



## REPORT TO PLANNING COMMISSION

**SUBJECT:** 800 Mission Ave. (“Aegis Living San Rafael”) – To amend a Use Permit and an Environmental and Design Review Permit approvals to allow a 11’ 2” increase in height for a previously approved senior assisted living and memory care facility on two vacant Downtown parcels with 29,885 sq. ft. of combined area. Amendment of the approvals would increase the height of the building from 36’ to 47’ 2”, increase the residence count from 77 to 103 ‘suites’ and increase the bed count from 88 to 105 beds. The remainder of the approved site and building design would remain unchanged; APNS: 011-184-08 & -09; High Density Residential (HR1) Zone; Geoff Forner, Applicant; ASC San Rafael LLC, Owner; Downtown Neighborhood.

**The approval of this project (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) is subject to adoption by City Council of the proposed ordinance that would grandfather projects deemed complete prior approval and passage of the General Plan and Downtown Precise Plans for processing and approval subject to the General Plan and zoning regulations in effect prior to August 2, 2021.**

### PERMITS REQUIRED

- Use Permit Amendment pursuant to SRMC Code Section 14.04.020 to allow for “residential care facility, large” use on the site
- Environmental and Design Review Permit Amendment pursuant to SRMC Code Section 14.25.040 (A) (1) to allow for “residential care facility, large” building design and site improvements on a vacant parcel

### EXECUTIVE SUMMARY

The project proposes to amend Use Permit and an Environmental and Design Review Permit approvals to allow a 11’ 2” increase in height for a previously approved “residential care facility, large” including a 11’ 2” height bonus. The requested height bonus would allow the project to increase the number of floors dedicated to memory care services, from one to two floors. The requested height bonus would increase the number of residential rooms from 77 to 103, and the number of beds from 88 to 105. The amended project would continue to provide 40 off-street parking spaces between a covered drop off area accessed off the Lincoln Avenue frontage and a subterranean garage accessed off the Mission Avenue frontage. An updated traffic and parking study indicates 37 off-street parking spaces are required for the amended project, increased from 31 parking spaces required on the approved project. The updated traffic and parking study also indicates eight additional peak hours traffic trips would result due to the increased staffing shifts.

The amended project is eligible for the requested height bonus by meeting the affordable housing requirement. The amended project is required to pay an affordable housing in-lieu fee of \$389,488.66 (1.13 affordable housing units), using the current affordable housing in-lieu fee of \$343,969.47 per unit. The

project proposes to voluntarily increase the affordable housing in-lieu fee to \$600,000, the difference of which as a 'public benefit' to offset the requested height bonus.

The Design Review Board (Board) reviewed the requested height bonus during two separate public meetings and, on August 3, 2021, the Board unanimously recommended approval (5-0 vote) of the proposed design changes to the approved project, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.

The amended project, as reviewed by the Design Review Board, has been further revised to comply with the Board's recommendations.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution (Exhibit 2) approving Use Permit (UP21-006) and Environmental and Design Review Permit (ED21-022) with conditions.

**PROPERTY FACTS**

<b>Address/Location:</b>	800 Mission Ave.	<b>Parcel Number(s):</b>	011-184-08 & -09
<b>Property Size:</b>	29,885 sq. ft.	<b>Neighborhood:</b>	Downtown

<b>Site Characteristics</b>			
	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	<b>High Density Residential (HDR)</b>	<b>HR1</b>	<b>Vacant Lots</b>
North:	HDR	HR1	Single-Family Residence
South:	5/M R/O	5/M R/O	Service Station w/Mini-Mart
East:	5/M R/O	5/M R/O	Apartment & Office Bldgs.
West:	5/M R/O	HR1	Condominium Bldg.

**Site Description/Setting:**

The project site is comprised of two (2) adjacent parcels located at the northwest corner of the intersection of Lincoln and Mission Avenues. The site is a combined 29,885 sq. ft. in area and has an approximate 11% cross-slope, trending northwest to southeast. In 2007, prior buildings located on the project site were demolished and the lots remains vacant.

The project site is surrounded by predominantly three- and four-story multifamily residential development immediately to the north and west, a service station to the south across Mission Ave. and a mixture of commercial office and single-family residential development to the east across Lincoln Ave

**BACKGROUND**

- On September 4, 2018, the City Council denied an appeal and upheld the Planning Commission's conditional approval of a Use Permit (UP17-030) and an Environmental and Design Review Permit (ED17-090) to allow the construction and operation of a new 77-residential room assisted living

facility with memory care services and associated garage parking, and site improvements on two (2) vacant Downtown parcels located at 800 Mission Ave.

- On September 8, 2020, the Community Development Director approved the consolidation (LLA19-006) of the two (2) parcels. This Lot Line Adjustment/Consolidation will need to be recorded with the County of Marin by the applicant or property owner prior to issuance of building permits.
- On February 25, 2021, the Zoning Administrator approved a two (2) year time extension for the project due to project's financial infeasibility to construct during a global pandemic event. No additional changes, modifications or additions were proposed or approved to the project.
- On August 3, 2021, the Design Review Board recommended approval of a requested 11' 2" height increase for the approved project to allow expansion of memory care services, from 1 to 2 floors, he increase residential rooms, from 77 to 103 rooms, and the increase in beds, from 88 to 105 beds, subject to the following conditions: 1) Provide additional setback of the upper-story more along the Mission Ave elevation; 2) Update the landscape plan, showing the proposed landscaping at all outdoor common areas (patios and terraces); and 3) Explore providing greater articulation to the north elevation to help break up perceived visual bulk.

