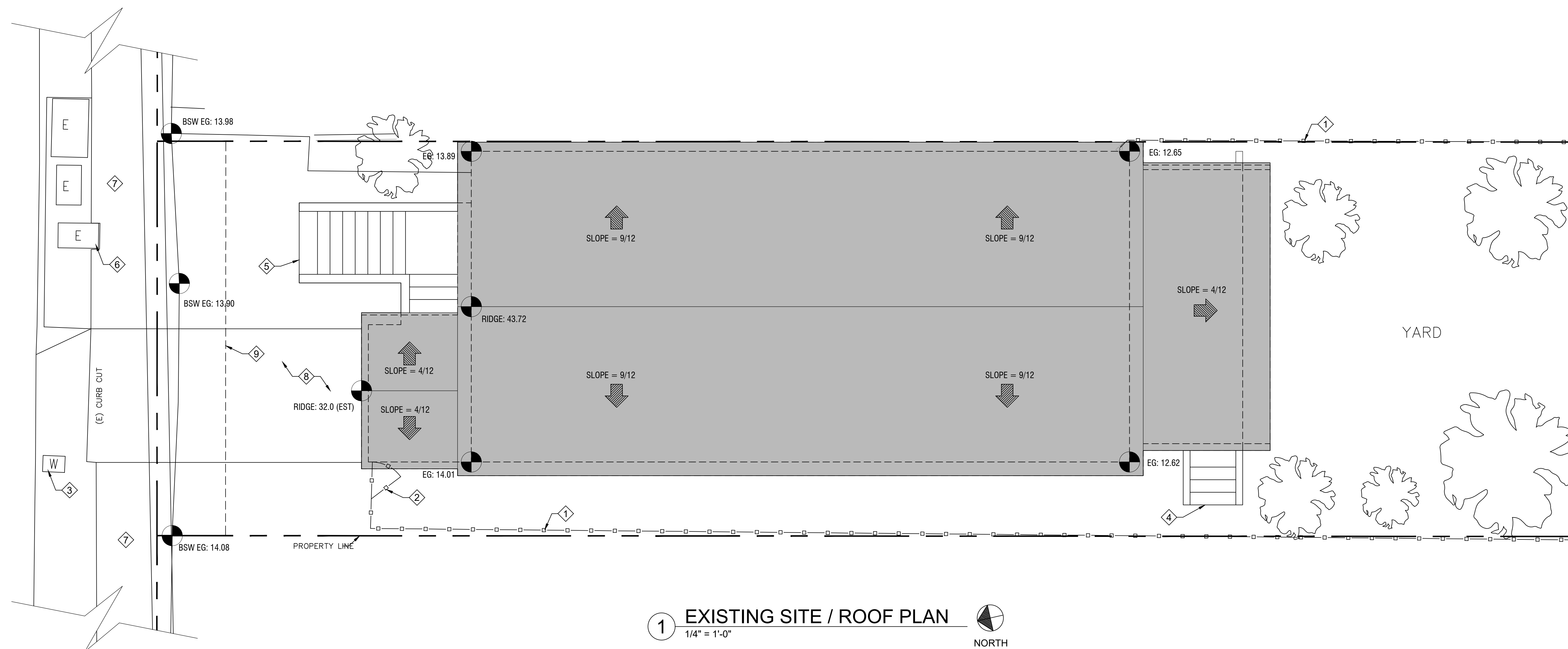
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Sheet Title:

**EXISTING SITE PLAN**

Scale: AS NOTED

Sheet No. **A1.0**



**1 EXISTING SITE / ROOF PLAN**  
1/4" = 1'-0"

KEY NOTES GENERAL NOTES

- 1 (E) FENCE AT PROPERTY LINE
- 2 (N) RAISED LANDSCAPING PLANTER 75 SQ. FT.
- 3 CHRISTY BOX WATER METER
- 4 (N) VAN-ACCESSIBLE PARKING SPACE WITH PERMEABLE PAVERS (BELOW)
- 5 STRIPED VAN ACCESSIBLE SPACE, PERMEABLE PAVERS (BELOW)
- 6 ELECTRICAL CRISTY BOX AT SIDEWALK
- 7 (E) SIDEWALK
- 8 (E) CONC. DRIVEWAY
- 9 5' FRONT YARD SETBACK
- 10 ROOF GUTTER, MIN 1/4" SLOPE

PARKING AND STORAGE ONLY FLOOR LEVEL BELOW FEMA B.F.E. OF 15.5'. (#) SF OF ENCLOSED AREA NFIP PRESCRIPTIVE REQUIREMENT = 1 SQ. INCH PER 1 SQ FOOT OF ENCLOSED SPACE.

(#) SQ INCHES OF OPENING REQ.

INSTALL (#) FLOOD SOLUTIONS FS-1412 HEAVY DUTY ALUMINUM COVERS IN FOUNDATION OPENINGS

(#) x (#) SQ INCHES OF CLEAR OPENING = (#) SQ INCHES OF OPENING.

ALL UTILITY BOXES AND UTILITIES INSTALLED ABOVE FEMA B.F.E. OF 15.5'

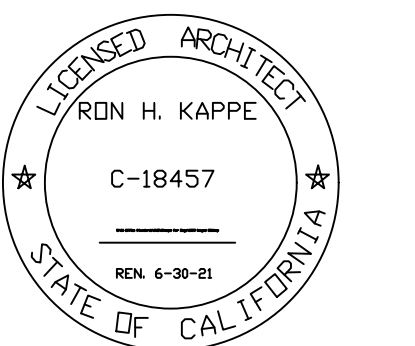
\*EACH BUILDING MUST HAVE ADDRESS IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NEW ADDRESS MUST BE INTERNALLY OR EXTERNALLY ILLUMINATED AND REMAIN ILLUMINATED AT ALL HOURS OF DARKNESS. NUMBERS MUST BE A MINIMUM 4 INCHES IN HEIGHT WITH 3/8" STROKE. THE ADDRESS MUST BE CONTRASTING IN COLOR TO THEIR BACKGROUND.

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3-UNIT RESIDENTIAL BUILDING

1309 2ND STREET  
SAN RAFAEL, CA 94901



AP #: 012-073-04

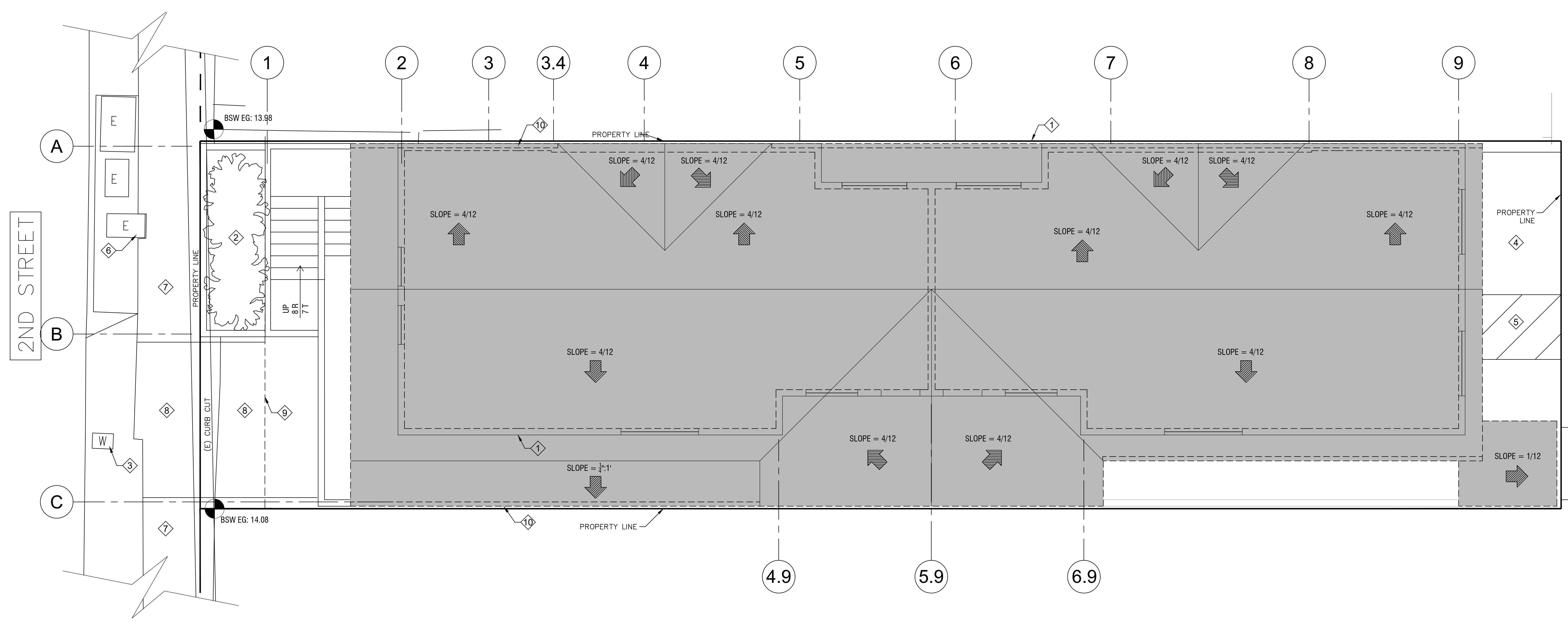
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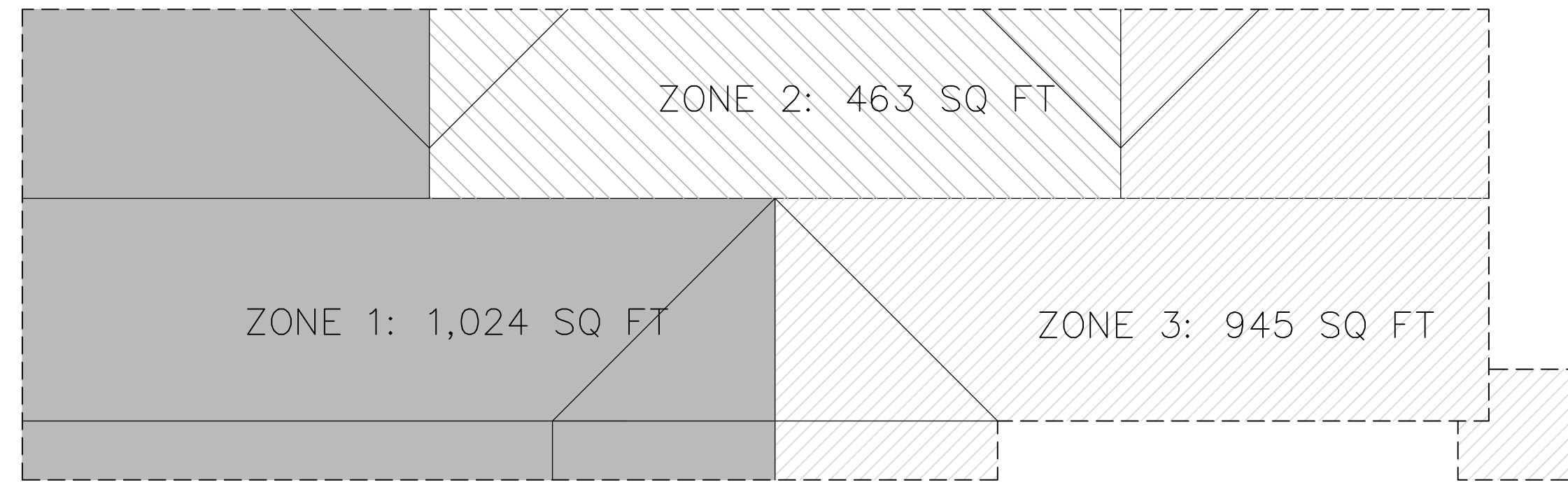
Sheet Title:  
**NEW SITE PLAN**

Scale: AS NOTED

Sheet No. **A1.1**



1 PROPOSED SITE / ROOF PLAN  
1/4" = 1'-0" NORTH

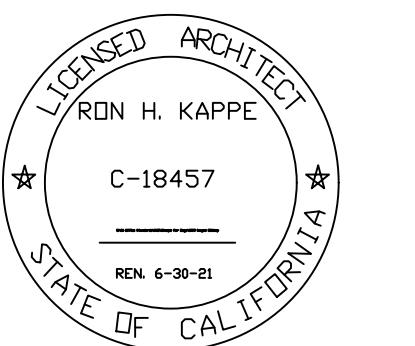


2 ROOF DRAINAGE KEY PLAN - 3 ZONES  
1/8" = 1'-0" NORTH

KEY NOTES	GENERAL NOTES
1 DOWNSPOUT LOCATION, DRAINS TO BIO-RETENTION BELOW	PARKING AND STORAGE ONLY FLOOR LEVEL BELOW FEMA B.F.E. OF 15.5'. (#) SF OF ENCLOSED AREA NFIP PRESCRIPTIVE REQUIREMENT = 1 SQ. INCH PER 1 SQ FOOT OF ENCLOSED SPACE.  (#) SQ INCHES OF OPENING REQ.  INSTALL (#) FLOOD SOLUTIONS FS-1412 HEAVY DUTY ALUMINUM COVERS IN FOUNDATION OPENINGS  (#) x (#) SQ INCHES OF CLEAR OPENING = (#) SQ INCHES OF OPENING.  ALL UTILITY BOXES AND UTILITIES INSTALLED ABOVE FEMA B.F.E. OF 15.5'
2 DOWNSPOUT LOCATION, DRAINS TO BIO-RETENTION PLANTER AT 1ST RESIDENTIAL FLOOR LEVEL	
3 BIO-RETENTION PLANTER	
4 BIO-RETENTION PLANTER (BELOW)	

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**3-UNIT RESIDENTIAL BUILDING**  
 1309 2ND STREET  
 SAN RAFAEL, CA 94901



AP #: 012-073-04

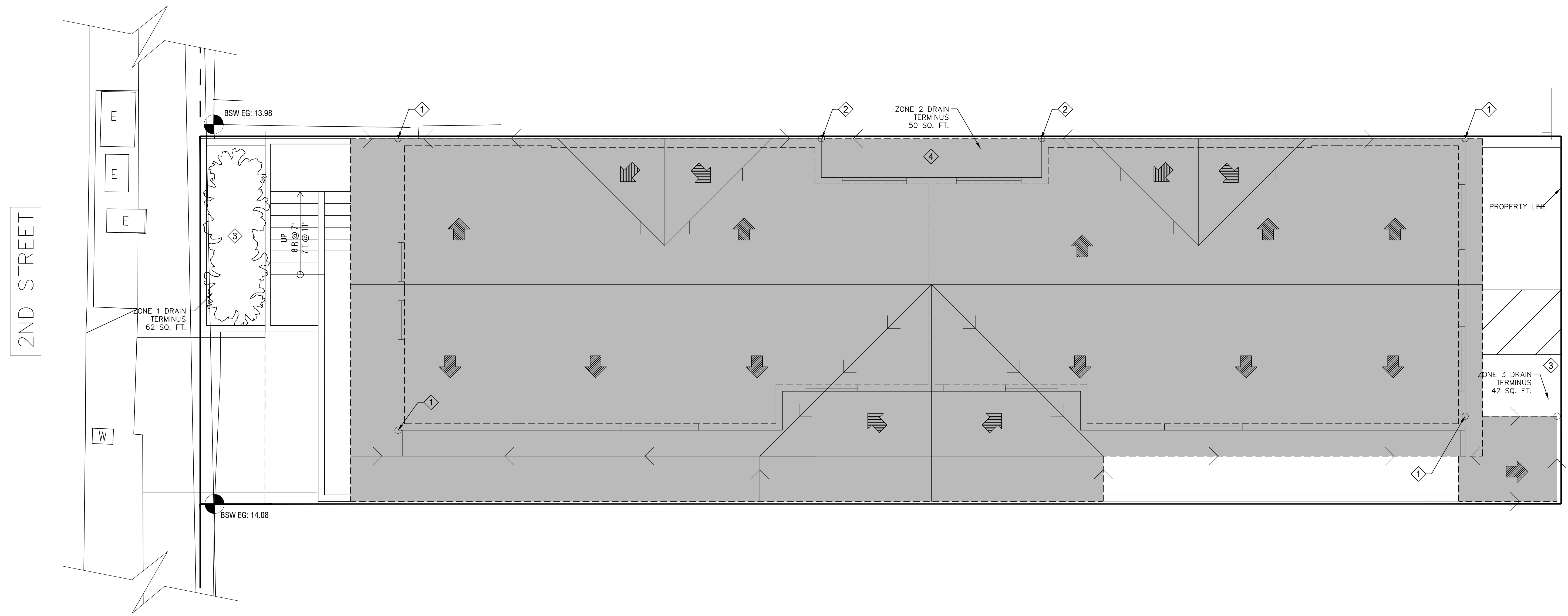
Project No.:	19.12
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DESIGN REVIEW	1 05/26/20