In response to the Board's request for additional design changes, the project has been revised, as follows:

- Improvements to the project design provides greater setback of the upper-story along the Mission Ave. elevation. A majority of the residential rooms have been pulled back 8' from the building edge to create private terraces This is in addition to the previous removal of 2 residential rooms to setback the upper-story away from the dome tower feature and create a common outdoor terrace on the 5<sup>th</sup> floor.
- The project plans have been updated to provide comprehensive landscape plans for the ground-level as well as common outdoor terrace areas at the rear of the 2<sup>nd</sup> floor and along building edge of the 5<sup>th</sup> floor (See Sh. 12-15 of the revised plans; Exhibit 7).
- Improvements to the project design also provide greater articulation and interest to the north elevation. The upper-story is heightened with belly band trim, distinct exterior color (light tan) and additional windows. This is in addition to the previous addition of a 3-story architectural metal trellis feature to match a similar trellis proposed for the west elevation.

The Board has requested that these additional design changes return for final review, as a consent calendar item, after Planning Commission review (see Condition #2; ED21-022).

## **PROJECT DESCRIPTION**

### **Use:**

The project proposes to retain the approved "Residential Care Facility. Large" use with an increase in resident room count from 77 to 103 'suites,' an increase in capacity from 88 to 105 beds and an increase in the number of floors dedicated to memory care from one (1) to two (2) floors.

### **Site Plan:**

No changes are proposed to the approved site plan.

### **Building Height:**

The project proposes to increase the approved height of the building, from 36' to 47' 2".

**Floor Plan:**

The project proposes to increase the size of the building, from 64,054 sq. ft. to 75,489 sq. ft. (excluding garage areas). The project proposes to add 29 additional residential ‘suites’ (private rooms with private bathrooms and ‘efficiency’ (no cooking appliance) kitchens), increasing the overall unit count, from 77 approved rooms to 103 residential rooms. Memory care services are proposed to increase from one floor to two floors. The main floor would provide common service areas for residents, including dining, bistro, living, juice bar, massage, fitness, barber/salon, cinema and “activities”.

**Architecture:**

The project is approved with a Spanish Colonial- or Mission Revival-like architecture with predominant design features including large arched windows, whitewashed stucco walls, red clay roof tiles and externally-illuminated blue tile dome towers. Decorative heavy-timber rafter ‘tails’ are included under the roof eaves. Based on the recommendations by the Design Review Board (Board), the approved height of the dome tower, located at the corner of Mission and Lincoln Avenues is proposed to increase 3’ to better accentuate the architectural feature. Decorative wrought iron balconies, railings, fencing and gates are well-presented along all building facades. The previously approved, externally-illuminated, 12’-dia. circular fountain with a center statue or sculpture, located at the Mission and Lincoln Ave. intersection, was removed and replaced with additional landscaping as an administrative amendment by staff in 2020.

No changes are proposed to the approved exterior colors and materials. The additional building height is proposed to match the approved exterior colors and materials.

**Parking:**

No design changes are proposed to the approved parking garages plan. The project includes 40 on-site parking spaces. Of these, 37 parking spaces are located in the subterranean parking garage accessed by the driveway along Mission Ave. and three (3) additional parking spaces will be located on the first floor and accessed by the driveway along Lincoln Ave. A large loading/unloading area for deliveries and first responders is approved along the Mission Avenue street front and a smaller similar area is approved along the Lincoln Avenue street front.

**Landscaping:**

No design changes are proposed to the approved site landscape plans. The project continues to propose a mixture of new tree, shrub, vines and grass plantings evenly distributed along both street fronts, and seasonal annuals and perennials on outdoor common patio and terrace areas.

**Grading/Drainage:**

No engineering changes are proposed to site grading or drainage. The project proposes a total of 14,000 cubic yards (CYDS) of excavation with 13,000 CYDS of ‘cut’, 1,000 CYDS of ‘fill’ and 13,000 YDS of off-haul. A raised, 1,036-sq. ft., bioretention ‘planter’ is proposed that would bordering the first-floor outdoor rear terrace though no landscaping is proposed.

**Signage:**

The project proposes two (2), externally-illuminated, 12 sq. ft. wall signs, one (1) sign along each street front, both located between the third and fourth floors and closest to the Mission and Lincoln Ave. intersection.

**ANALYSIS**

Staff has analyzed the proposed project as ‘grandfathered’ under the previous Zoning Ordinance. Staff is currently proposing a zoning ordinance amendment to the City Council to exempt projects deemed complete on or before August 16, 2021 from the new Downtown zoning regulations adopted by Ordinance No. 1996 and Ordinance No. 1997. These projects shall be required to meet the zoning regulations in

effect prior to August 16, 2021. Staff deemed the proposed project complete on July 7, 2021. Staff believes the proposed project complies with all applicable General Plan policies and Zoning Ordinance regulations, including maximum height and finding to approve a height bonus.

**San Rafael General Plan 2020 Consistency:**

At the time the proposed project height bonus request was submitted, the San Rafael General Plan 2020 was the guiding documents and General Plan land use designation for the site was High Density Residential (HDR). Pursuant to Land Use Policy LU-13 (*Height Bonuses*) in the San Rafael General Plan 2020, a height bonus of up to 12' may be granted with a Use Permit for development projects that meet the affordable housing requirement, provided the building's design is consistent with Community Design policies and design guidelines. The project requests a 11' 2" height bonus. While required to provide a \$318,095.96 affordable housing in-lieu fee, the project voluntarily increased the affordable housing in-lieu fee to \$500,000. The project continues to propose the previously approved California Mission Revival architecture-inspired building design, which was determined by the Design Review Board to adequately meet all the applicant Community Design-related General Plan policies, including, but not limited to: Community Design Policy CD-1d (City Image), CD-2 (Neighborhood identity), CD-3 (Neighborhoods), CD-5 (Views), CD-7 (Downtown), CD-9 (Transportation Corridors), CD-10 (Nonresidential Design Guidelines) and CD-18 (Landscaping).

**Zoning Ordinance Consistency:**

Chapter 4 – Residential (R) District

The site is located within the Multifamily Residential – High Density (HR1) District. The project proposes to amend the design approvals to increase the number of floors dedicated to memory care, from 1 to 2 floors, which will increase the number of approved residential rooms, from 77 to 103 rooms. Since no other design changes are proposed, the project would continue to be consistent with the property development standards for the HR1 District, including maximum 60% lot coverage, minimum required yard setbacks (15' front; 10' street side; 5' interior side and rear) and minimum landscaping (50% of required front and street side yards). The project will exceed the maximum 36' height for the site, subject to the requested height bonus.

Chapter 16 – Site and Use Regulations

*Affordable Housing Requirement*

SRMC Section 14.16.030 (*Affordable Housing Requirement*) requires all development projects to comply with the City's adopted inclusionary housing requirement. Past practices have allowed residential care facilities and hotels to pay an in-lieu fee rather than create affordable housing units on-site. . . Therefore, it is still credible to continue to apply a hybrid rate for determining the amended affordable housing requirement linkage fee.

The project was approved as 64,054 sq. ft. in size and, when applying both the hotel (0.0075 affordable units per 1,000 gross sq. ft.) and personal service rates (0.0225 affordable units per 1,000 gross sq. ft.) identified in Table 14.16.030 – 3, was required to provide 0.015 affordable housing units per 1,000 gross sq. ft., which translates to 0.96 low income units or an affordable housing in-lieu fee of approximately \$318,827.20 for the project, using the then-current affordable housing in-lieu fee of \$331,070.00 per unit. To further contribute to the City's affordable housing initiatives, the prior property owner voluntarily increased the affordable housing in-lieu fee to \$500,000 as a 'public benefit' (a 63.8% increase in the required affordable housing requirement), which was accepted by Planning Commission and the City Council on project appeal as a condition of project approval.

The amended project proposes to increase the new building size to 75,489 sq. ft. which, when applying the same affordable housing requirement formula (0.015 affordable housing units per 1,000 gross sq. ft.) translates to 1.13 below market rate units, or a revised affordable housing in-lieu fee of \$389,488.66 for the project, using today's updated affordable housing in-lieu fee of \$343,969.47 per unit. The project proposes to continue to voluntarily increase the affordable housing in-lieu fee to \$600,000 as a 'public benefit' (a 65% increase in the required affordable housing requirement).

*Height Bonus*

SRMC Section 14.16.190 (B) (*Lincoln Avenue Height Bonus*) a height bonus may be granted through Use Permit by the Planning Commission of up to 12' for projects located on Lincoln Avenue, between Mission Avenue and Hammondale Ct., on lots greater than one hundred fifty (150') in width and 20,000 sq. ft. in size and meeting their affordable housing requirement. The project meets the location, width (196') and size (29,621 sq. ft.) requirement. As stated previously, the required affordable housing in-lieu fee for the amended project is \$389,488.66 (1.13 affordable housing units), using the current affordable housing in-lieu fee of \$343,969.47 per unit. The project proposes to voluntarily increase the affordable housing in-lieu fee to \$600,000, the difference as a 'public benefit' (a 65% increase in the required affordable housing requirement).

Chapter 18 – Parking Standards

*Parking Requirements*

The approved project was supported by a traffic and parking study (Transpogroup, dated May 30, 2018), which anticipated peak parking demand of 31 parking spaces for residents, staff, physicians and guests, based on a proposed 88-bed/77-room "residential care facility, large". The amended project proposes to increase the number beds from 88 to 106 beds, the number of rooms from 77 to 103 rooms, and maximum staffing levels from 29 to 34 staff. An updated traffic and parking study (Transpogroup, dated March 3, 2021) has been submitted which anticipates peak parking demand of 37 parking spaces for residents, staff, physicians and guests ([Updated Transportation and Parking Study](#)). Since the amended project proposes to increase the number of residential rooms and beds for memory care residents, the updated traffic and parking study, like the original analysis, finds the memory care residents would create no parking demand since memory care residents are prohibited from vehicle ownership due to cognitive difficulties. The approved project proposes to continue to provide 40 off-street parking spaces, 37 off-street garage parking spaces accessed from the driveway along the Mission Ave. frontage and 3 off-street garage parking spaces accessed from the driveway along the Lincoln Ave. frontage.

The City Engineer continues to support the proposed parking for the project, concurring with the analysis and findings in the updated traffic and parking study, subject to the subsequent submittal of a Transportation Demand Management Plan (TDMP) prepared by a licensed traffic engineer which identifies further strategies and recommendations to reduce employee/staff trips and minimize parking and/or traffic impacts. The TDMP shall be subject to review and approval of the City Engineer, who reserves the right to require modifications to the TDMP and the applicant agrees to incorporate all recommendations outlined in the TDMP, including modifications required by the City, during the occupancy of the site by the approved use.

*Guest Parking*

Guest parking spaces are not required in the Downtown unless located within 200' of a residential district. While the project site is located within a residential district, guest parking is required for multifamily residential projects, based on residential units. The amended project, like the approved project, does not propose residential 'units', which require separate sleeping, sanitary and cooking facilities to meet building code requirements. Instead, the project continues to be more comparable to a hotel by proposing to provide rooms for residents with 'efficiency kitchens' and with communal dining and entertainment and personal services and, therefore, is not required to provide guest parking. However, the amended project continues

to voluntarily provides guest parking. The updated traffic and parking study anticipates peak parking demand (weekday) of 37 parking spaces which reduces to 28 spaces on weekends. Since the amended project continues to propose 40 off-street parking spaces, all parking spaces in excess of the 37 required parking spaces (3 weekdays, 28 weekends) would be available for guest parking.