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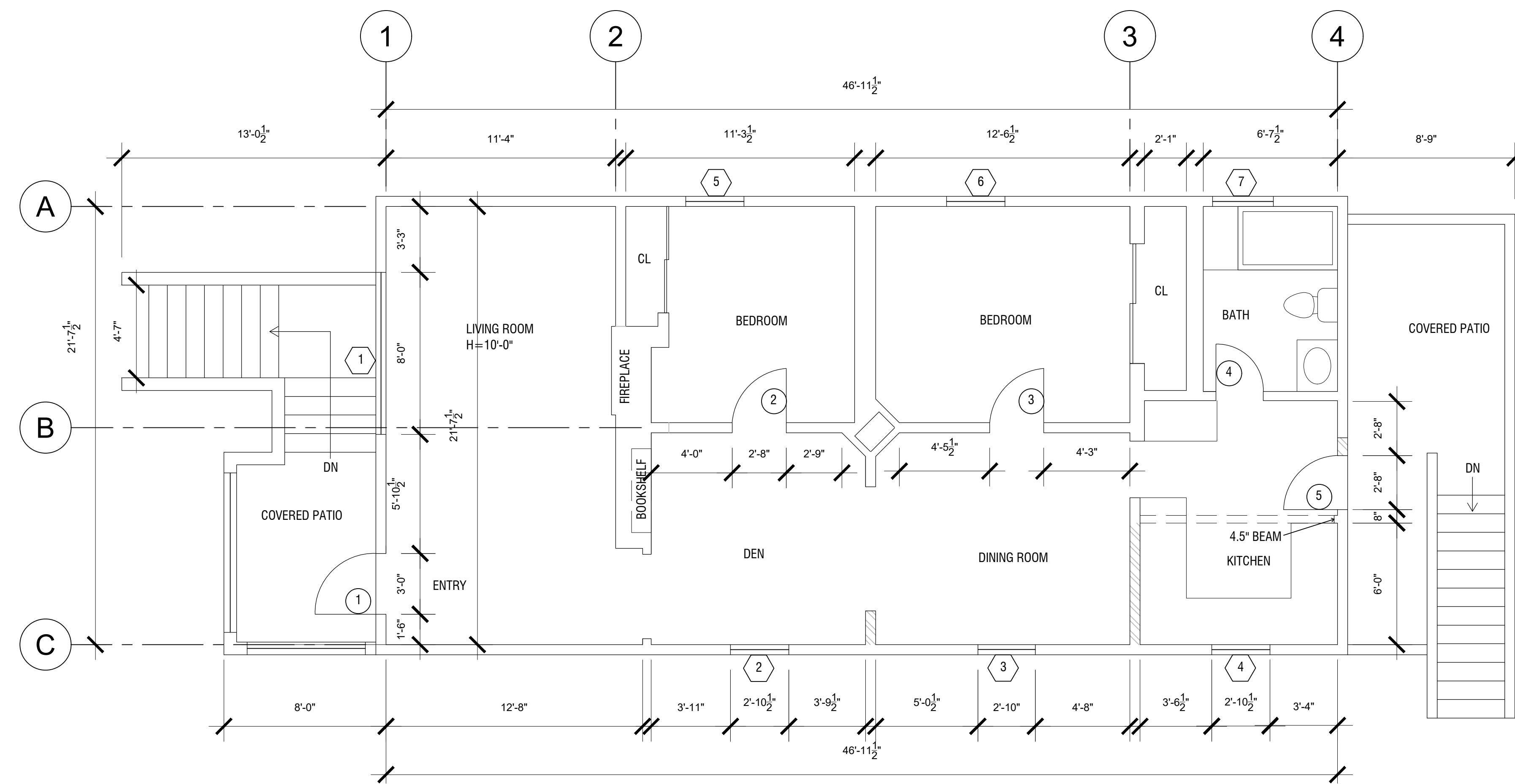
Sheet Title:  
**PROPOSED ROOF DRAINAGE PLAN**

Scale: AS NOTED

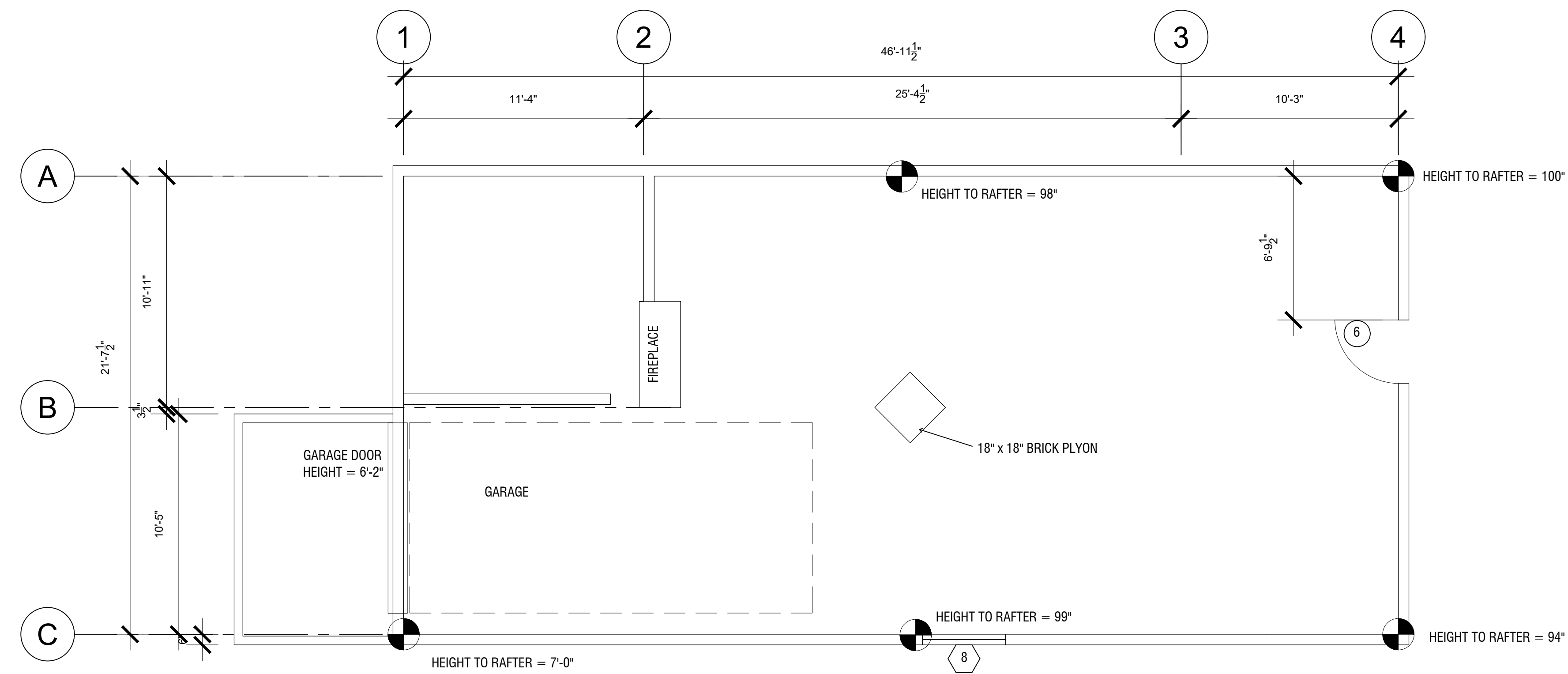
Sheet No. **A1.2**



1 PROPOSED SITE / ROOF DRAINAGE PLAN  
1/4" = 1'-0" NORTH



2 EXISTING SECOND FLOOR PLAN  
1/4" = 1'-0" NORTH



1 EXISTING FIRST FLOOR PLAN  
1/4" = 1'-0" NORTH

NOTES

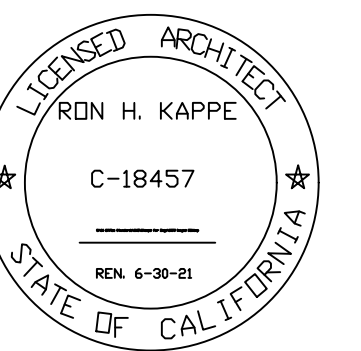
- GENERAL DEMOLITION NOTES:
1. ENTIRE (E) STRUCTURE TO BE DEMOLISHED
  2. (E) FOUNDATION TO BE DEMOLISHED
  3. DEMOLITION OF BUILDING TO BE ITEMIZED AND LISTED IN CONSTRUCTION WASTE MANAGEMENT PLAN

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Sheet Title:

EXISTING / DEMO FLOOR PLANS

Scale: AS NOTED

Sheet No. **A1.3**

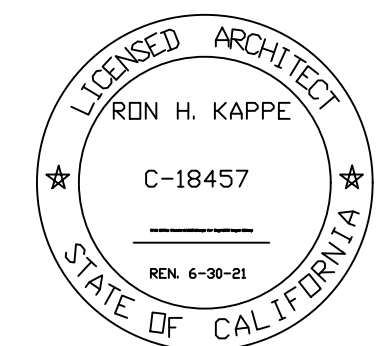
WALL TYPES

EXISTING WALL

KEY NOTES	GENERAL NOTES
1 GARAGE OPEN TO BACKYARD	PARKING AND STORAGE ONLY FLOOR LEVEL BELOW FEMA B.F.E. OF 15.5'. (#) SF OF ENCLOSED AREA NFIP PRESCRIPTIVE REQUIREMENT = 1 SQ. INCH PER 1 SQ FOOT OF ENCLOSED SPACE.
2 OVERHEAD GARAGE DOOR LOCATION	
3 VAN-ACCESSIBLE PARKING SPACE WITH PERMEABLE PAVERS	(#) SQ INCHES OF OPENING REQ.
4 VAN-ACCESSIBLE SPACE AND STRIPED ACCESSIBLE PATH TO LULA ELEVATOR	INSTALL (#) FLOOD SOLUTIONS FS-1412 HEAVY DUTY ALUMINUM COVERS IN FOUNDATION OPENINGS
5 BUILDING OVERHANG (ABOVE)	(#) x (#) SQ INCHES OF CLEAR OPENING =
6 MAILBOX AREA	(#) SQ INCHES OF OPENING.
7 CONCRETE PRE-FAB WHEEL STOP	ALL UTILITY BOXES AND UTILITIES INSTALLED ABOVE FEMA B.F.E. OF 15.5'
8 BIO-RETENTION PLANTER AREA	LULA ELEVATOR ALLOWED PER 1109.6.1
9 (N) CONCRETE STEM WALL	
10 (N) 1' x 1' PILASTER	
11 BIKE RACK PARKING AREA	
12 TRASH/RECYCLING BIN STORAGE AREA	

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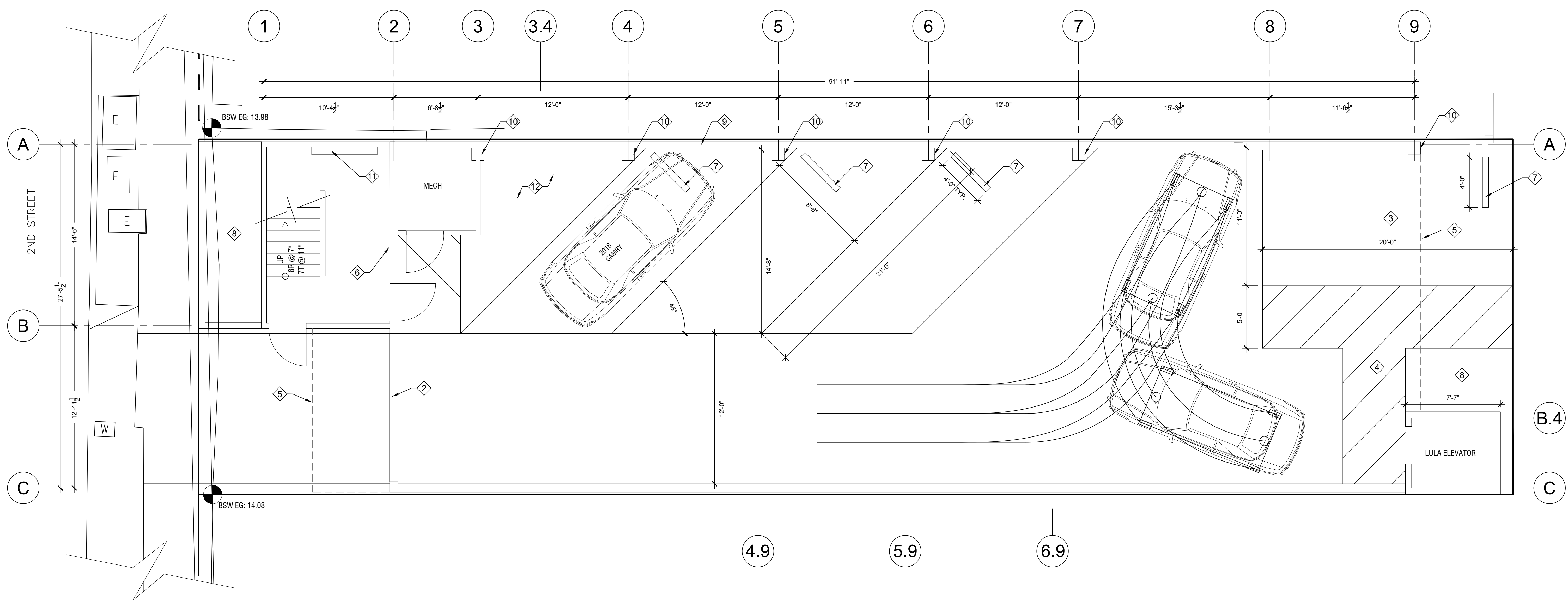


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Sheet Title:  
**PROPOSED PARKING CIRCULATION PLAN**  
 Scale: AS NOTED  
 Sheet No. **A2.0**



**1 PROPOSED PARKING CIRCULATION PLAN**  
 1/4" = 1'-0"

KEY NOTES

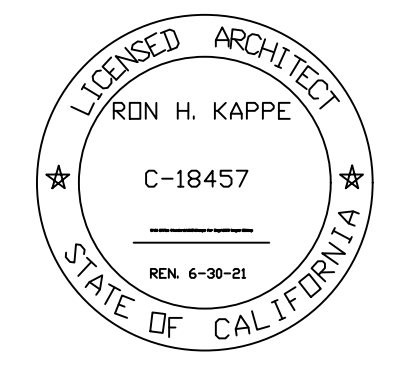
- 1 BIO-RETENTION PLANTER AREA
- 2 OPEN TO BELOW
- 3 FRONT SETBACK (5')
- 4 METAL FIRE RESISTANT HAND/GUARD RAIL (1HR MIN.)
- 5 5' SILL HEIGHT WINDOW W/ OPAQUE TREATMENT

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**3-UNIT  
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AP #: 012-073-04

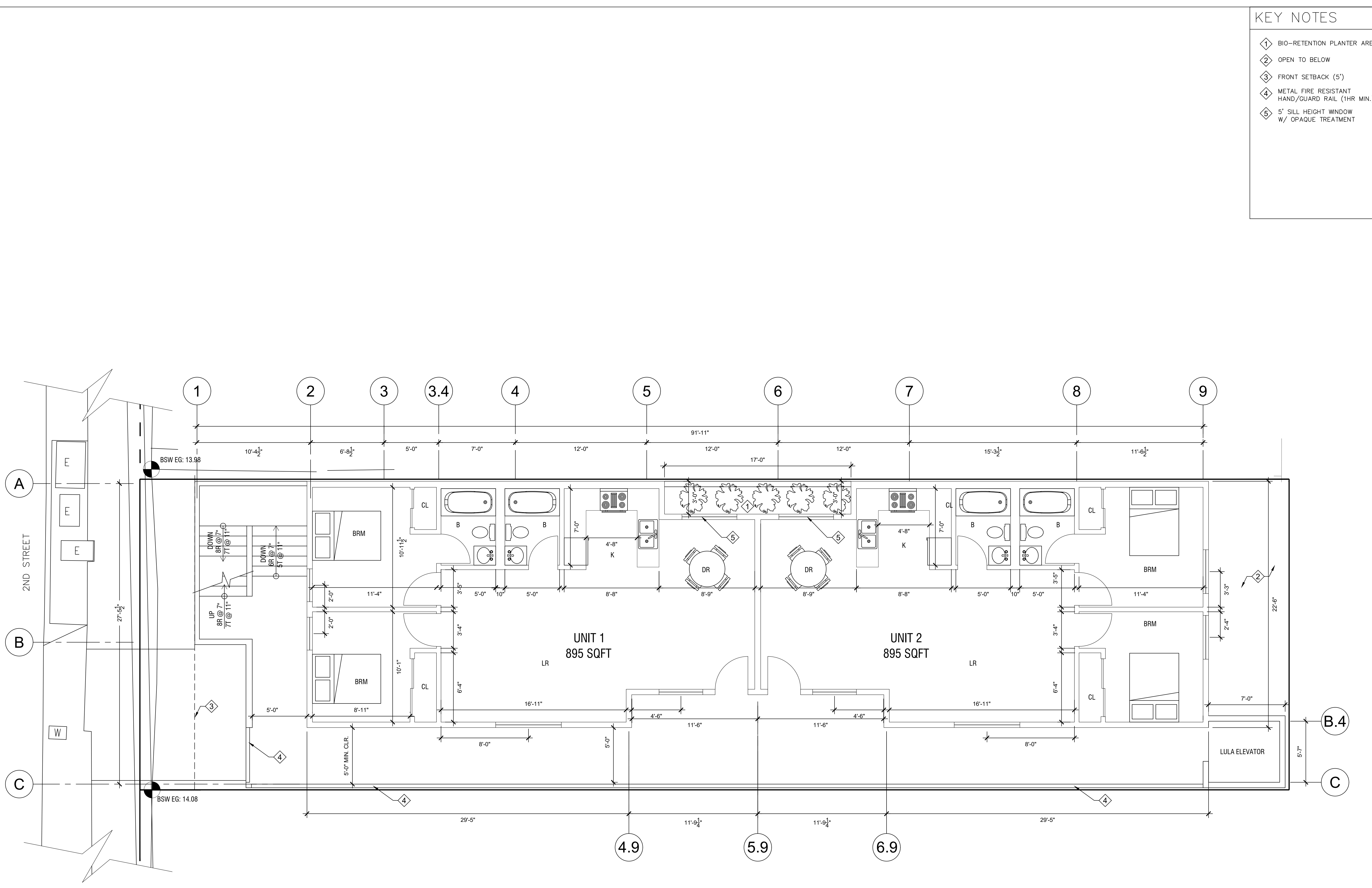
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Sheet Title:  
**PROPOSED FIRST FLOOR  
RESIDENTIAL PLAN**

Scale: AS NOTED

Sheet No. **A2.1**



**1 PROPOSED FIRST RESIDENTIAL LEVEL, UNITS 1 & 2**  
1/4" = 1'-0"

KEY NOTES

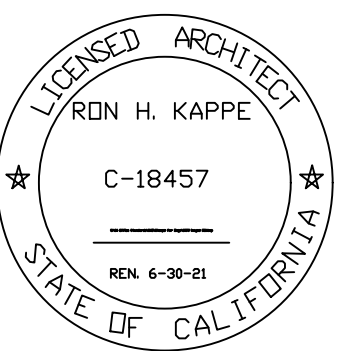
- 1 BIO-RETENTION PLANTER (BELOW)
- 2 OPEN TO BELOW
- 3 FRONT SETBACK (5')
- 4 METAL FIRE RESISTANT HAND/GUARD RAIL (1HR MIN.)

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**3-UNIT  
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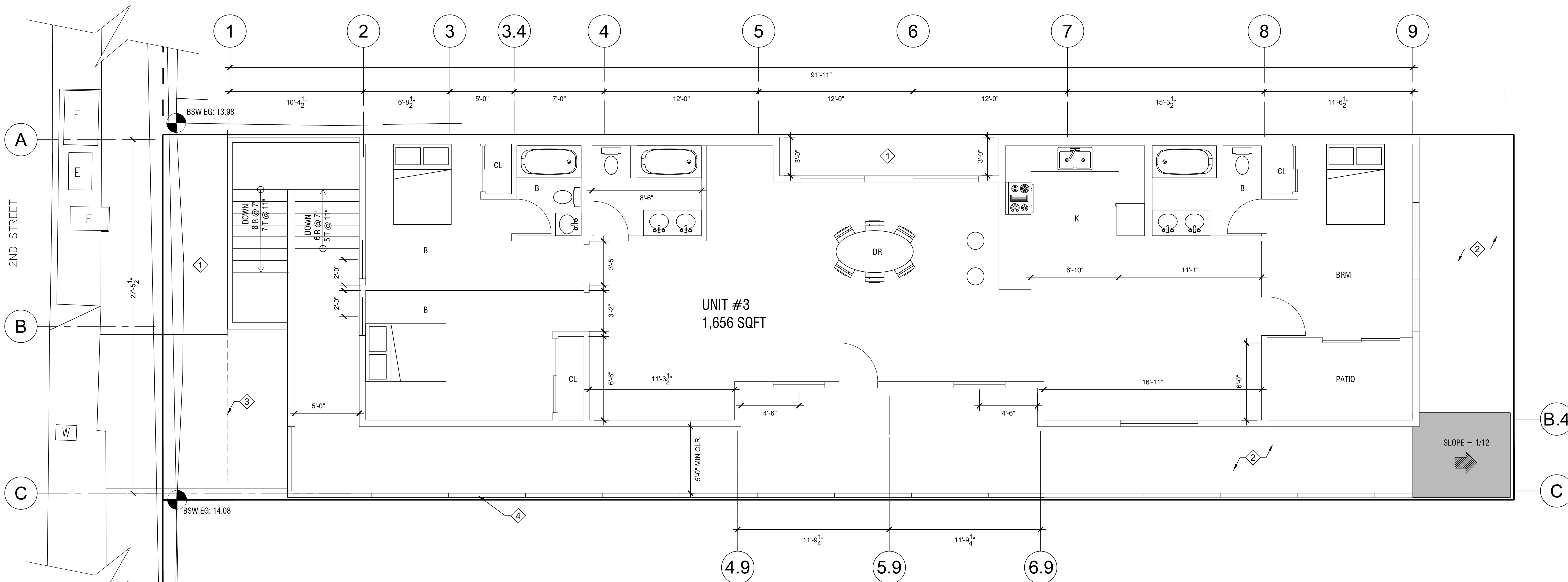
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Sheet Title:  
**FLOOR PLANS (3 OF 3)**

Scale: AS NOTED

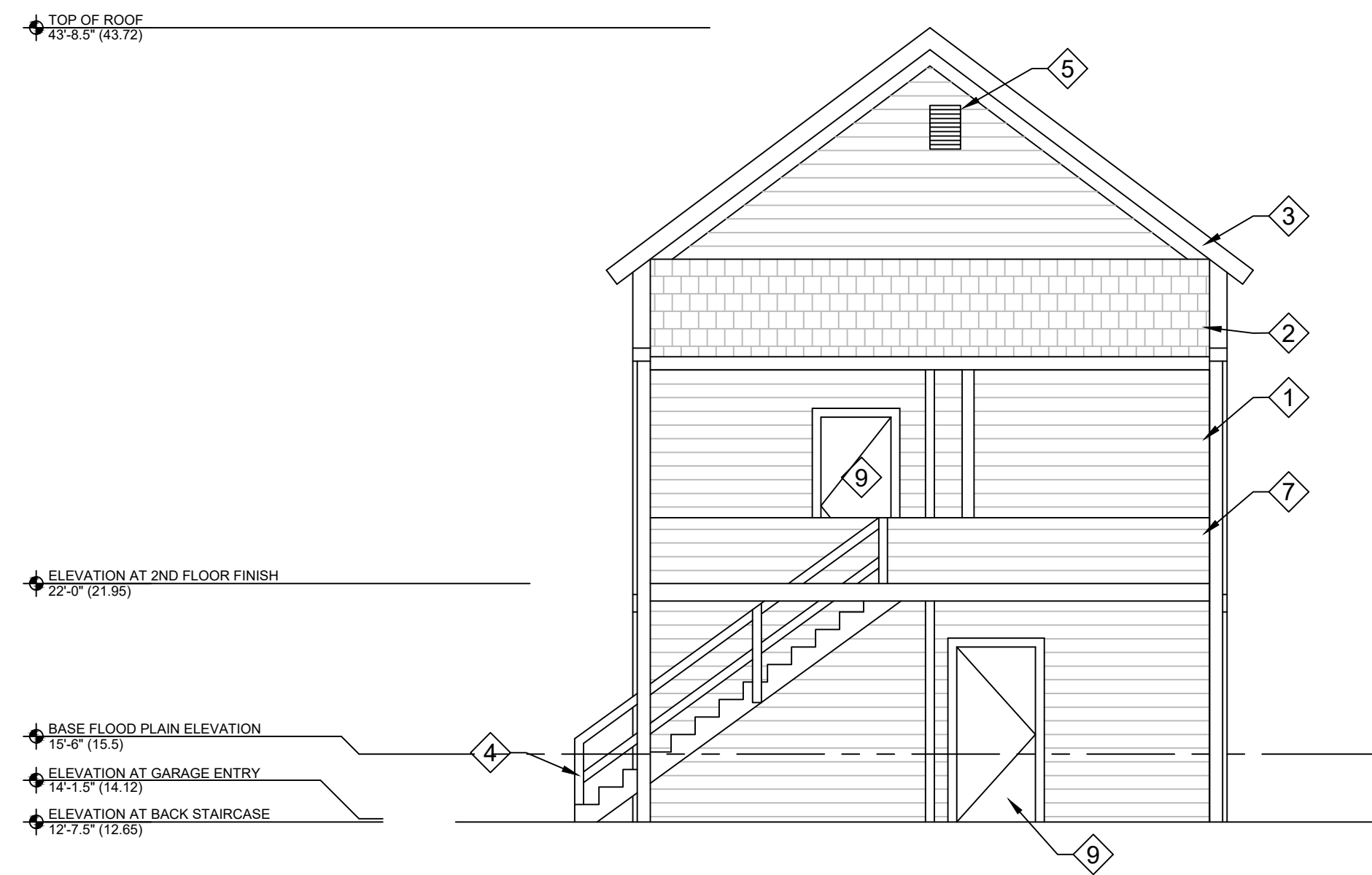
Sheet No. **A2.2**



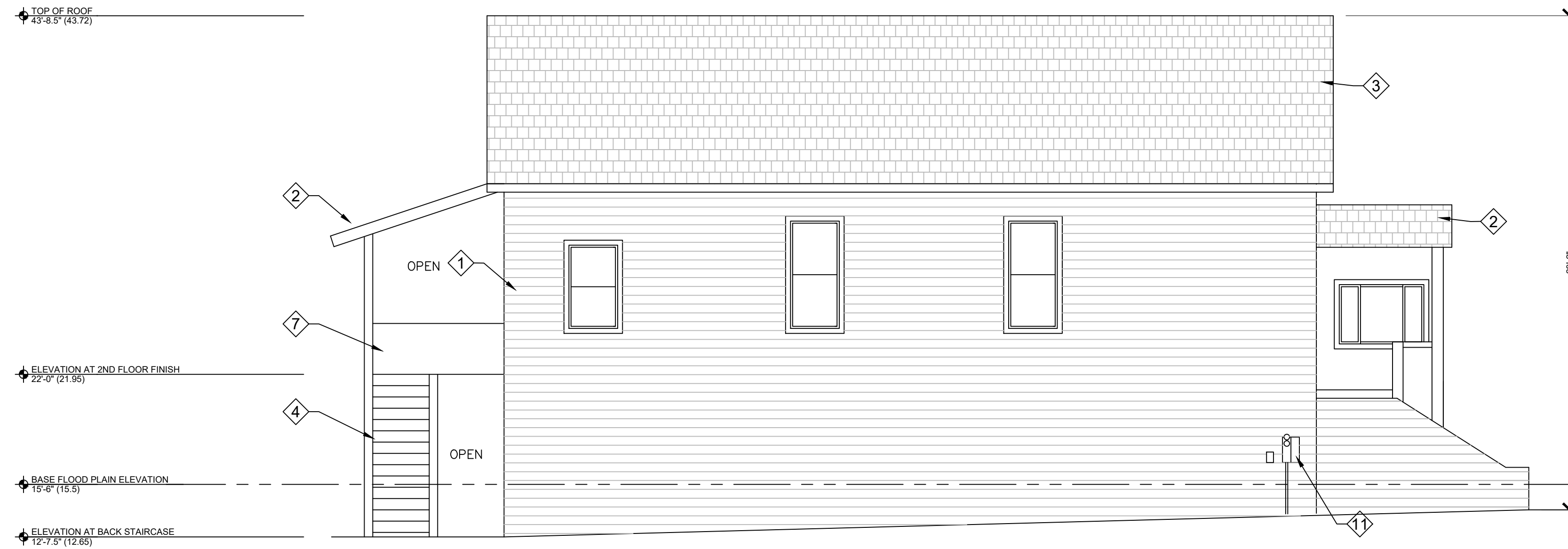
**1 PROPOSED SECOND RESIDENTIAL LEVEL, UNIT #3**  
1/4" = 1'-0"







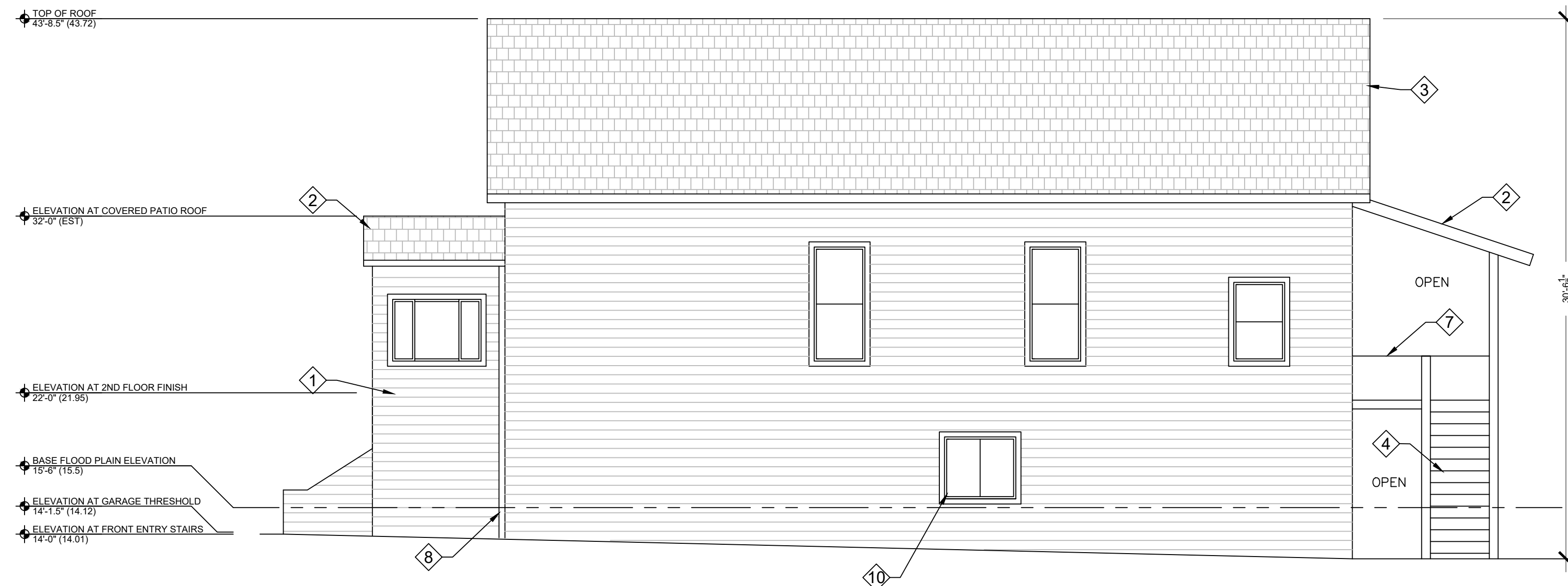
**3** EXISTING SOUTH ELEVATION (REAR YARD)  
3/16" = 1'-0"



**1** EXISTING EAST ELEVATION  
3/16" = 1'-0"



**4** EXISTING NORTH ELEVATION (ENTRY)  
3/16" = 1'-0"



**2** EXISTING WEST ELEVATION  
3/16" = 1'-0"

KEY NOTES

- 1 WOOD SIDING
- 2 ROOF (4/12)
- 3 ROOF (9/12)
- 4 WOOD STAIRCASE
- 5 LOUVERED ATTIC VENT
- 6 GARAGE DOOR
- 7 WOOD PATIO GUARDRAIL/WALL
- 8 RAIN DRAINPIPE
- 9 DOOR
- 10 WINDOW, TYP.
- 11 ELECTRICAL BOX

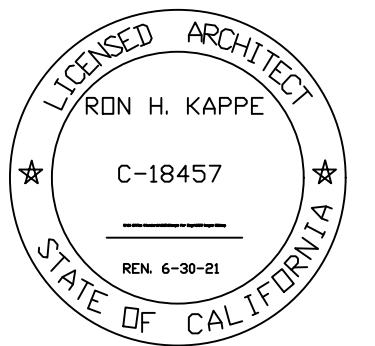
LEGEND

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**3-UNIT  
RESIDENTIAL  
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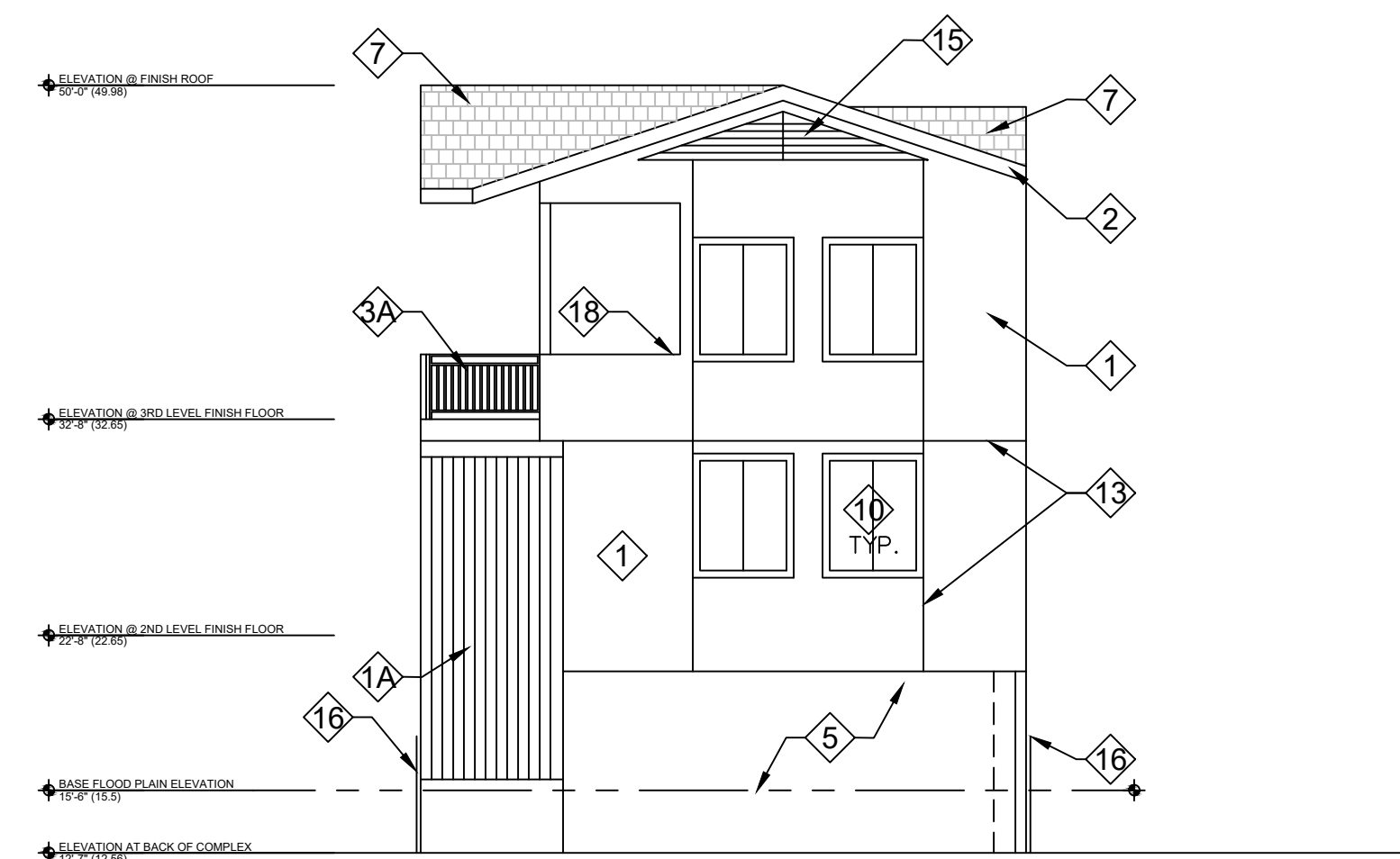
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Sheet Title:  
**EXISTING ELEVATIONS**