#### Chapter 19 – Signs

Pursuant to Section 14.19.060 (*Signs; Zoning District Sign Standards*), the project is allowed the following signage for the site:

- Wall, projecting/blade, awning, monument, or directory signs;
- A maximum of two (2) signs per site;
- A maximum of 25 sq. ft. of signage per site; and
- External-illumination or non-illuminated only.

The project complies with all applicable sign standards for the HR1 District.

#### Chapter 22 – Use Permits

The amended project, like the approved project, requires Use Permit approval by the Commission to allow for an assisted living facility use on the site with findings consistent with Section 14.22.080:

- A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;
- B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;
- C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.

This is an approved project. The project seeks to amend the planning entitlements to allow for a requested height bonus and the addition of a second floor of memory care services. The proposed use has not changed since its approval.

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

The requested height bonus requires amendment of the existing approved Environmental and Design Review Permit by the Planning Commission with the Board's recommendation. The pertinent review criteria for Environmental and Design Review permits, pursuant to Section 14.25.050 (*Review Criteria; Environmental and Design Review Permits*), are as follows:

- *Site Design. Proposed structures and site development should relate to the existing development in the vicinity. The development should have good vehicular and pedestrian circulation and access. Safe and convenient parking areas should be designed to provide easy access to building entrances. The traffic capacity of adjoining streets must be considered. Major views of the San Pablo Bay, wetlands, bay frontage, the Canal, Mt. Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points. In addition, respect views of St. Raphael's Church up "A" Street.*
- *Architecture. The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The design should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity. Design elements and approaches which are encouraged include: a) creation of interest in the building elevation; b) pedestrian-oriented design in appropriate locations; c) energy-efficient design; d) provision of a sense of entry; e) variation in building placement and height; and f) equal attention to design given to all facades in sensitive location.*

- *Materials and colors. Exterior finishes should be consistent with the context of the surrounding area. Color selection shall coordinate with the predominant colors and values of the surrounding landscape and architecture. High-quality building materials are required. Natural materials and colors in the earth tone and wood tone range are generally preferred. Concrete surfaces should be colored, textured, sculptured, and/or patterned to serve design as well as a structural function.*
- *Walls, Fences and Screening. Walls, fences and screening shall be used to screen parking and loading areas, refuse collection areas and mechanical equipment from view. Screening of mechanical equipment shall be designed as an integrated architectural component of the building and the landscape. Utility meters and transformers shall be incorporated into the overall project design.*
- *Exterior Lighting. Exterior lighting should provide safety for building occupants, but not create glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas.*
- *Landscape Design. Landscaping shall be designed as an integral enhancement of the site and existing tree shall be preserved as much as possible. Water-conserving landscape design shall be required. A landscaped berm around the perimeter of parking areas is encouraged. Smaller scale, seasonal color street trees should be proposed along pedestrian-oriented streets while high-canopy, traffic-tolerant trees should be proposed for primary vehicular circulation streets.*

The project proposes to amend an approved project design to allow for additional building height, which would increase the scale/mass of the approved building. The amended project retains the California Mission Revival architecture, which was approved by the Planning Commission on October 23, 2018. The prominence of the dome tower element at the corner of Mission and Lincoln Avenues would be strengthened by increasing its height three-feet (3') and creating a new outdoor terrace area on the 5<sup>th</sup> floor. No other changes to the approved design of the project are proposed. The topography of the project site, which slopes up from the intersection of Mission and Lincoln Avenues to the rear of the site, helps to underground the 1<sup>st</sup> floor of the new building at the rear of the site. The amended project would have the visual appearance of a five-story building at the intersection of Mission and Lincoln Avenues and a four-story building at the rear and interior side elevations. The predominant scale of existing development immediately adjacent to the project site is four-story (west; 820 Mission Ave.) and three-story (north; 1215 Lincoln Ave. and 111 Laurel Pl.).

The Design Review Board reviewed the requested height increase and, on August 3, 2021, unanimously recommended (5-0 vote; Alternate Blayney absent) approval of the design change with conditions (see below), finding the project design adequately relates to the predominant four- and three-story scale of existing development immediately adjacent to the project site.

### **Subdivision Ordinance Consistency:**

#### Chapter 5 – Lot Line Adjustments and Consolidations

The amended project continues to propose to construct the new assisted living facility across on what is currently two (2) adjacent Downtown parcels. On September 8, 2020, a Lot Line Adjustment was administratively approved for the consolidation of the two parcels which comprise the project site. New Grant Deeds, accompanied with a Plat Map and legal descriptions, will need to be recorded by the applicant prior to building permit issuance for the amended project.



## ENVIRONMENTAL DETERMINATION

The revised project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development which meet specific conditions.