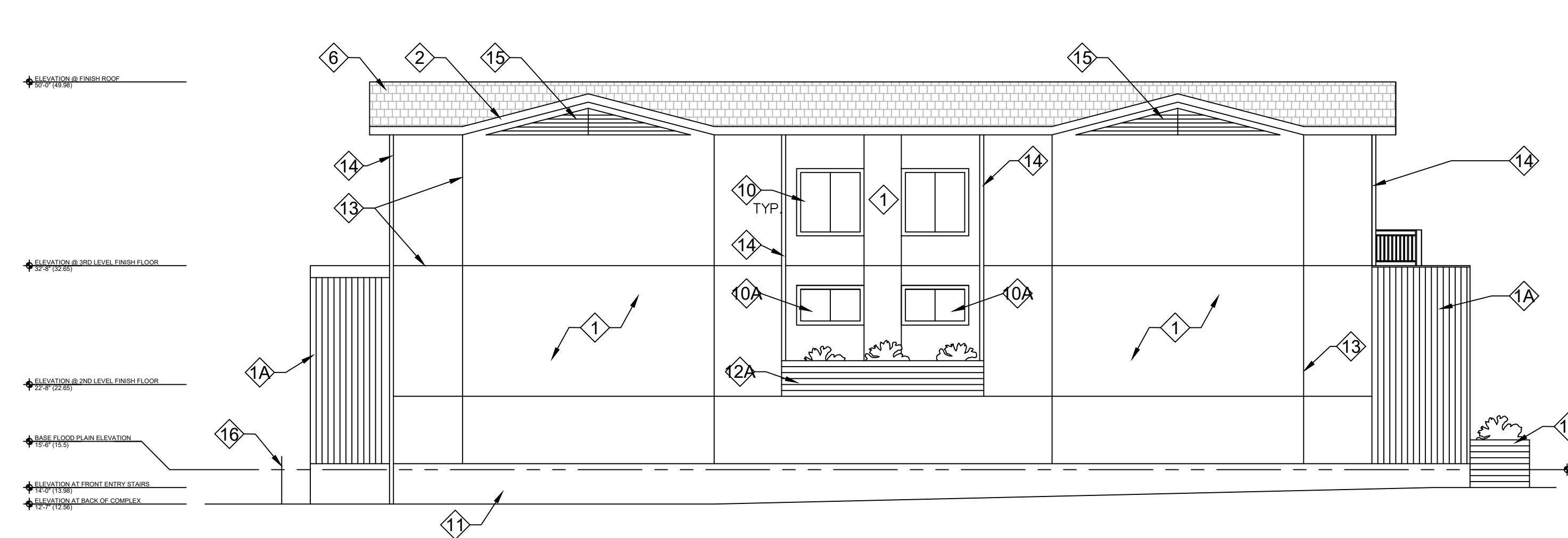
Scale: AS NOTED

Sheet No. **A3.0**

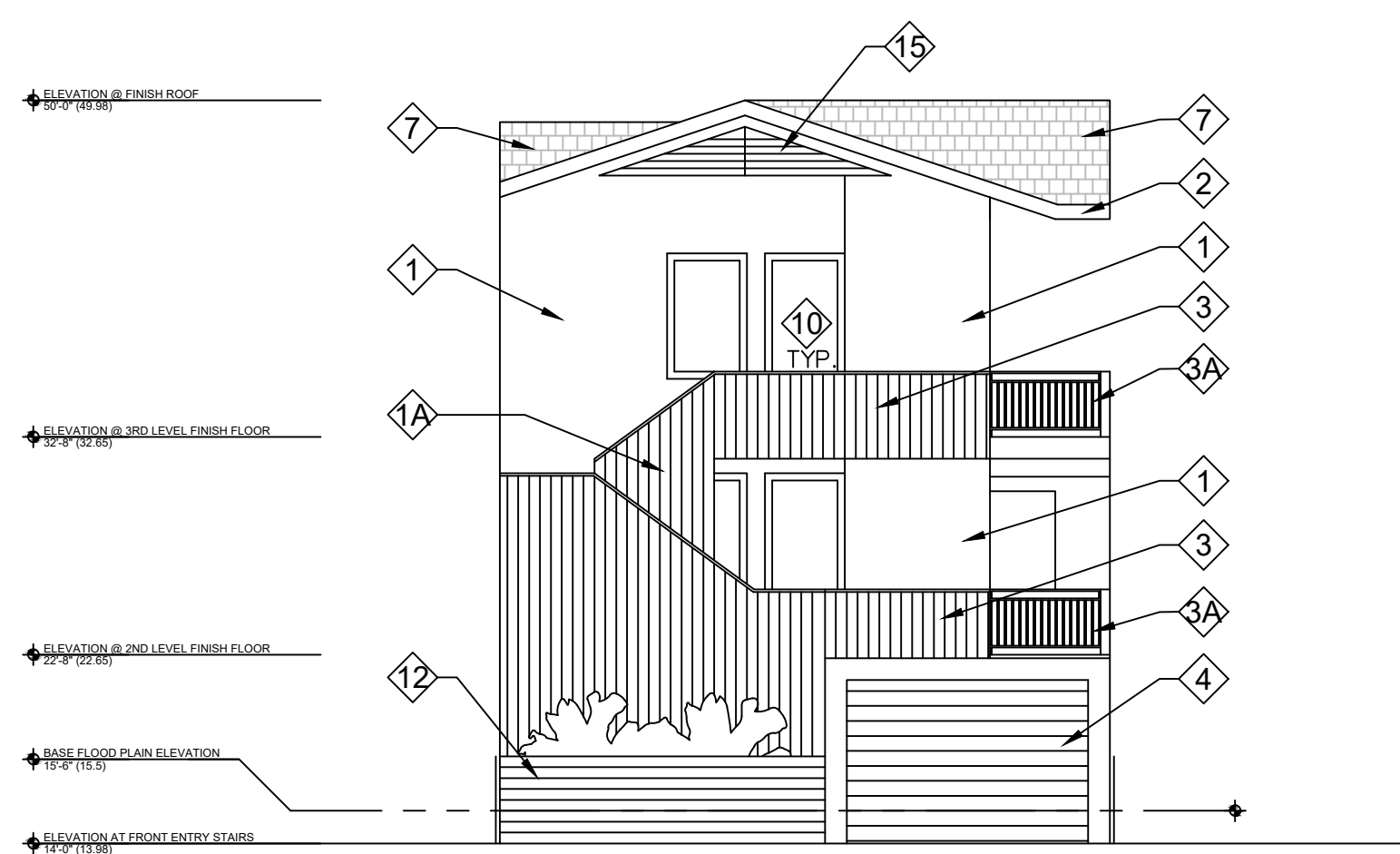




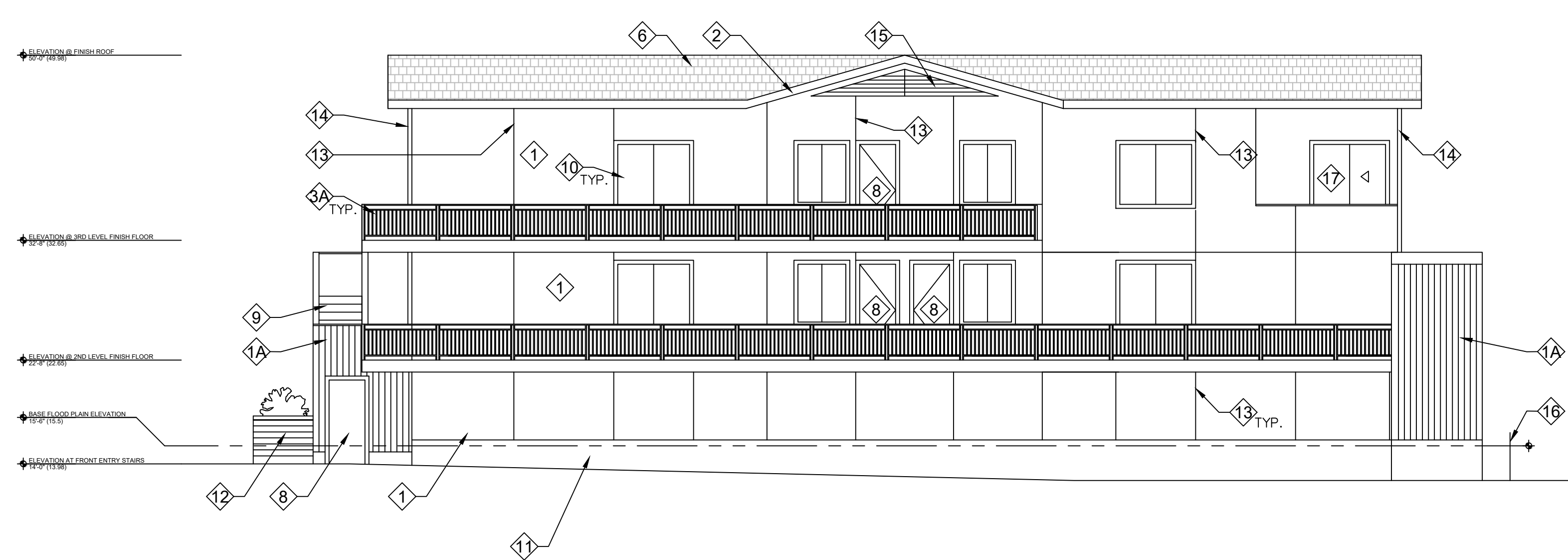
**3** PROPOSED SOUTH ELEVATION (REAR YARD)  
1/8" = 1'-0"



**1** PROPOSED EAST ELEVATION  
1/8" = 1'-0"



**4** PROPOSED NORTH ELEVATION (ENTRY)  
1/8" = 1'-0"



**2** PROPOSED WEST ELEVATION  
1/8" = 1'-0"

KEY NOTES

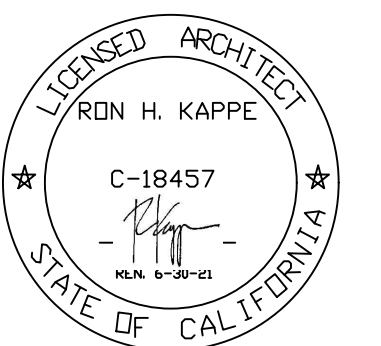
- 1 STUCCO WALL, 1HR. RATING
- 1A CEMENTITIOUS FIBER BOARD CLADDING.
- 2 2x WD ROOF FASCIA
- 3 BALCONY/TRELLIS, CEMENTITIOUS FIBER BOARD CLADDING, TYP.
- 3A TUBE STEEL GUARD/HANDRAIL
- 4 OVERHEAD GARAGE DOOR
- 5 OPEN TO GARAGE
- 6 CLASS A COMP. SHINGLE ROOF
- 7 DORMER ROOF (BEYOND)
- 8 SOLID CORE WD. EXT DOOR
- 9 CONC. PRECAST STAIRS
- 10 ANODIZED ALUMINUM WINDOW
- 10A 5' SILL HEIGHT WINDOW W/ OPAQUE TREATMENT
- 11 CONCRETE FOUNDATION AND STEM WALL
- 12 PLANTER W/ REQ BIO-RETENTION DRAINAGE, TYPE A BRICK FACADE CLADDING
- 12A PLANTER W/ REQ BIO-RETENTION DRAINAGE, CEMENTITIOUS FIBER BOARD CLADDING
- 13 STUCCO CONTROL JOINT, TYP.
- 14 4x4 PNTD GSM DOWNSPOUT, TYP.
- 15 LOUVERED ROOF ATTIC VENT AT DORMER, TYP.
- 16 FENCE AT PROPERTY LINE
- 17 6' SLIDING GLASS DOUBLE DOOR
- 18 PARAPET WALL OF PATIO

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**3-UNIT RESIDENTIAL BUILDING**

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GENERAL NOTES:

CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT WITH ANY QUESTIONS OR FIELD DISCREPANCIES FROM DRAWINGS.

Sheet Title:  
**PROPOSED EXTERIOR ELEVATIONS**

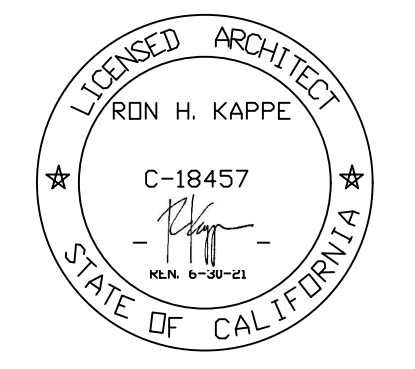
Scale: AS NOTED

Sheet No. **A3.1**



**3-UNIT RESIDENTIAL BUILDING**

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Sheet Title:  
**PROPOSED MATERIALS PLAN**

Scale: AS NOTED

Sheet No. **A5.0**



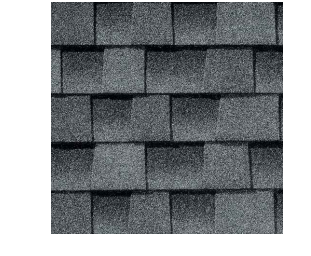
COMPOSITION SHINGLE ROOF  
 COLOR: MEDIUM BROWN



ALTERNATE COLORS:

HICKORY

OYSTER GREY

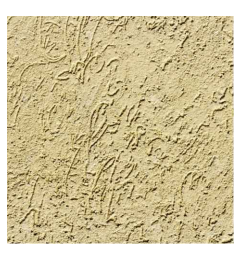


FASCIA & GUTTERS  
 PAINTED TO MATCH  
 ROOF SHINGLE COLOR

STUCCO WALLS  
 COLOR: TAUPE  
 TEXTURE: FINE SAND FINISH



ALTERNATE COLOR:  
 SAND/TAN



WINDOW/DOOR FRAMES  
 PAINTED TO MATCH STUCCO  
 WINDOW HARDWARE: CLEAR  
 ANODIZED

"WOOD" CLADDING:  
 COLOR/MATERIALS:



TIKI TORCH  
 CEMENTITIOUS

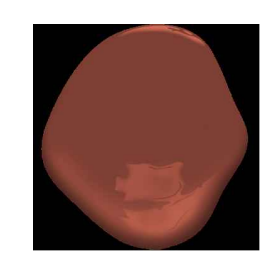
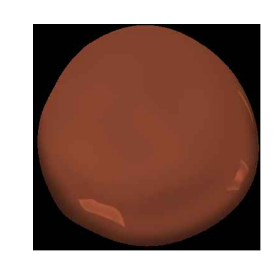
HAVANA GOLD  
 CEMENTITIOUS

BRICK PLANTER



DOORS: PAINT GRADE WOOD DOORS  
 PAINT COLOR: PALACE ARMS RED  
 DOOR HARDWARE: SILVER

ALTERNATE COLORS:

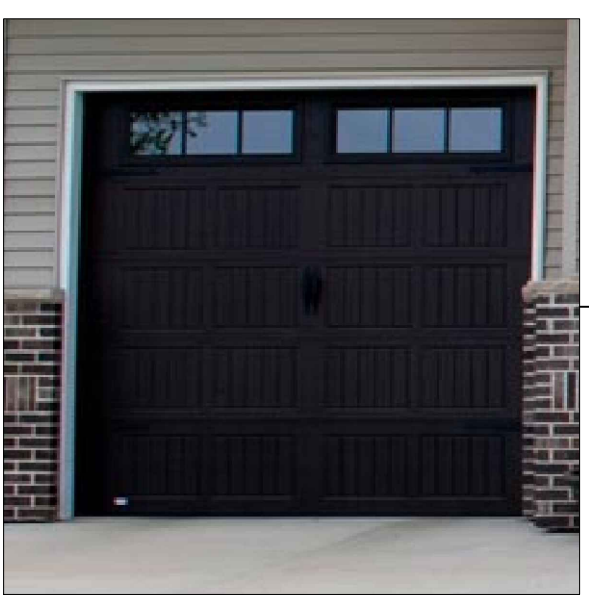
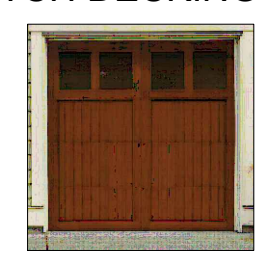


TOASTED  
 CHESTNUT

RED ROCK

GARAGE DOOR  
 PAINTED TO MATCH COLOR OF  
 FASCIA

ALTERNATE COLORS:  
 WOOD TO  
 MATCH DECKING



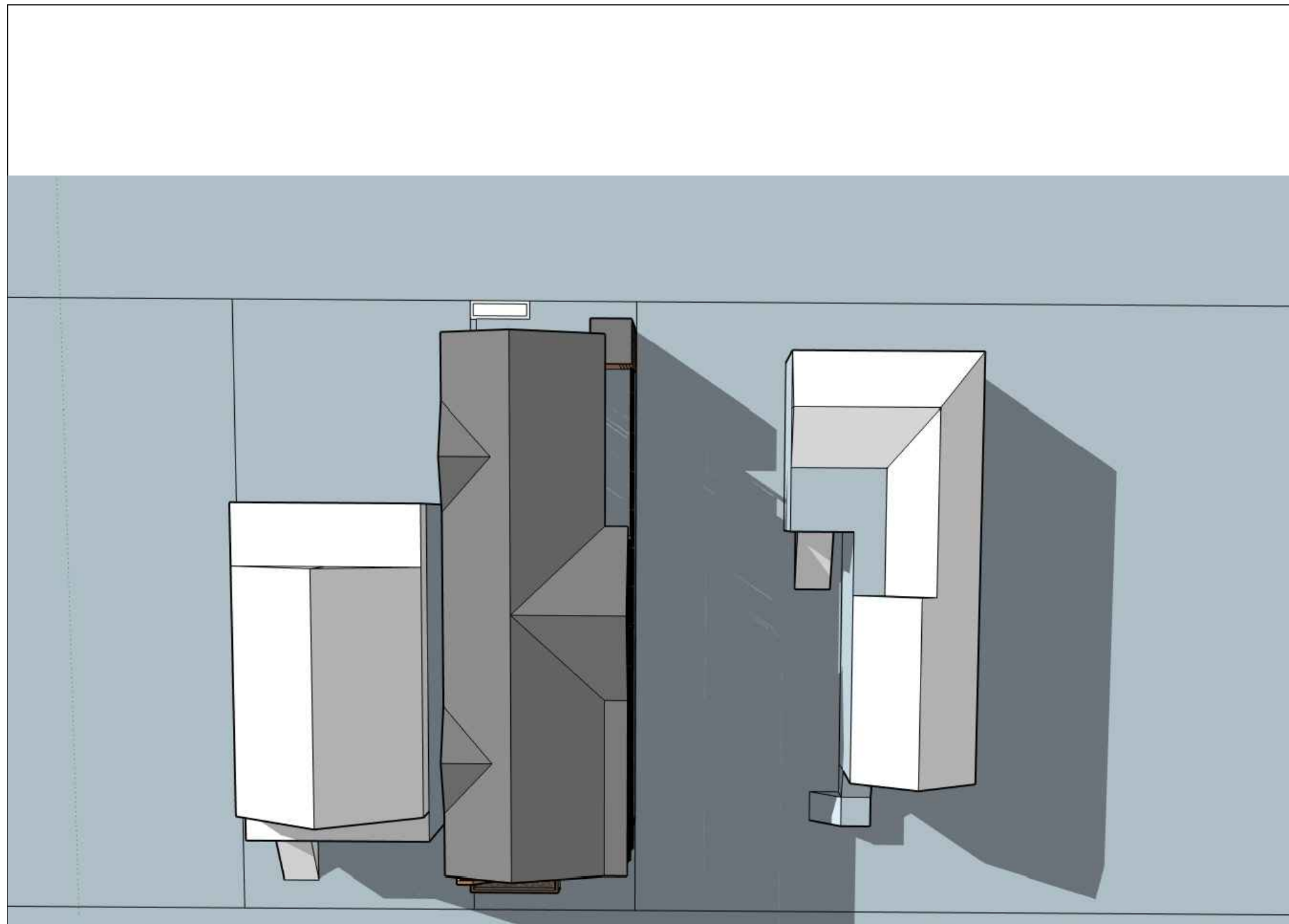
STUCCO CONTROL  
 JOINT, TYP.

TUBE STEEL HANDRAIL, PAINTED  
 TO MATCH FASCIA BELOW

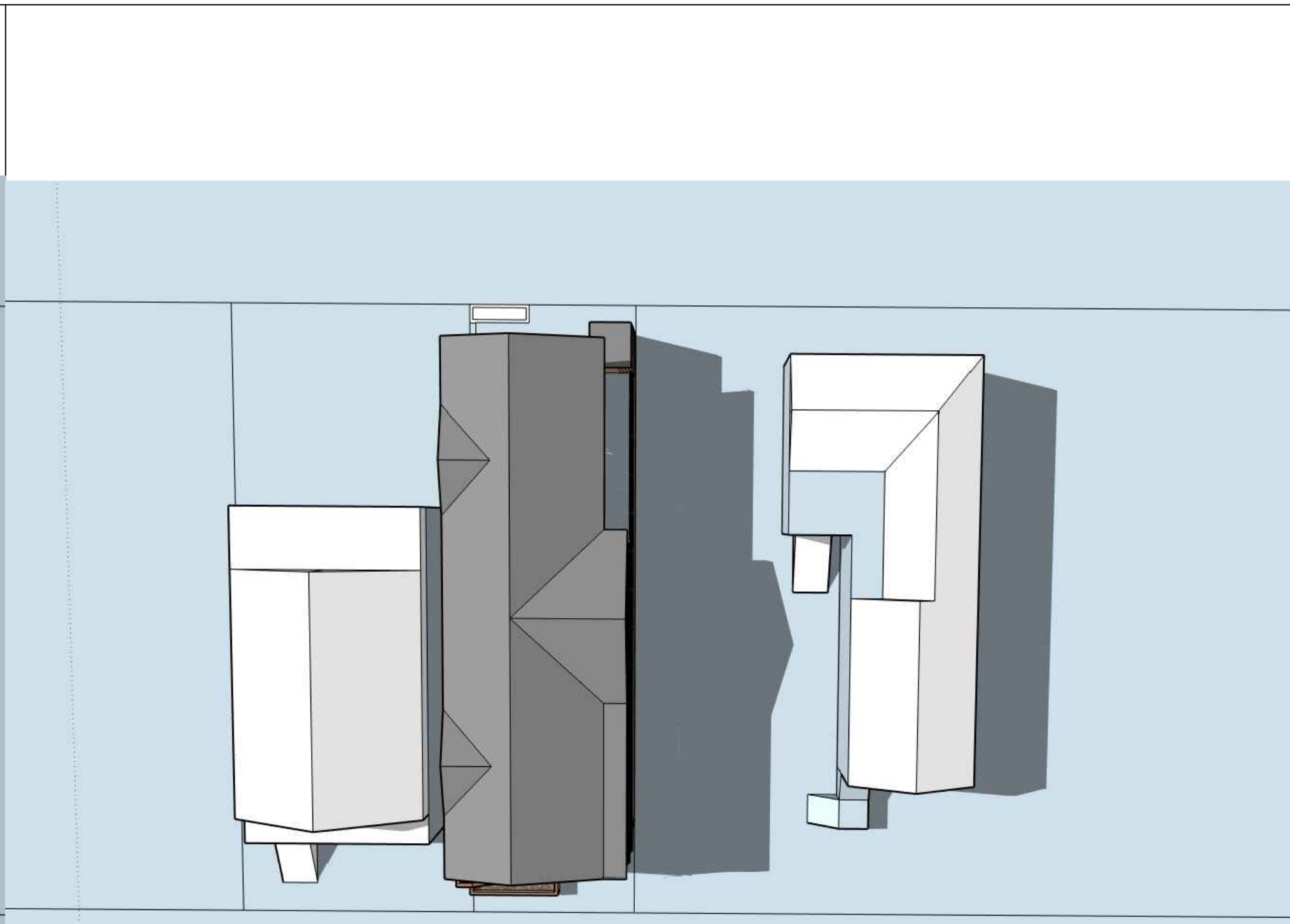
CONCRETE BASE BELOW  
 FLOOD PLANE  
 COLOR: STANDARD CONCRETE

**1 BIRDS EYE PERSPECTIVE WITH PROPOSED MATERIALS**  
 NTS

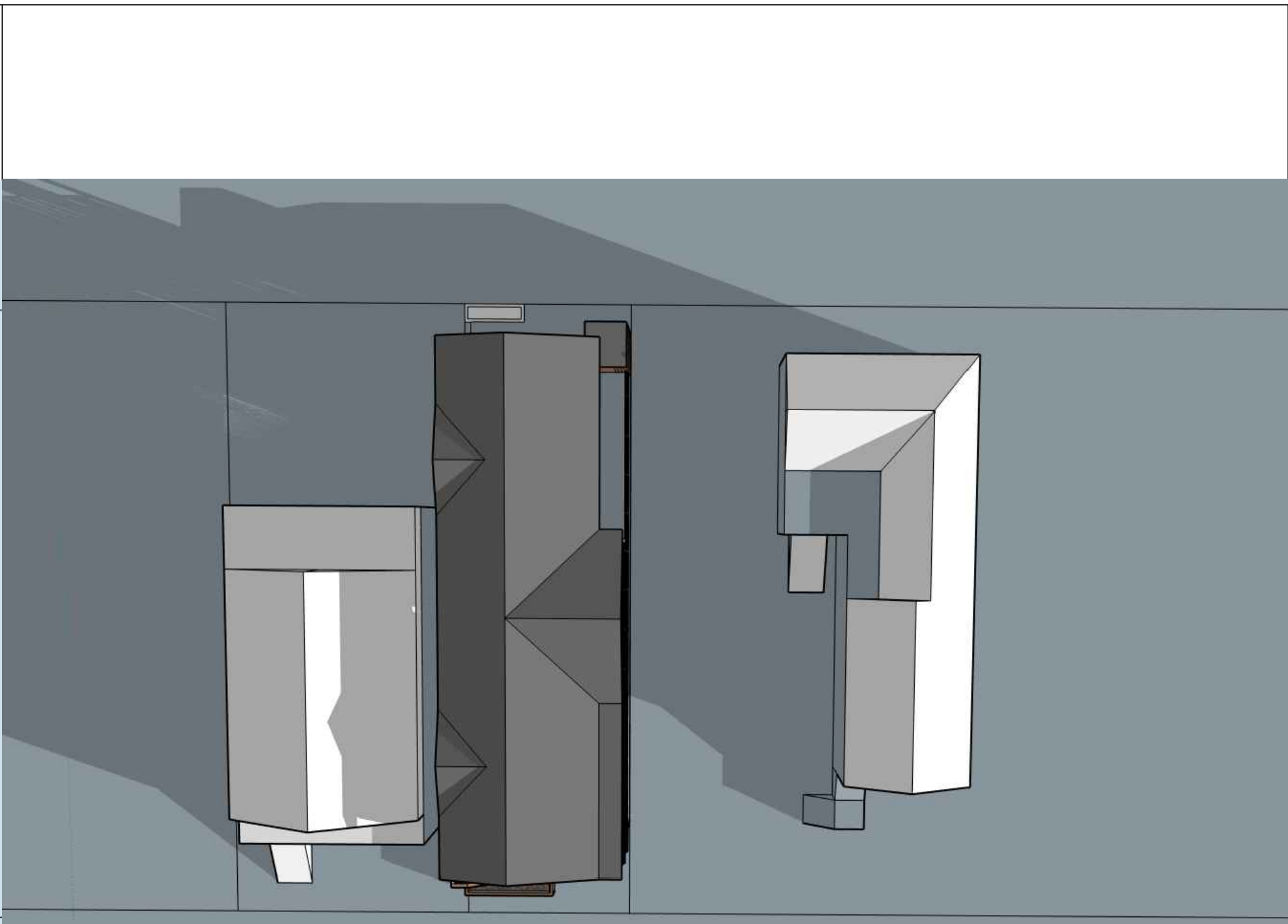




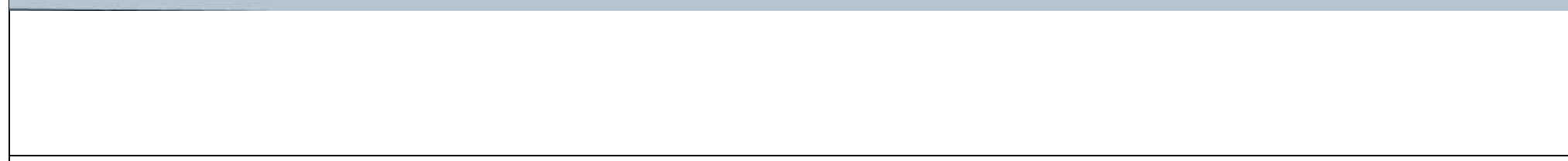
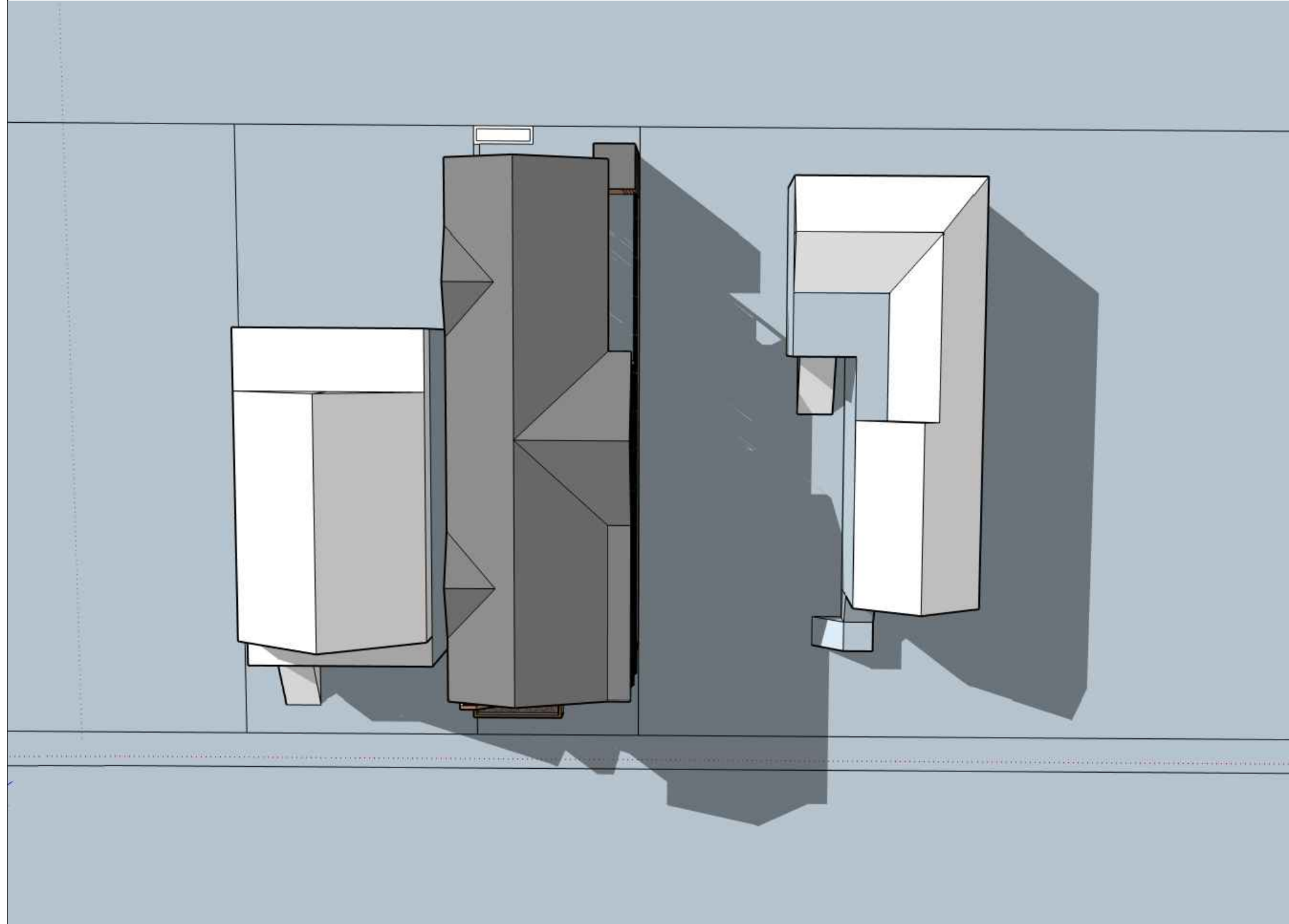
6 SPRING EQUINOX - 9AM  
NTS



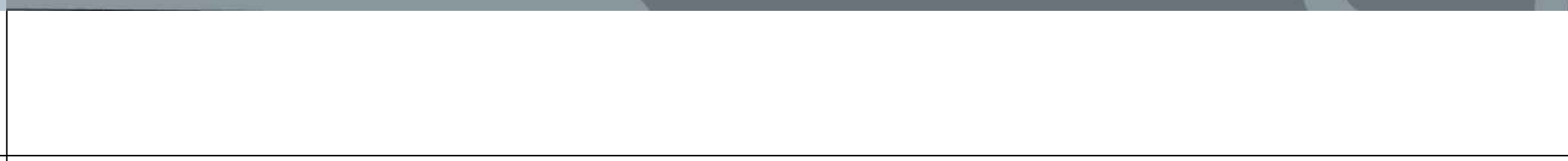
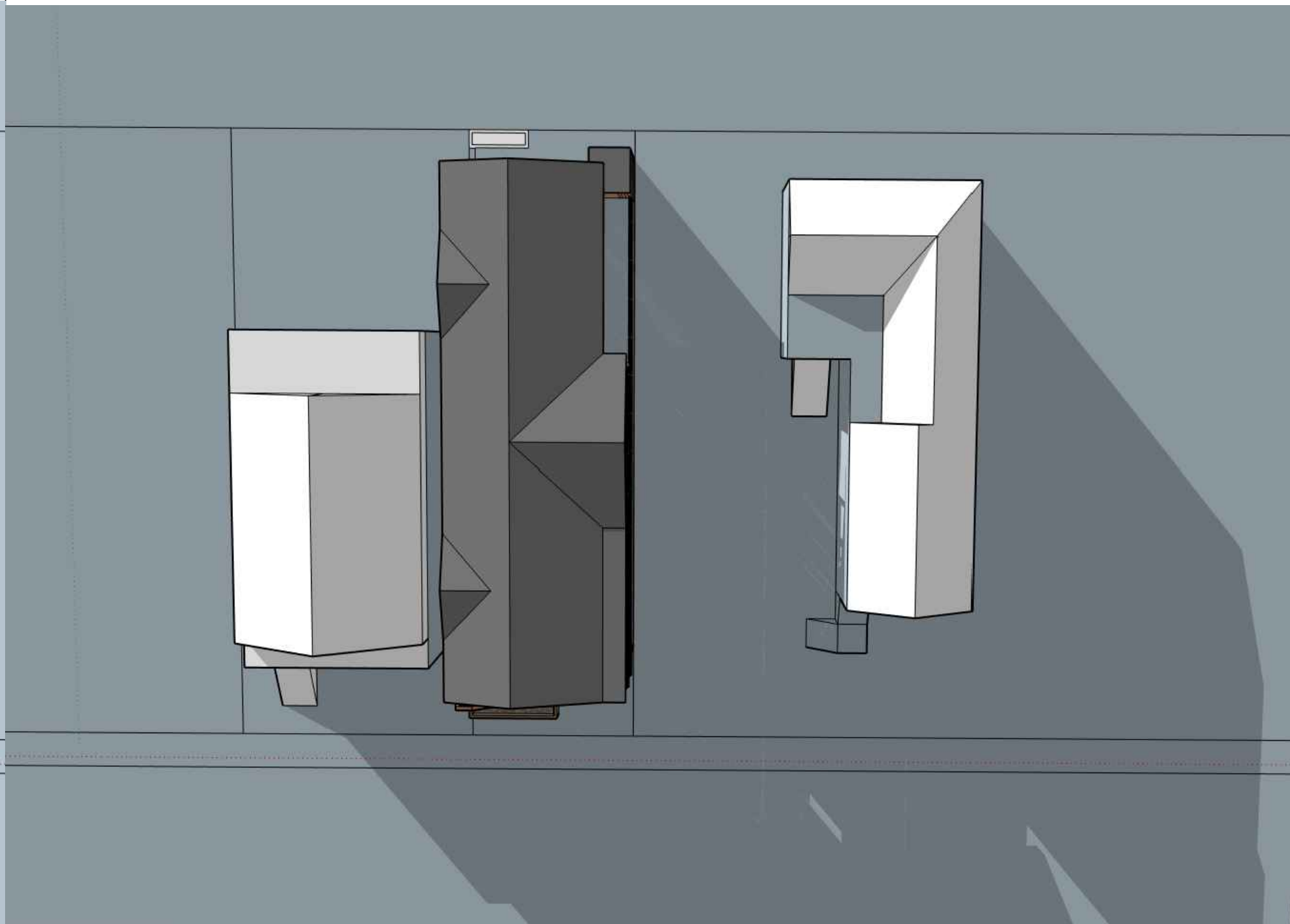
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NTS