The lot line adjustment for the project requires the consolidation of two separate legal lots, with an average cross-slope of approximately 11%, so that all of the proposed new construction is located within a single parcel. The project qualifies for Class 32 In-Fill exemption based on the following: a) The project continues to be consistent with the applicable General Plan policies and the Zoning Ordinance land use designation for the project site and all applicable Zoning Ordinance standards and regulations; b) The project site continues to be comprised of two adjacent vacant legal lots with a combined area of 29,885 sf (0.69 acre) and continues to be located in an urban area that is immediately surrounded by development (i.e., multifamily residential development immediately to the north and west, Mission Ave. to the south and Lincoln Ave. to the east); c) The project site continues to have no creeks, drainageways, seasonal freshwater wetlands, tidal wetlands, or riparian areas that are valued resources as wildlife or plant habitat for endangered, rare or threatened species; d) The additional parking demand generated by the requested height bonus has been determined to be met by the off-street parking already provided by the approved project (40 off-street parking spaces approved; off-street parking required by the project increased from 31 to 37 parking spaces); e) The additional traffic generated by the project has been deemed insignificant by the City's Traffic Engineer conditioned on the payment of the appropriate traffic mitigation fee (15 total peak hour trips), any additional noise or impacts to air and water quality created by the approved project will be temporary and limited to the period of construction period, the new residential uses for the site would generate noise levels that are similar to the other multi-family residential uses in the surrounding neighborhood, and f) All utility agencies continue to indicate that they have adequate capacity to provide services to the approved project with the requested height bonus.

## NEIGHBORHOOD MEETING / CORRESPONDENCE

No neighborhood meeting was required for the proposed project since it does not include a request for a General Plan Amendment, Rezoning or any other action requiring the preparation of an Environmental Impact Report (EIR). However, the applicant has met informally with the neighborhood group (Lincoln-San Rafael Hill Neighborhood Association) to discuss the project. Notice of hearings for the project have been 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 project site, the Lincoln-San Rafael Hill Neighborhood Association, and all other interested parties a minimum of 15 calendar days prior to the date of this hearing, as well as both Board meetings on the project. Additionally, notice was posted on the project site, at the northwest corner of the Lincoln and Mission Ave. intersection, a minimum of 15 calendar days prior to the date of the Commission hearing and the Board meetings.

As a result of noticing on the project, Planning staff has received a total of 59 email comments on the project, 44 in opposition of the requested design changes, 13 in support, one (1) requesting all utilities be underground for the project and one (1) requesting a continuance of the processing of the project. All but 16 of these comments were received by staff prior to the Board's review of the project. The comments opposed to the proposed height bonus state, generally, that the additional building height is excessive, the site and use requires comprehensive redesign and the perceived traffic, parking and water impacts require mitigation.

The comments in support of the proposed height bonus state that the project would continue to promote an attractive, California Mission Revival architecture design, on the site, even as a taller building.

All public comments received on the project prior to the printing and distribution of staff's report, is attached as Exhibit 7.

## **OPTIONS**

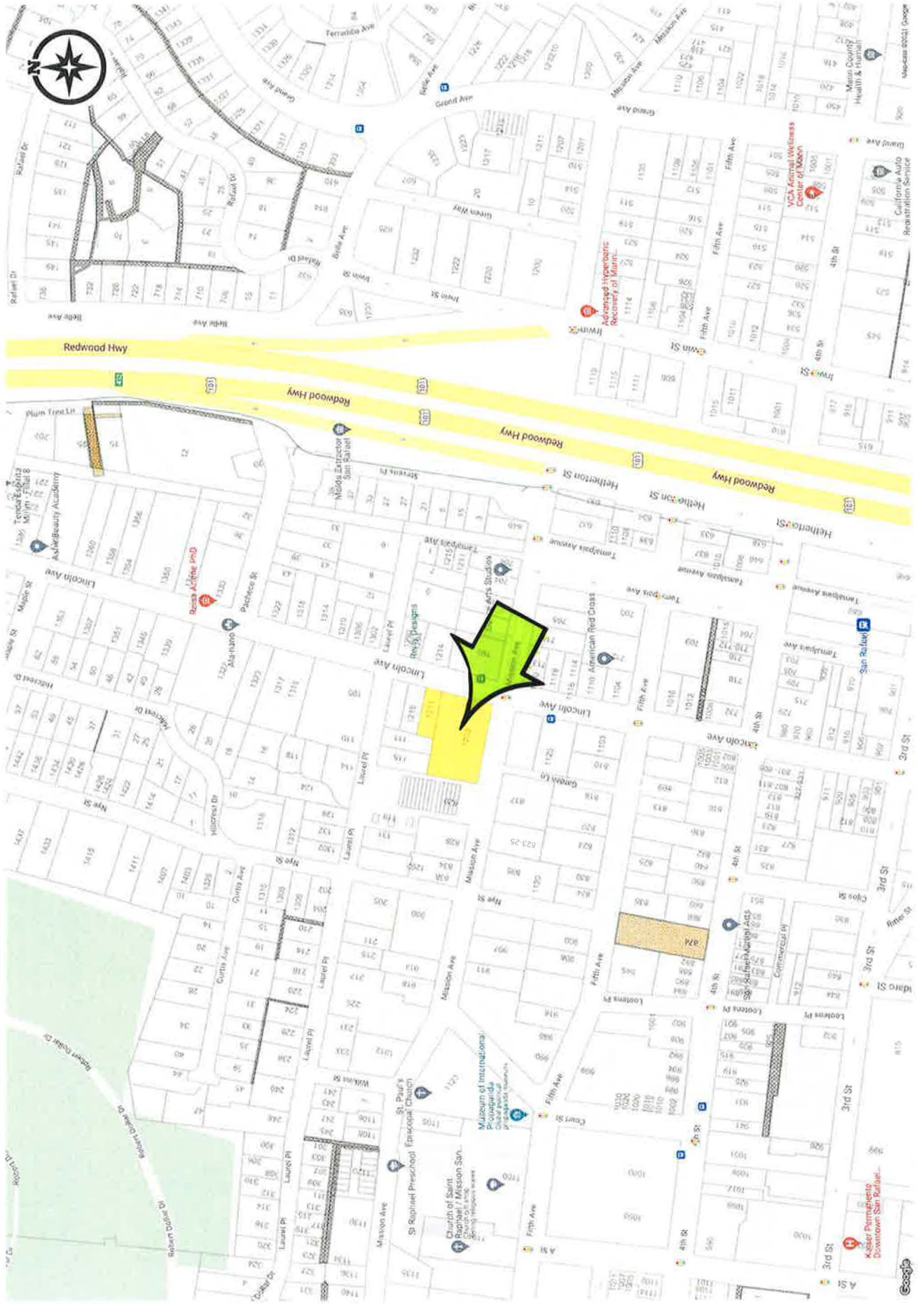
The Planning Commission has the following options:

1. Adopt resolution approving of the requested height bonus as presented (staff recommendation)
2. Adopt resolution approving the requested height bonus with certain modifications or additional conditions of approval;
3. Continue the public hearing on the requested height bonus to all allow the applicant or staff to address any of the Planning Commission's comments or concerns; or
4. Deny the requested height bonus and direct staff to return with a revised resolution.

## **EXHIBITS**

1. Vicinity/Location Map
2. Draft Resolution
3. Project Plans, dated September 1, 2021  
([https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/Aegis-San-Rafael-PC-revisions\\_9.01.21.pdf](https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/Aegis-San-Rafael-PC-revisions_9.01.21.pdf))
4. Applicant's Project Description, dated August 31, 2021  
(<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/Aegis-San-Rafael Applicants-narrative 8.31.21.pdf>)
5. Updated Transportation and Parking Study, prepared by Transpogroup, dated March 3, 2021  
([https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/10/800-Mission-Ave\\_UP21-06\\_ED21-022\\_updated-traffic-and-parking-analysis\\_3.3.21.pdf](https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/10/800-Mission-Ave_UP21-06_ED21-022_updated-traffic-and-parking-analysis_3.3.21.pdf))
6. Applicant's Economic Impact Study  
([https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/Economic-Impact-Study\\_Aug-2021.pdf](https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/09/Economic-Impact-Study_Aug-2021.pdf))
7. Public Comments

# 800 Mission Ave. Project Site



**RESOLUTION NO.**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION AMENDING USE PERMIT (UP21-006) AND AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED21-022) APPROVALS TO ALLOW AN 11' 2" INCREASE IN HEIGHT, FROM 36' TO 47' 2", AND INCREASE IN ROOMS, FROM 77 TO 103 ROOMS, AND AN INCREASE IN BEDS, FROM 88 TO 105 BEDS FOR A PREVIOUSLY APPROVED SENIOR LIVING FACILITY WITH MEMORY CARE SERVICES, WITH 40 GARAGE PARKING SPACES AND SITE IMPROVEMENTS ON TWO VACANT DOWNTOWN LOTS LOCATED AT 800 MISSION AVE. (APNS: 011-184-08 & -09)**

**WHEREAS**, on September 4, 2018, the City Council denied an appeal and upheld the Planning Commission's conditional approval of a Use Permit (UP17-030) and an Environmental and Design Review Permit (ED17-090) to allow the construction and operation of a new 77-residential room assisted living facility with memory care services and associated garage parking, and site improvements on two (2) vacant Downtown parcels located at 800 Mission Ave; and

**WHEREAS**, on September 8, 2020, the Community Development Director approved the consolidation (LLA19-006) of the two (2) parcels. This Lot Line Adjustment/Consolidation will need to be recorded with the County of Marin by the applicant or property owner prior to issuance of building permits; and

**WHEREAS**, on February 25, 2021, the Zoning Administrator approved a two (2) year time extension for the project due to the project's financial infeasibility to construct during a global pandemic event. No additional changes, modifications or additions were proposed or approved to the project; and

**WHEREAS**, on March 8, 2021, the applicant submitted an application to amend the project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) by requesting an 11' 2" height bonus to allow expansion of memory care services, from 1 to 2 floors, and to increase residential rooms, from 77 to 103 rooms, and beds, from 88 to 105 beds; and

**WHEREAS**, on July 7, 2021, the Community Development, Planning Division, deemed the application submittal "complete"; and

**WHEREAS**, on August 3, 2021, the Design Review Board (Board) continued their review of the proposed design changes from a duly-noticed public hearing June 8, 2021 and unanimously (5-0 vote) recommended approval of the requested design changes to the approved project, subject to the following conditions: 1) Provide additional setback of the upper-story - along the Mission Ave elevation; 2) Update the landscape plan, showing the proposed landscaping at all outdoor common areas (patios and terraces); and 3) The applicant is encouraged to explore providing greater articulation to the north elevation to help break up perceived visual bulk; and

**WHEREAS**, these requested additional design changes requested by the Board have been incorporated into the plans prior to Planning Commission review and the Board also requested the additional design changes return to them after Planning Commission review for final review, prior to building permit submittal: and

**WHEREAS**, the proposed project changes have been reviewed with the requirements of the California Environmental Quality Act (CEQA) and will continue to allow the approved project to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to

Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development which meet specific conditions; and

**WHEREAS**, on August 2, 2021 the City Council adopted a comprehensive new General Plan 2040 to set the City's General Plan goals, policies and programs through the year 2040; and

**WHEREAS**, on August 16, 2021 in connection with the adoption of General Plan 2040, the City Council adopted Ordinance No. 1996 adopting amendments to the San Rafael Municipal Code (SRMC) Title 14 – Zoning to introduce, reference and incorporate the Downtown Precise Plan Form-Based Code by: a) establishing a new Downtown Mixed-Use (DMU) District that encompasses the boundaries of the Downtown Precise Plan area and serves as the base zoning and foundation for the Form-Based Code; b) amending, deleting and replacing certain zoning provisions applicable to Downtown San Rafael; and c) introducing new provisions to address and reference the Downtown Precise Plan Form-Based Code; and