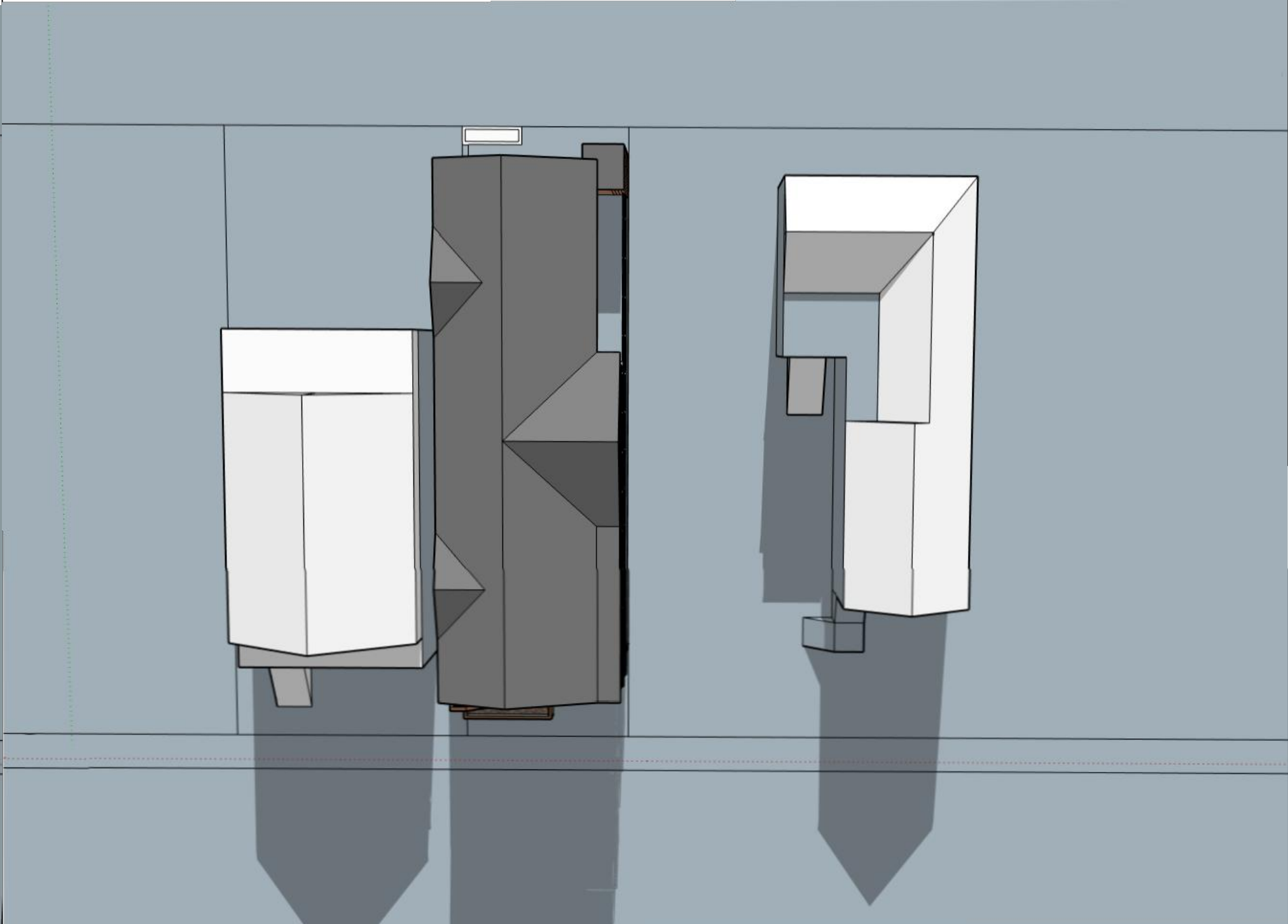
4 SUMMER SOLSTICE - 6PM  
NTS



3 AUTUMN EQUINOX - 9AM  
NTS



2 WINTER SOLSTICE - 9AM  
NTS

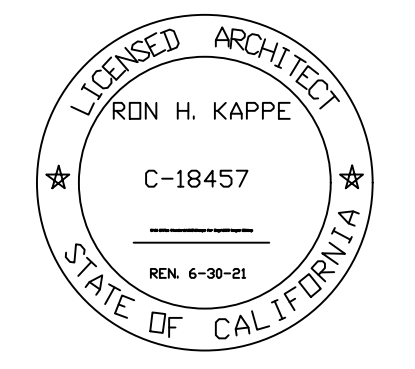


1 WINTER SOLSTICE - NOON  
NTS



KAPPE ARCHITECTS  
801 'D' STREET SAN RAFAEL, CA 94901  
TEL: 415.457.7801 FAX: 415.457.7885

3-UNIT RESIDENTIAL BUILDING  
1309 2ND STREET  
SAN RAFAEL, CA 94901



AP #: 012-073-04

Project No.:	19.12
Drawn By:	GC
Checked By:	RK
Issued Date:	11/15/19
Revision	No. Date
DESIGN REVIEW	△ 05/26/20

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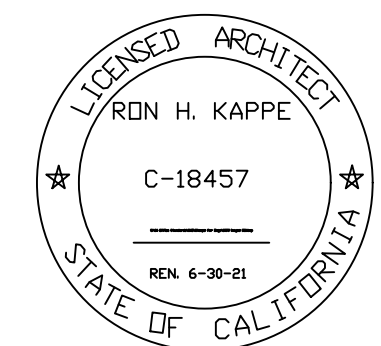
Sheet Title:  
SHADOW STUDIES

Scale: AS NOTED

Sheet No. **A5.1**

**3-UNIT  
 RESIDENTIAL  
 BUILDING**

1309 2ND STREET  
 SAN RAFAEL, CA 94901



AP #: 012-073-04

Project No.:	19.12
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Sheet Title:  
**WINDOW STUDIES**

Scale: AS NOTED

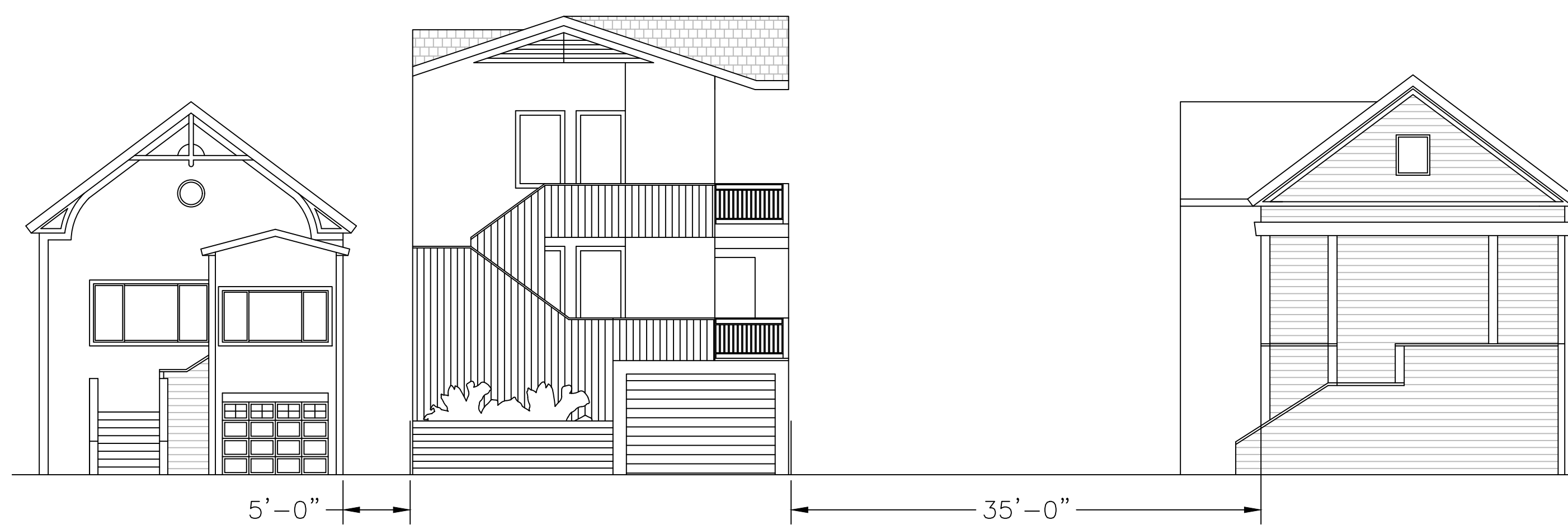
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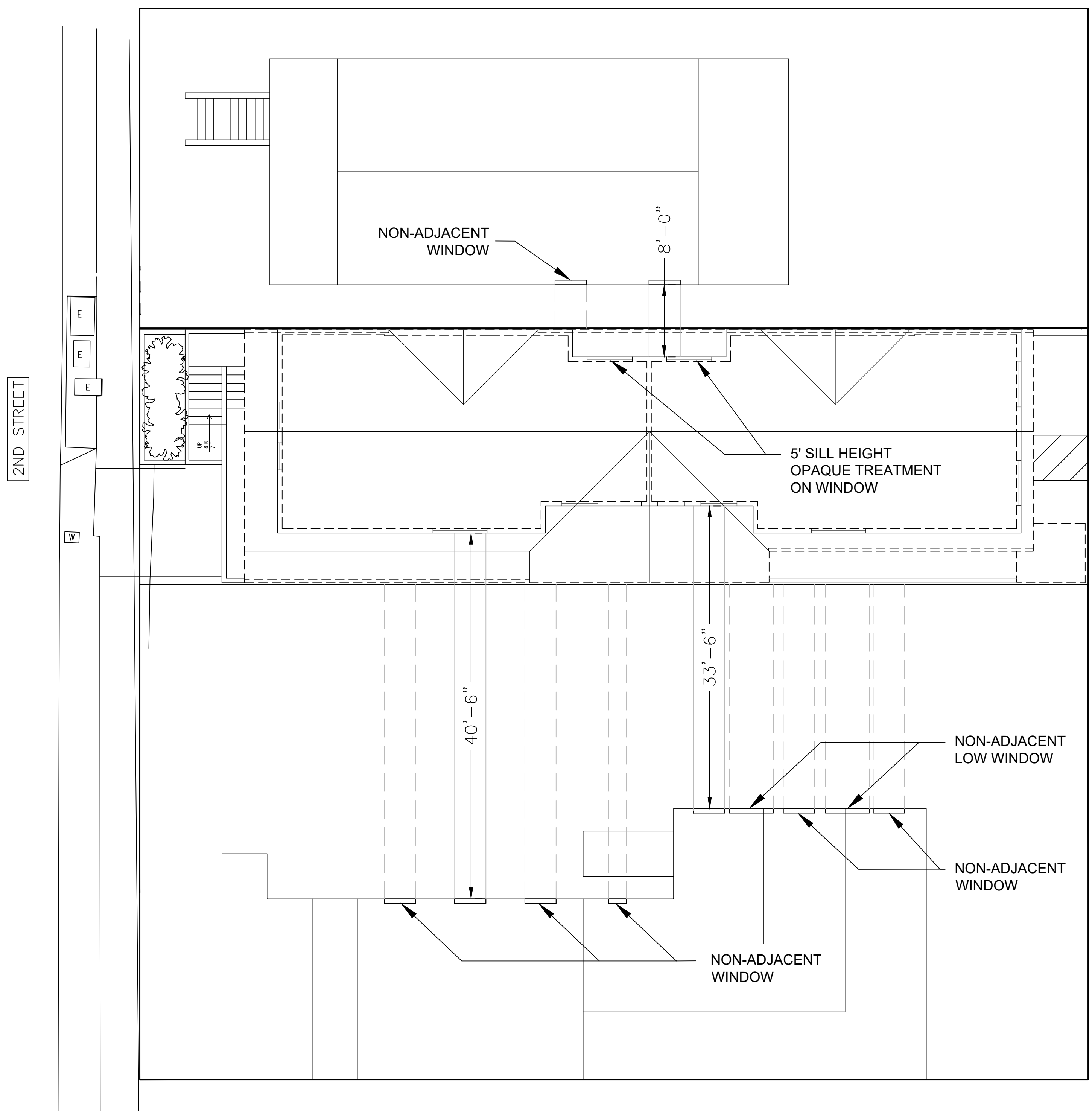
**3 EAST ELEVATION**  
 1/8" = 1'-0"



**2 WEST ELEVATION**  
 1/8" = 1'-0"



**1 STREET FACING (NORTH) ELEVATION**  
 1/8" = 1'-0"



**4 WINDOW STUDY (PLAN VIEW)**  
 3/16" = 1'-0" NORTH

2ND STREET

E  
 E  
 E

W



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** September 29, 2020  
**Agenda Item:** 3  
**Case Numbers:** UP20-017  
**Project Planner:** Ali Giudice (415) 485-3092

## REPORT TO PLANNING COMMISSION

**SUBJECT: 3301 Kerner Blvd (Homeward Bound)** –Use Permit to allow for an emergency shelter to be located within an existing 25,000 square foot building; APN: 008-082-52; Canal Core Industrial/Office (CCI/O) Zoning District; Homeward Bound of Marin, applicant; Gilardi Charitable Remainder Unitrust Etal, owners; File No(s): UP20-017

### EXECUTIVE SUMMARY

This project is being referred to the Planning Commission for review and action of a Use Permit to allow a 45-bed emergency shelter within an existing commercial/office building located at 3301 Kerner Blvd.

On April 6, 2020, the City Council approved entitlements for 190 Mill Street, allowing Homeward Bound to move forward with redevelopment of that site as a combination emergency shelter and permanent supportive housing development. The existing building at that location has been used as an emergency shelter since 1986. The building will soon be demolished as a first phase of the redevelopment of that site. The 3301 Kerner Blvd site will serve as a temporary emergency shelter during construction of 190 Mill St, for approximately 1 year to accommodate 45-beds for night to night stays.

The City supports the requested Use Permit because it would allow the use of the site for a much needed emergency shelter for those experiencing homelessness.

State Government Code Section 65583 relating to land use, specifies that while a local government may require a Use Permit and apply certain written objective standards for emergency shelters, the permit processing and application of standards applied to such permits shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (CEQA). Therefore, although the proposed project requires Use Permit approval, this project is a Ministerial Project exempt from CEQA pursuant to Section 15268 (Ministerial Projects).

### RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Resolution (Exhibit 1) approving a Use Permit (UP20-017) to allow 45-bed emergency shelter to be located at 3301 Kerner Blvd.



**PROPERTY FACTS**

<b>Address/Location:</b>	3301 Kerner Boulevard	<b>Parcel Number(s):</b>	008-082-52
--------------------------	-----------------------	--------------------------	------------

<b>Property Size:</b>	42,000 Square Feet	<b>Neighborhood:</b>	Canal Neighborhood
-----------------------	--------------------	----------------------	--------------------

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>Light Industrial/Office (LI/O)</b>	<b>CCI/O</b>	<b>Office (vacant)</b>
North:	Light Industrial/Office (LI/O)	CCI/O	Office/personal service
South:	General Commercial (GC)	GC	Retail/restaurant/auto repair
East:	Medium-density Residential	MR3	Multi-family residential
West:	Neighborhood Commercial (NC)	NC	Retail

**Site Description/Setting:**

The property is an approximately 42,000 square foot parcel located at 3301 Kerner Boulevard, on the corner of Kerner Boulevard and Bellam Boulevard. The property has a General Plan land use designation of LI/O and a zoning classification of CCI/O, both of which are Industrial land use classifications. Emergency shelters are allowed within this designation with a Use Permit (see Analysis section for Use Permit discussion). Uses surrounding the property are a mix of uses, including retail/restaurant use, automobile repair, office and residential



3301 Kerner Boulevard

**BACKGROUND/HISTORY**

**State Legislation governing review of Emergency Shelters:**

Government Code Section (GCS) 65583 requires local agencies to establish zones where emergency shelters are allowed as a permitted use and also zones where emergency shelters can be permitted through a use permit. In cases where a use permit process is required, a local agency must establish a process that is objective (non-discretionary) by adopting quantifiable development standards and written performance standards that can be applied to the project. The City has adopted such standards under Zoning Code Section 14.16.115. GCS 65583 also states that while a use permit may be required, such permit is not considered a discretionary project subject to the California Environment Quality Act.

**Homelessness:**

Homelessness is an increasingly urgent regional, state, and national crisis. California in particular has been significantly impacted by this issue. Despite being home to just 12% of the country’s population, California has over 25% of the nation’s homeless population. Of the close to 150,000 people who now find themselves without housing in California, only 1/3 have access to emergency shelter, which means the other 2/3 reside on the streets, in cars/RVs, and in other places not meant for human habitation.

In 2003, the Department of Housing and Urban Development (HUD) began requiring Point-In Time (PIT) counts in order for local agencies to receive federal funding to support programs related to homelessness. A PIT is a one-time census of people living sleeping on the street, in vehicles, in encampments, and in emergency shelters and transitional housing programs. During the last count which was conducted in 2019, 1,034 individuals experiencing homelessness were observed in the County. Visit the following City of San Rafael website <https://www.cityofsanrafael.org/departments/homelessness/> for more information on homelessness.

**Homeward Bound:**

Homeward Bound of Marin operates emergency shelters and supportive housing for families and adults throughout the County and currently operates a 55-bed emergency shelter at 190 Mill Street. On April 6, 2020, the City Council approved entitlements for 190 Mill Street, allowing Homeward Bound to move forward with redevelopment of that site as a combination emergency shelter and permanent supportive housing development. The existing building at that location has been used as an emergency shelter since 1986 and is currently the county's only year-round emergency shelter for homeless adults providing night to night shelter. Thus, finding a temporary replacement for an emergency shelter has been an important priority for Homeward Bound. Finding a suitable replacement was also a topic of discussion during the Planning Commission and City Council deliberations when the 190 Mill Street project was proposed.

Homeward Bound expects to begin demolition of the 190 Mill Street Project in early October.

**Site History:**

The site was developed in the early 1980's with the existing approximately 25,000 square foot three-story office building and associated parking lot containing 74 parking spaces. The site has been used for office space and is currently vacant.

**PROJECT DESCRIPTION****Use:***Emergency Shelter Operations*

The applicant is proposing to use 8,803 square feet of the existing building as a year-round emergency shelter for homeless adults for an approximately 1-year term. The remaining approximately 16,197 square feet will be partially used for storage and will be partially vacant for the 1-year term. The new emergency shelter would operate very much like the existing shelter at 190 Mill Street. The shelter would serve both men and women in separate dormitory-style rooms. Meals will be served nightly by volunteers from a network of churches and community groups. Residents seeking emergency shelter are offered an initial seven-day stay, and if within that timeframe an individual has resolved to end their homelessness, they will be offered a 28-day stay based on their vulnerability and their motivation to move into permanent housing.

Individual meals will be delivered to the site and a multipurpose room will be used for dining. Additionally, the site will provide a Computer Lounge. There are 2 staff offices for use by case management.

The applicant has indicated that staffing for the new emergency shelter would have at least 2 full time staff plus a 24-hour security guard. This staff provides 24/7 coverage, with a variety of skill sets including shelter management, housing and social service support, and clinical support.

**Site Plan:**

The site is developed with a building 25,000 square foot building with 74 parking spaces and landscape improvements. Vehicular access to the site is from Kerner Boulevard and a separate access from Belvedere Boulevard. Access to the building is from Kerner Boulevard and from Bellam. Covered bicycle parking will be installed within the covered parking area.

**ANALYSIS*****Consistency with General Plan Policies***

The proposed use is consistent with the following General Plan Policies:

***Land Use Element***

As the project does not propose new development, but rather just internal conversion, the project would not be subject to Floor area or height standards per LU-9 or LU-12. LU-14 identifies that new development in mixed residential and commercial areas to minimize potential nuisance effects. As designed and with the conditions of approval and standards, this policy would be met. A Shelter is also an allowable type of land use in the Light Industrial/Office general plan land use designation per LU-23

***Housing Element***

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

***Governance Element***

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

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

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

According to the 2019 Marin County Homeless Point-in-Time Count & Survey, there are approximately 161 unsheltered homeless people in the City of San Rafael. This proposed use would provide 45 emergency shelter beds, provide emergency shelter to San Rafael's homeless population

***Neighborhoods Element***

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

The applicants have submitted a site management plan that includes a code of conduct that must be signed by emergency shelter users. On site monitoring is provided 24/7 by onsite staff. Garbage collection is located on site. The applicant will be required to maintain the property in good condition at all times.