**WHEREAS**, on August 16, 2021, in connection with the adoption of General Plan 2040, the City Council adopted Ordinance No. 1997 adopting the Downtown San Rafael Precise Plan – Chapter 9 Downtown Form-Based Code to serve as the primary regulatory City zoning code for Downtown San Rafael; and

**WHEREAS**, the new zoning regulations in Ordinance No. 1996 and Ordinance No. 1997 would be applicable to the proposed project at 800 Mission Avenue; however staff is recommending that, to avoid unnecessary disruption of the processing of applications for development in Downtown San Rafael that were deemed complete prior to adoption of these new zoning regulations, those development applications, including the project at 800 Mission Avenue, should be grandfathered for processing and approval subject to the zoning regulations in effect prior to the adoption of Ordinances No. 1996 and No. 1997 on August 16, 2021; and

**WHEREAS**, staff intends to place an ordinance approving such grandfathering on the agenda for the City Council's meeting on November 2, 2021; and

**WHEREAS**, the applicant has requested the City of San Rafael Planning Commission (Planning Commission) to consider the application for 800 Mission Avenue pursuant to the zoning regulations in effect prior to August 16, 2021, with the understanding and agreement that any approval of the application must be conditioned on the City Council acting to approve the ordinance staff has proposed to exempt from the new zoning regulations those Downtown development applications deemed complete prior to August 16, 2021; and

**WHEREAS**, the Planning Commission is willing to review the project application pursuant to the zoning regulations in effect prior to August 16, 2021 on that basis; and

**WHEREAS**, on October 12, 2021, the Planning Commission held a duly-noticed public hearing on the proposed design changes to the approved project (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) and accepted all oral and written public testimony and the written report of the Community Development Department Planning staff and closed said hearing on that date;

**NOW, THEREFORE, BE IT RESOLVED**, that this resolution shall become effective only upon the effective date of an ordinance adopted by the San Rafael City Council which ordinance requires

that the City only apply to applicant's project those zoning ordinances, standards and regulations in place at the time of submission of applicant's complete development application. For purposes of this resolution "zoning ordinances, standards and regulations," means the City's general plan, precise plan, zoning, design review standards and criteria, and subdivision standards and criteria;

**BE IT FURTHER RESOLVED**, that the Planning Commission hereby makes the following findings related to the applications to amend the prior project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022):

**Use Permit Amendment (UP21-006)  
Findings**

- A. The proposed use continues to be in accord with the General Plan 2020, the objectives of the Zoning Ordinance, and the purposes of the previous Multifamily Residential-High Density (HR1) District zoning in which the project site is located in, given that:
1. The amended project will be consistent with all pertinent General Plan 2020 policies, including, but not limited to:
    - *Land Use Policy LU-12 (Building Heights). Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.*
    - *Community Design Policy CD-1d (City Image) Landscape Improvements) recognizes that landscaping is a critical design component to. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.*
    - *CD-2 (Neighborhood Identity) Recognize and promote the unique character and integrity of the city's residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by: a) Maintaining the urban, historic, and pedestrian character of the Downtown; b) Preserving and enhancing the scale and landscaped character of the City's residential neighborhoods; c) Improving the appearance and function of commercial areas; and d) Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places.*
    - *CD-3 (Neighborhoods) seeks to recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. New development should respect the context and scale of existing neighborhoods.*
    - *CD-5 (Views) seeks to respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.*
    - *CD-7 (Downtown and Civic Center) Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City's character, and requiring that these and other architectural characteristics and land uses that give these areas their identity are strengthened.*

- CD-9 (Transportation Corridors) seeks to improve the function and appearance of transportation corridors, recognize those shown on Exhibits 17 and 18 and define each corridor's contribution to the City based upon its land use and transportation function and how it is experienced by the public.
- CD-10 (Nonresidential Design Guidelines) Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.
- CD-18 (Landscaping) recognizes landscaping as a significant component of all site design.

According to Exhibit 9 (*Building Heights Limits in Downtown San Rafael*) of the General Plan, the maximum height limit for this property is 36 feet. The General Plan defines height of a building for non-hillside as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum is determined as follows: if the difference in grade between the lowest and highest-grade point is greater than 10', the reference datum is located 10' vertically from the lowest grade point. The project site has an average cross-slope of greater than 11% that trends southeast to northwest. Due to this grade change on the project site, the project will have the appearance of five-stories along the street frontages and four-stories along the interior elevations. The proposed height of the project, with the requested 11' 2" height bonus, is 47' 2" from the reference datum point to the roof. The scale and mass of the proposed project would be similar to the project that is approved for the site, which was previously determined to be compatible with the adjacent, four-story residential condominium building immediately to the west of the project site, at 820 Mission Ave. The two blue-tiled dome towers are proposed to exceed the height allowance as architectural features, which is permitted with an Environmental and Design Review Permit.

The amended project continues to meet their affordable housing requirement (1.13 below market rate units, or a revised affordable housing in-lieu fee of \$389,488.66 for the project, using today's updated affordable housing in-lieu fee of \$343,969.47 per unit) and voluntarily proposes to increase the affordable housing in-lieu fee to \$600,000, the difference of which is the 'public benefit'.

On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to providing greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation, finding the amended project adequately met all applicable design guidelines and standards.