***Consistency with Zoning Ordinance***

The proposed use is allowed within the CCI/O Zoning State Government Code Section 65583, use permits for emergency shelters are considered ministerial projects allowing only the application of objective standards related to site development and management of the facility. The site is developed with a legally constructed 25,000 square foot building and associated parking and landscape



improvements. The applicant would comply with the required site management standards outlined in SRMC Section 14.16.115 - *Emergency shelters—Permanent*, as follows:

1. *On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.*
2. *Adequate external lighting shall be provided for security purposes*
3. *The proposes the following specific common facilities for the exclusive use of the residents and staff:*
  - a. *Recreation room.*
  - b. *Counseling/ supportive services*
  - c. *Computer lounge*
4. *Parking designed to provide security for residents, visitors, employees and the surrounding area, and consistent with the requirements of Section 14.18.040 (Parking Requirements).*
5. *The applicant shall comply with the following requirements:*
  - a. *No individual or household may be denied emergency shelter because of an inability to pay.*
  - b. *Staff and services shall be provided to assist residents to obtain permanent shelter and income.*
  - c. *The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.*
6. *The facility shall be in, and shall maintain at all times, good standing with city and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.*
7. *The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall comply with the occupancy limit established by the building code. Additionally, the number of beds or clients permitted to be served may be further limited as required by conditional use permit.*

The applicant's submittal documents demonstrate compliance with the above objective development standards as shown on proposed project plans (Exhibit 1) and will be required as conditions of project approval.

## **ENVIRONMENTAL DETERMINATION**

State Government Code Section 65583 relating to land use, specifies that while a local government may require a use permit and apply certain written objective standards for emergency shelters, the permit processing and application of standards applied to such permits shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (CEQA). Therefore, this project is a Ministerial Project exempt from CEQA pursuant to Section 15268 (Ministerial Projects).

## **PUBLIC NOTICE / CORRESPONDENCE**

Notice of the Planning Commission hearing was completed in accordance with the noticing requirements contained in Chapter 14.29 (Zoning- Public Notice) of the San Rafael Municipal Code. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and other interested individuals, 15 calendar days prior to the date of this hearing.

Staff has received email request for additional information and some phone calls expressing concerns regarding the proposed project. It is staff's opinion that the concerns expressed in the comment letters are addressed by the objective design standards and performance standards outlined in this report.

## OPTIONS

The Planning Commission has the following options:

1. Approve the requested Use Permit with Conditions of approval (*staff recommendation*)
2. Approve the requested Use Permit with Conditions of approval, with certain modifications, changes or additional conditions of approval.
3. Continue the applications to allow the applicant to address any of the Commission's comments or concerns; or
4. Deny the project and direct staff to return with revised resolutions.

## EXHIBITS

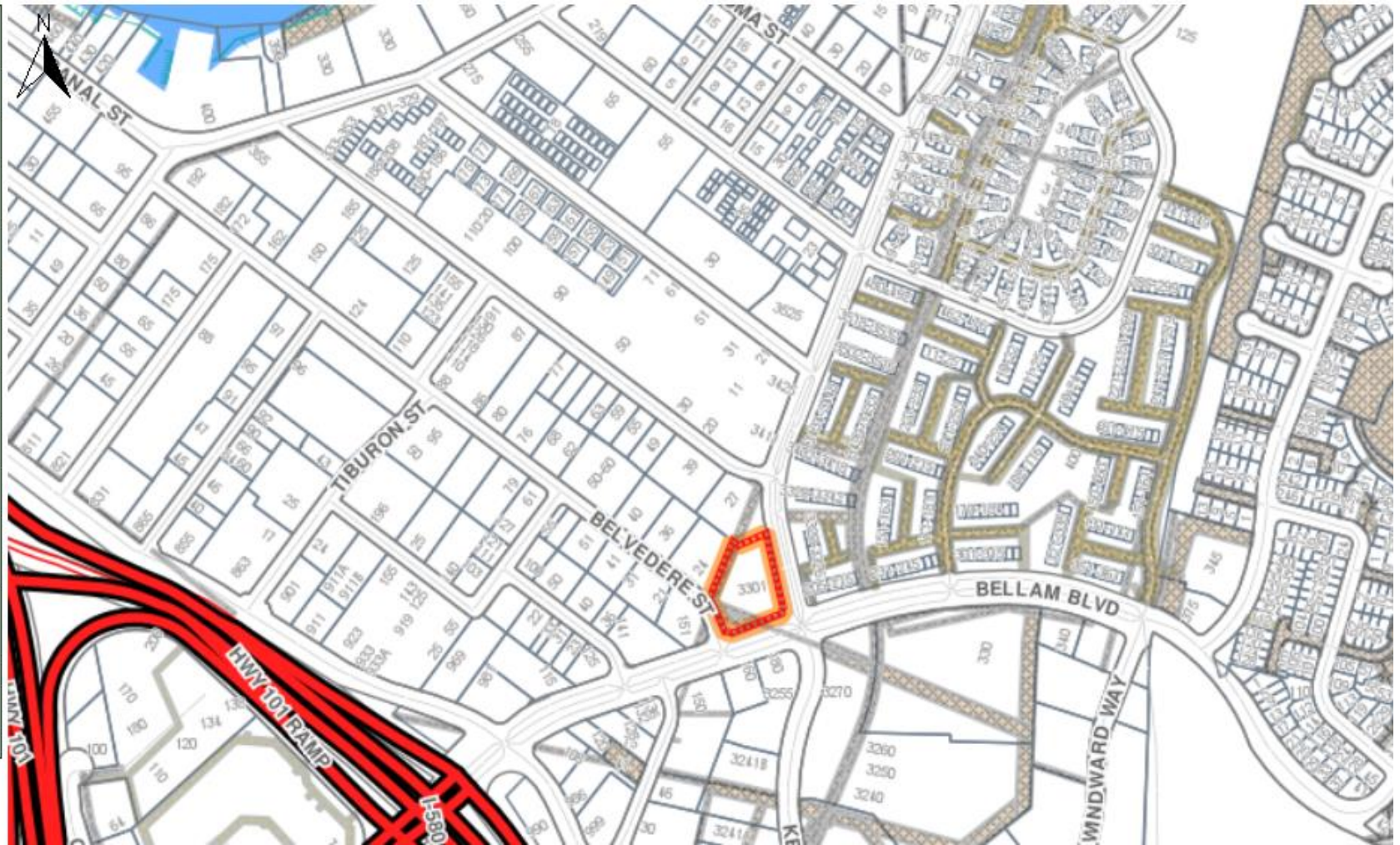
1. Vicinity/Location Map
2. Draft Resolutions for approval of Use Permit
3. General Plan Consistency Table
4. Homeward Bound Project Description/Plans

*Electronic copies of plans can be viewed on line at <https://www.cityofsanrafael.org/major-planning-projects/>*

# Exhibit 1

## Vicinity Map

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



**RESOLUTION NO. 20-\_\_\_**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
APPROVING CONDITIONAL APPROVAL OF USE PERMIT (UP20-017) TO  
ALLOW THE OPERATION OF AN EMERGENCY SHELTER IN AN EXISTING  
BUILDING LOCATED AT 3301 KERNER BOULEVARD (APN: 008-082-52)**

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

**WHEREAS**, on April 6, 2020, Homeward Bound of Marin received City Council approval for a project at 190 Mill allowing expansion of the emergency shelter to allow up to 66 beds and a supportive housing development; and

**WHEREAS**, Homeward Bound proposes to demolish the existing building at 190 Mill and rebuild a new building to accommodate the emergency shelter operation and supportive housing facility; and

**WHEREAS**, Homeward Bound is in need of a temporary location to operate their emergency shelter during redevelopment of the 190 Mill street site: and

**WHEREAS**, Homeward Bound has submitted a Use Permit application requesting approval to utilize the existing building at 3301 Kerner Boulevard as an emergency shelter; and

**WHEREAS**, emergency shelters are listed as an allowable use within the applicable CCI/O zoning district with prior use permit approval by the Planning Commission; and

**WHEREAS**, State Government Code Section 65583 relating to land use, specifies that while a local government may require a use permit and apply certain written objective standards for emergency shelters, the permit processing and application of standards applied to such permits **shall not** be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (CEQA). Therefore, this project is a Ministerial Project exempt from CEQA pursuant to Section 15268 (*Ministerial Projects*).

**WHEREAS**, on September 29, 2020, the Planning Commission held a duly noticed public hearing to review and consider the Use Permit request (UP20-017) to allow an emergency shelter, and considered all oral and written public testimony and the written report of the Community Development Department; and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission hereby makes the following findings related to the Use Permit (UP20-017)

**USE PERMIT (UP20-017)  
FINDINGS**

- A. The proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located in that the use is located within the Light Industrial/Office (LI/O) General Plan Land Use Designation and Core Canal Industrial/Office District (CCI/O) Zoning District. This Land Use category allows emergency shelters with a use permit.

**General Plan Consistency:**

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

1. **Housing Element Policy H-9** (*Special Needs*) which supports the added affordable housing in the very-low and low-income categories including housing that supports the homeless population.
2. **Housing Element Policy H-12** (*Residential Care Facilities and Emergency Shelters*) which recognizes the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing, consistent with State law; recognizes the need to continue working with other jurisdictions and agencies in Marin to support and allocate funds, as appropriate, for programs providing emergency, supportive, and/or transitional shelter and counseling services for families and individuals who are homeless or at-risk of homelessness.

**Zoning Consistency:**

This use is located in the Core Canal Industrial/Office District (CCI/O) Zoning District, which allows emergency shelters with approval of a Use Permit pursuant to Section 14.06.020.

- B. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city because the project is subject to adherence to the performance standards addressed in the findings and the conditions below, which would among other measures require on-site management and security, fully enclosed refuse storage areas that are adequate for the proposed use, adequate security lighting, and adequate parking for the shelter staff, service providers and volunteers. In addition, the provider is required to have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- C. The proposed use complies with the applicable provisions of the Zoning Ordinance. The emergency shelter meets the following development and performance standards, as required by Section 14.16.115.C:
1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
  2. Adequate external lighting shall be provided for security purposes.

3. The development provides common facilities for the exclusive use of the occupants and staff, including a shared dining room, lounge, outdoor terraces, and offices for counseling and other support services.
4. Parking and outdoor facilities provide adequate security for staff, service providers, and volunteers.
5. A fully enclosed refuse storage area located in the enclosed garage area is provided that is large enough to accommodate a standard-sized trash bin; and a additional enclosure for recycling bins.
6. The agency or organization operating the shelter shall comply with the following requirements:
  - a. Shelter shall be available to residents for no more than twelve (12) months. No individual or household may be denied emergency shelter because of an inability to pay.
  - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
  - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
7. The emergency shelter is not within proximity to any other existing or planned emergency homeless shelter;
8. The facility shall be in, and shall maintain at all times, good standing with city and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed the occupancy limit established by the building code.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Planning Commission of the City of San Rafael approves the Use Permit (UP20-017) subject to the following conditions:

**USE PERMIT (UP20-017)  
CONDITIONS OF APPROVAL**

1. This Use Permit approves the operation of an emergency shelter within the third floor of an existing building located at 3301 Kerner Boulevard as shown on plans presented to the Planning Commission on September 29, 2020.
2. The applicant shall comply with all applicable requirements of the San Rafael Municipal Code and of the implementing zone classification as permitted by and consistent with State law.

3. This Use Permit does not approve any signs proposed for the project site. A separate sign permit and fee will be required for any signage for the new building.
4. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body.
5. The applicant shall comply with the following on-site management and security requirements:
  - a. The property shall be equipped with fully enclosed refuse storage areas that are adequate for the proposed use;
  - b. Adequate security lighting shall be provided;
  - c. Parking spaces shall be the minimum necessary to provide adequate parking for the shelter staff, service providers and volunteers.
  - d. The applicant shall maintain a written management plan that includes provisions for staff training, neighborhood outreach, security, and for training, counseling, and treatment programs for residents.
  - e. The applicant shall assure that all applicants are advised of the facility's code of conduct and shall post a copy of the code of conduct at two locations:
    - i. The entrance to the facilities;
    - ii. Inside the facilities in a visible location.
6. The applicant shall comply with all applicable requirements of the City, County, State, and other responsible agencies. This Use Permit shall run with the land.
7. This Use Permit shall become null and void if not vested within two (2) years from the date of approval, unless a time extension is granted before that date. Vesting shall include issuance of necessary building permits or commencement of operations.
8. The applicant shall comply with applicable Fire Department requirements.
9. The applicant shall comply with applicable Building Division requirements.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 29<sup>th</sup> 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 Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ as follows:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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

DRAFT



**Exhibit 3**

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

<b>LAND USE ELEMENT</b>	
<p><b>LU-2. Development Timing.</b> For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ul style="list-style-type: none"> <li>a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</li> <li>b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</li> <li>c. Environmental review of needed circulation improvement projects has been completed;</li> <li>d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and</li> <li>e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed</li> </ul>	<p><i>Consistent</i></p> <p><i>Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; Environmental review of needed circulation improvement projects has been completed; The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed</i></p>
<p><b>LU-12. Building Heights.</b> Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>N/A</i></p> <p><i>The project does not propose exterior changes</i></p>
<p><b>LU-23. Land Use Map and Categories.</b> Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable</p>	<p><i>Consistent</i></p> <p><i>The project consists of an Emergency Shelter which is an allowable use in the LI/O General Plan Land Use and within the applicable CCI/O zoning district with prior use permit approval.</i></p>

**Exhibit 3**

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

<p>development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	
<p><b>HOUSING ELEMENT</b></p>	
<p><b>H-12. Residential Care Facilities and Emergency Shelters.</b> Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws. Allow emergency shelter beds in appropriate zoning districts in order to accommodate San Rafael’s unsheltered homeless population. Recognize transitional and supportive housing units as residential units, and eliminate governmental constraints to the operation or construction of transitional, supportive, and emergency housing consistent with State law. Support the implementation of the San Rafael Homeless Action Plan.</p> <p><b>H-12a. Countywide Efforts to Address Homeless Needs.</b> Work with other jurisdictions and agencies in Marin to provide emergency, transitional, and supportive housing and assistance throughout Marin, and continue City staff’s role as the homeless coordinator for the County.</p> <p><b>H-12b. Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities.</b> Where determined necessary during review of an application, encourage positive relations</p>	<p><i>According to the Homeward Bound of Marin website, Mill Street Center located at 190 Mill Street is Marin County’s only year-round emergency shelter for adults. The applicant is in the process of redeveloping the Mill Street site and seeking a use permit to the operation of the third story of 3301 Kerner Blvd as a 44-bed emergency shelter to fill the gap during he operation of the Mill Street project.</i></p> <p><i>Government Code Section (GCS) 65583 requires local agencies to establish zones where emergency shelters are allowed as a permitted use and also zones where emergency shelters can be permitted through a use permit. In cases where a use permit process is required, a local agency must establish a process that is objective (non-discretionary) by adopting quantifiable development standards and written performance standards that can be applied to the project. The City has adopted such standards under Zoning Code Section 14.16.115. GCS 65583 also states that while a use permit may be required, such permit is not considered a discretionary project.</i></p> <p><i>The project site is zoned CCI/O. Emergency shelters are allowable in the CCI/O zoning district with prior use permit approval by the Planning Commission. Conditions of project approval require the applicant to comply with the written performance standards outlined under section 14.16.115.</i></p>

**Exhibit 3**

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

between neighborhoods and providers of emergency shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.

**H-12d. Emergency Shelters, Transitional and Supportive Housing.** Implement Zoning Code Section 14.16.115 to allow emergency shelters as a permitted use in the General Commercial (GC) and Light Industrial (LI/O) zoning districts south of Bellam and east of Highway 580 and with appropriate performance standards as allowed by State law. Continue to allow emergency shelters with a use permit in areas zoned for office, commercial, light industrial and public/quasi-public use. Implement the City's Zoning Code (Zoning Code Chapter 14.03 - Definitions), consistent with State and Federal law, to recognize transitional and supportive housing as residential uses, subject to the same restrictions and standards of similar residential dwellings in the same zone.

Based on input from State HCD, amend Zoning Code Section 14.16.115 to clarify requirements for staff and services to be provided to assist residents in obtaining permanent shelter and income are permissive, rather than mandatory. In addition, clarify that while a written Management Plan is required, it is not subject to discretionary approval.

**Exhibit 3**

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

<p><b>H-17d. Efficient Project Review.</b> San Rafael has fully implemented the provisions of the Permit Streamlining Act (AB 884), continue to inform developers of density bonus incentives for affordable housing, and consistent with State requirements, any modified development standards as part of a density utilizes allowable California Environmental Quality Act (CEQA) exemptions for qualified urban infill and other residential projects where site characteristics and an absence of potentially significant environmental impacts allow.</p>	<p><i>Consistent Consistent with GCS 65583, the project is being considered for the requested use permit however, such permit is not considered a discretionary project and is considered ministerial for CEQA purposes.</i></p>
<p><b>NEIGHBORHOODS ELEMENT</b></p>	
<p><b>Canal Neighborhood</b></p>	
<p><b>NH-49. Conflicting Uses.</b> Prevent the encroachment of new residential development into the Light Industrial/Office District to minimize conflicts. Businesses locating adjacent to residential areas shall be designed to minimize nuisance impacts.</p>	<p><i>Consistent The property at 3301 Kerner Boulevard is currently zoned Core Canal Industrial/Office (CCI/O). The City has identified the CCI/ district as a district where emergency shelters are allowable with prior use permit approval.</i></p>
<p><b>COMMUNITY DESIGN ELEMENT</b></p>	
<p><b>CD-15. Participation in Project Review.</b> Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> <li>• Design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers;</li> </ul>	<p><i>Consistent Public notices were distributed to owners and tenants within 300 feet of the project site at least 15 days prior to the Planning Commission hearing date. Notification was also provided to Canal Community Alliance Representatives. The notice included a contact name of the oroject planner, information for submitting public comment, and advise of the availability of interpretation service if sufficient notice is provide to the City.</i></p>

**Exhibit 3**

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

<ul style="list-style-type: none"> <li>• Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements;</li> <li>• Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and</li> <li>• Effective public participation in the review process.</li> </ul>	
<b>GOVERNANCE</b>	
<p><b>G-3. Housing Agencies.</b> Support agencies and organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households.</p>	<p><i>Consistent</i> <i>See H-12</i></p>
<p><b>G-6. Broad-Based Involvement.</b> Establish methods to encourage broad-based, meaningful community involvement. Encourage residents who historically have not been involved in political processes to become engaged in government, consistent with the Community Engagement Action Plan.</p> <p><b>G-6a. Community Stakeholders.</b> Actively seek community-wide representation and public involvement opportunities on City issues through vigorous outreach programs to engage residents who are not typically involved, such as young people and residents not fluent in English.</p>	<p><i>Consistent</i> <i>Public notices were distributed to owners and tenants within 300 feet of the project site at least 15 days prior to the Planning Commission hearing date. Notification was also provided to Canal Community Alliance Representatives. The notice included a contact name of the project planner, information for submitting public comment, and advise of the availability of interpretation service if sufficient notice is provide to the City.</i></p>
<p><b>G-18. Support for Special Needs Groups.</b> Encourage government and business support for</p>	<p><i>Consistent</i> <i>See Policies LU23, H-12 and H-17b</i></p>

**Exhibit 3**

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

<p>non-profit and other organizations that provide services to the elderly, people with disabilities, homeless people, and others in need. Support efforts of Marin County to encourage the availability of social services throughout the County.</p> <p><b>G-18a. Collaboration with Local Agencies.</b> Work with non-profits and other organizations on priorities, services and facilities. Assist in establishing avenues of communication between non-profits and neighbors. Current examples include supporting efforts to provide emergency shelter and transitional housing to homeless individuals, families and victims of domestic violence, and working with local organizations on sidewalk accessibility.</p> <p><b>G-18c. Zoning Allowance.</b> Provide zoning allowance for group homes, transitional housing and treatment facilities, but preclude over-concentration of such facilities in residential neighborhoods as allowed by state law. Per the requirements of SB2, Zoning Ordinance amendments have been drafted to incorporate new definitions for “transitional housing” and “supportive housing”</p>	
<p><b>S-3. Use of Hazard Maps in Development Review.</b> Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.</p>	<p><i>Consistent</i> <i>The project is located in a FEMA flood zone C, which could experience inundation. However, a Letter of Map Amendment has been issued by FEMA, removing the building from this special flood zone area as it was constructed above the base flood elevation.</i></p>



**Homeward Bound of Marin**  
**3301 Kerner Blvd**

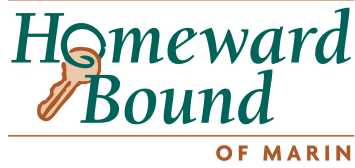
Homeward Bound of Marin is a registered 501(c)3 nonprofit. Our mission statement is “Opening Doors to Safety, Dignity, Hope and Independence” and our Vision Statement is “Everyone deserves a place to call home.”

Homeward Bound of Marin is proposing operation of a temporary homeless shelter at 3301 Kerner Blvd., San Rafael for the next 12-24 months. This is a temporary site to be operated while Homeward Bound of Marin’s regular homeless shelter at 190 Mill Street, San Rafael is under construction. Once the shelter at 190 Mill Street is rebuilt and operational, Homeward Bound of Marin would cease operating a temporary shelter at 3301 Kerner Blvd., San Rafael.

Homeward Bound of Marin will provide 24/7 staffing at 3301 Kerner Blvd. and management oversight. Homeless clients will be provided with food and temporary shelter as Homeward Bound of Marin and its community partners work collaboratively to try and identify a housing pathway for each client served. Homeward Bound operates under the attached Code of Conduct.

Homeward Bound of Marin staff is provided with training opportunities at least quarterly. Trainings include topics such as Motivational Interviewing, Trauma-Informed Care, De-escalation, Justice Equity Diversity and Inclusion, Mental Health First Aid, and many others.

Homeward Bound of Marin partners with a multitude of other nonprofits and government agencies to provide referrals to resources and services for the people we serve including, but not limited to, drug and alcohol recovery services; mental health resources; healthcare; job training and job search; benefits assistance; money management; credit resources; and much more.



## Code of Conduct

Homeward Bound of Marin is a community-based non-profit organization dedicated to being a place of safety and dignity. Anyone involved with the agency is required to promote and safeguard these values and the following safety rules. Any violation of these rules can result in removal from the program and the organization. These rules apply to board, staff, residents, volunteers, and visitors and are renewed annually. Thank you.

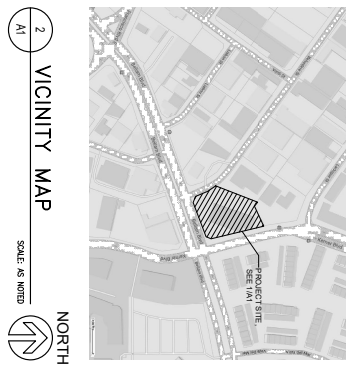
- Abusive verbal and body language to residents, staff, board, volunteers and anyone else on site is prohibited. This includes discourtesy, rudeness and disruptive behavior.
- Solicitation for and acceptance of gifts or gratuities for personal benefit by board, staff, residents and volunteers are prohibited.
- Possession or use of illegal drugs or drug paraphernalia on Homeward Bound of Marin's properties or sites is prohibited.
- Bringing unauthorized materials such as firearms, weapons, or similar items onto Homeward Bound's properties is prohibited.
- Visual, physical, sexual, verbal or written harassment is prohibited.
- Destruction of property belonging to another is prohibited.
- Actual or threatened violence toward anyone on Homeward Bound of Marin's property or involvement with a person who would present such a threat is prohibited.
- Conduct endangering the life, safety, health or well-being of others is prohibited, even if the person did not intend to endanger anyone.
- Conduct that compromises residents, staff, board, and or volunteer's Confidential Information and/or information that discloses participation in Homeward Bound programs is prohibited.

I have read and understand Homeward Bound of Marin's Code of Conduct. I agree to abide by the rules described above and understand that I may be removed from any program or other agency affiliation if I violate the rules.

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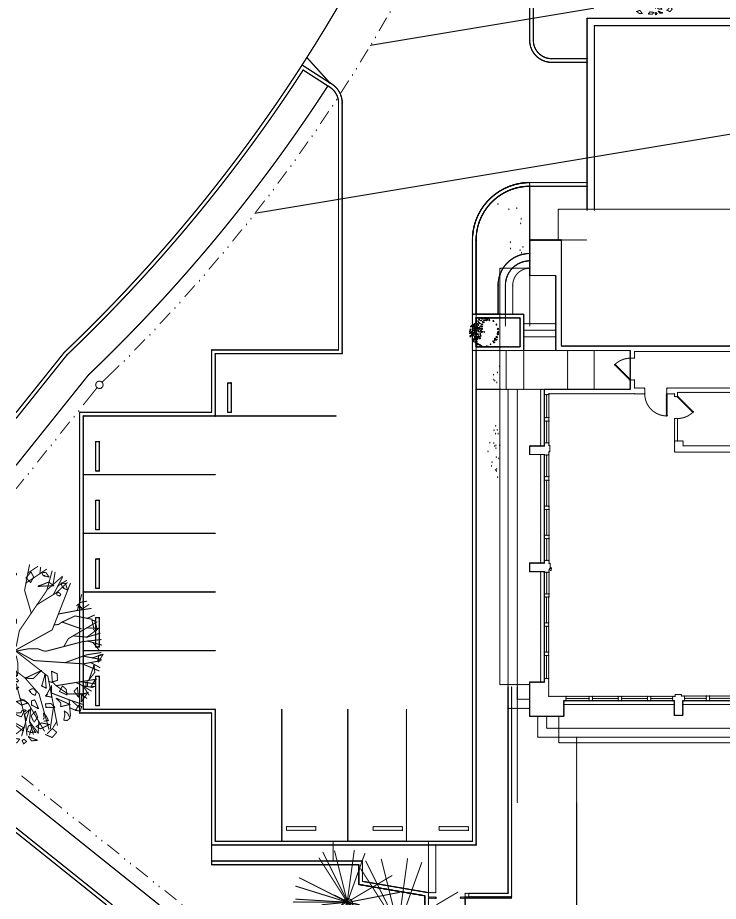
Signature

Date

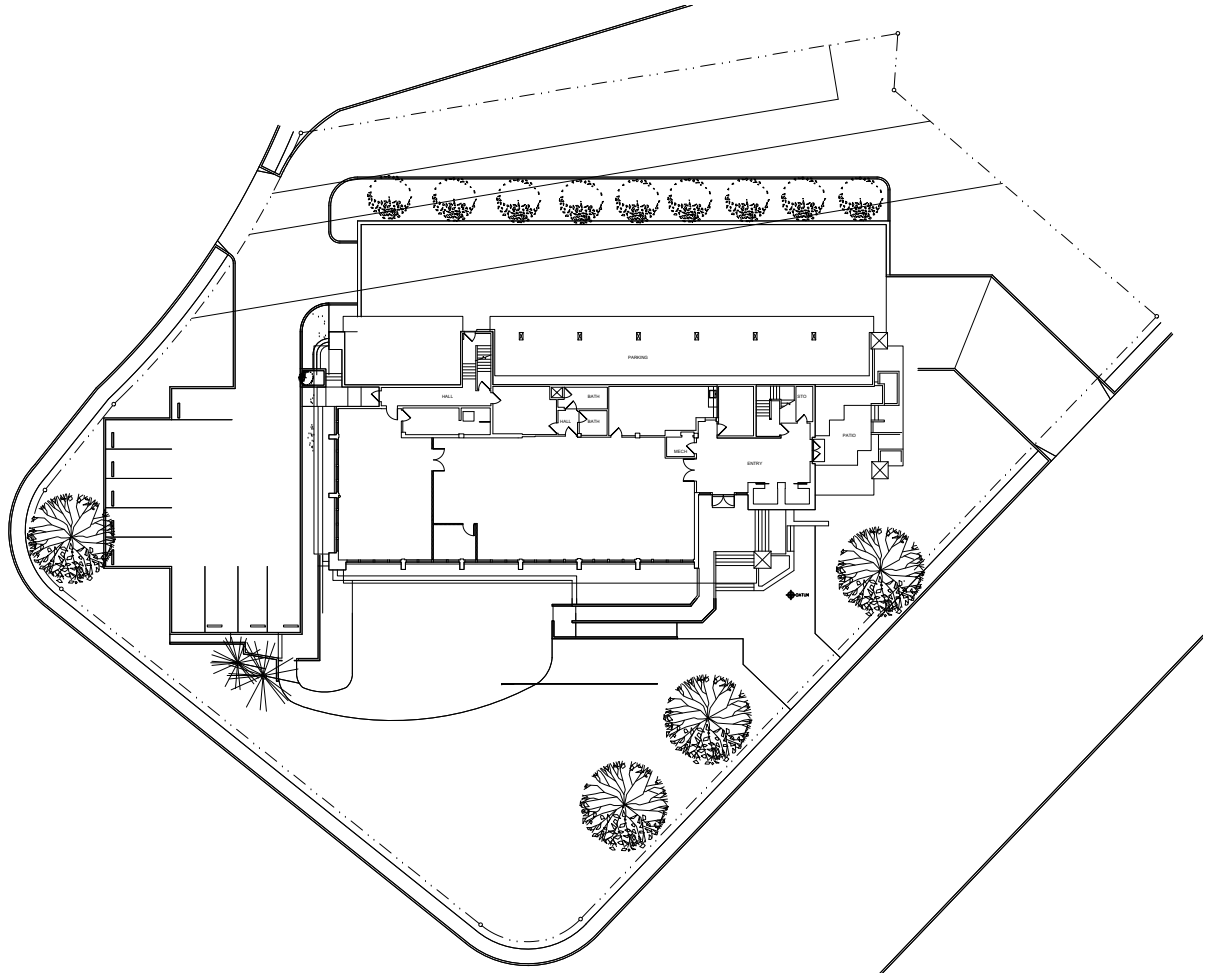


2 VICINITY MAP  
SCALE: AS NOTED  
NORTH

3 FRONT PARKING LOT  
SCALE: 1/8" = 1'-0"  
NORTH



1 SITE PLAN  
SCALE: 1/16" = 1'-0"  
NORTH

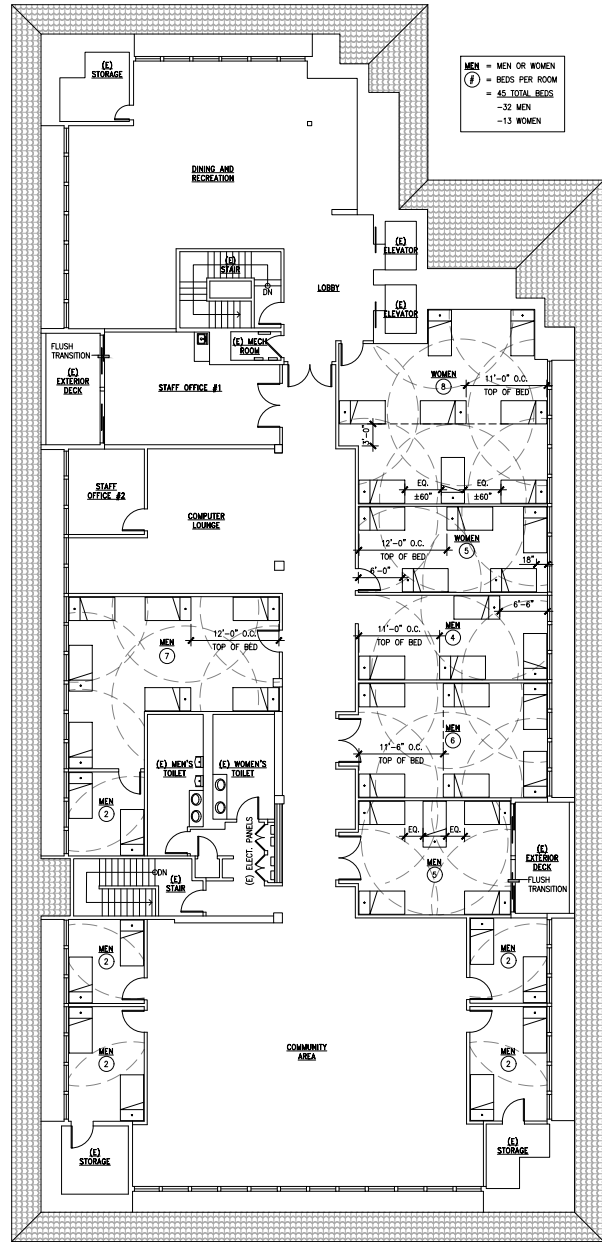
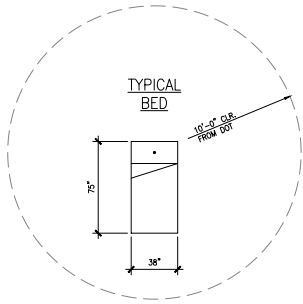


SITE PLAN, VICINITY MAP,  
FRONT PARKING LOT

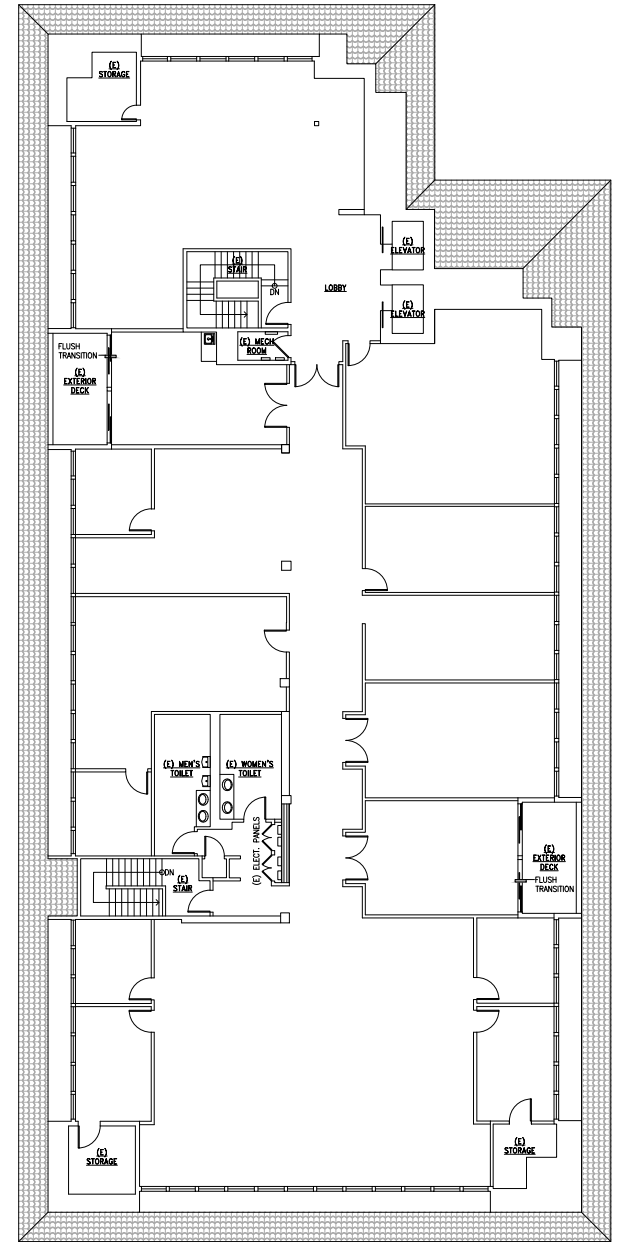
TEMPORARY EMERGENCY SHELTER  
3301 KERNER BLVD.  
SAN RAFAEL, CA 94901  
APN: 008-082-52  
FOR: HOMEWARD BOUND OF MARIN

ARCHITECTS  
FREDRIC C. DIVINE ASSOCIATES  
1924 FOURTH ST., SAN RAFAEL, CA 94901  
Phone: (415) 457-0220 Fax: (415) 454-9581

A1	Revisions	09-15-2020
	COORDINATION	
	DATE	09-04-2020
	SCALE	AS NOTED
	DESIGNER	AK
	CHECKER	AK
	PROJECT #	1803030
	PROJECT NAME	MILL



2 PROPOSED THIRD FLOOR PLAN  
A2.1 THIRD FLOOR AREA: 8,803 SF --- BUILDING FLOOR AREA: 24,042 SF SCALE: 1/8" = 1'-0"  
(MEASURED TO INSIDE OF EXTERIOR WALLS, EXCLUDES STAIR ENCLOSURES AND ELEVATORS)



1 EXISTING THIRD FLOOR PLAN  
A2.1 THIRD FLOOR AREA: 8,803 SF --- BUILDING FLOOR AREA: 24,042 SF SCALE: 1/8" = 1'-0"  
(MEASURED TO INSIDE OF EXTERIOR WALLS, EXCLUDES STAIR ENCLOSURES AND ELEVATORS)

Revision	09-15-2020
COORDINATION	
DATE	09-04-2020
SCALE	As Noted
DRAWN	JMK
JOB #	16032.03
PROTOTYPE	DMNE