2. The proposed use will continue to be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, given that;
  - a. The project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 above;
  - b. The amended project will continue to reduce or remove negative impacts caused by inappropriate location, use or design of building and improvements, given that; 1) The project design includes aesthetic elements to improve the pedestrian environment, including new street trees, landscaping within the 10-15' building setback and uncovered ground-floor

patio terraces along both the Lincoln and Mission Ave. frontages; 2) The project design also includes safety features to improve the pedestrian environment, including a 85'-long dedicated fire lane pull-out/deceleration turn pocket lane along Mission Ave. with directional controls allowing right turns only in and out of the primary driveway to the project; 3) The Board has recommended approval of the amended project subject additional improvements including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation; and 4) The amended project will continue to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines;

- c. The amended project will continue to ensure the adequate provision of light, air space, fire safety and privacy between buildings, given that; construction of the project is conditioned to be designed and built in accordance with the most current building, fire and seismic codes;
- d. The amended project will continue to provide for adequate, safe and effective off-street parking and loading facilities, given that; 1) The project will continue be consistent with the parking requirement, as determined by the updated traffic and parking study for the project and as supported by the City's Traffic Engineer; and 2) On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation;
- e. The amended project will continue to promote a safe, effective traffic circulation system, and maintain acceptable local circulation system operating condition, given that; 1) The City Engineer has determined the proposed project would not adversely affect the LOS for the nearby intersections, based on the 15 new AM and PM peak hour vehicle trips that would be generated by the project, and conditioned on the payment of traffic mitigation fees to fund the project's fair share of local circulation improvement projects by the City; and 2) The proposed project has been conditioned to require all "off-haul" of excavation during off-peak traffic trip hours – between 9:00 a.m. and 4:00 p.m. – only;
- f. The amended project will continue to provide for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of the project to the appropriate neighborhood group (Lincoln-San Rafael Hill Neighborhood Association), and the notice of two (2) separate Board meetings and this Planning Commission hearing in compliance with Chapter 29 of the Zoning Ordinance (*Public Notice*). Notice of both the Board meetings and this hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meeting or hearing, and notice was posted on the project site at the northwest corner of the Lincoln and Mission Avenue intersection. At the time of distribution of staff's report to the Commission, staff received a total of 59 email comments on the project, 44 in opposition, 12 in support, one (1) requesting all utilities be underground for the project and one (1) requesting a continuance of the processing of the project. All but 16 of these comments were received by staff prior to the Board's review of the project; and
- g. The project has been reviewed by Community Development Department, other appropriate City Departments and non-City agencies and conditions have been created to minimize potential impacts to the public health, safety and welfare;



3. The proposed use would continue to be consistent with the purposes of the HR1 District in which the project site is located, given that:

- a) The project will continue to help meet the City's goal of providing a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards, given that; the project will provide housing options for our older residents who wish to "age-in-place".
- b) The project will continue to protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character, given that; 1) The scale and mass of the proposed project would be similar to the project that is approved for the site, which was previously determined to be compatible with the adjacent, four-story residential condominium building immediately to the west of the project site, at 820 Mission Ave. (The two blue-tiled dome towers are proposed to exceed the height allowance as architectural features, which is permitted with an Environmental and Design Review Permit); 2) The proposed project is consistent with the height limits for this site, subject to the requested height bonus; and 3) The project proposes a California Mission Revival architecture with predominant design features including large arched windows, whitewashed stucco walls, red clay roof tiles, blue-tiled dome towers, decorative heavy-timber rafter 'tails' under the eaves, and decorative wrought iron balconies, railings, fencing and gates. This proposed new design is similar to that of the Mission San Rafael Archangel, which is located approximately 1,000' west of the project site, though unique for the immediate neighborhood. The Board has reviewed the amended project design with the requested height bonus and unanimously (5-0 vote) recommended approval subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.
- c) The project will continue to provide opportunities for churches, day care facilities, residential care facilities and other uses which are considered to be compatible and desirable land uses within the residential neighborhood;
- d) The project will continue to provide outdoor recreational amenities for residents and guests, given that; common outdoor areas are proposed on the ground-floor, the 2<sup>nd</sup> floor and 5<sup>th</sup> floor for the assisted living residents (The project also proposes private outdoor terrace deck area for many of the assisted living residential rooms on the 5<sup>th</sup> floor). The project will voluntarily provide nearly 6,000 sq. ft. of outdoor area, both common and private, for residents and guests; and
- e) The project will continue to ensure the provision of public services and facilities needed to accommodate planned residential densities, given that; all service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City's Traffic Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project.

B. The proposed use will continue to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, given that: 1) The project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood group (Lincoln-San Rafael Hill Neighborhood Association) and the Board; and 2) Conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed use and construction to the proposed use; and

- C. The proposed use continues to comply with each of the applicable provisions of the Zoning Ordinance, including property development standards, subject to the request of the height bonus, affordable housing requirement, parking requirements and design criteria, as determined on August 3, 2021, by the Board who unanimously (5-0 vote) recommended approval of the amended project design, subject to additional improvements, including greater stepback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.

**Environmental and Design Review Permit Amendment (ED21-022)  
Findings**

- A. The amended project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning Ordinance; in that:
1. The proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 (Use Permit UP21-006) above;
  2. The proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, as identified in Finding A2 (Use Permit UP21-006) above;
  3. The amended project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City, as determined during the review of the amended project by the Board. On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater stepback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.
- B. The amended project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the previous HR1 District and current T4N 40/50 form-based zone in which the project site is located, given that;
1. The amended project design continues to propose no density. The project proposes an assisted living facility with memory care services which is comparable to a hotel use. The proposed facility would provide rooms or suites without individual kitchens but, rather, individual 'efficiency' kitchens and offer ancillary services to the residents like communal food service opportunities;
  2. The project will be consistent with the minimum required yard setbacks (15' front, 10' street side, 5' interior side and rear) for the project site;
  3. The project will be consistent with the maximum 36' height allowed for the project site, subject to approval of the requested 11' 2" height bonus;
  4. The project will be consistent with the maximum 60% lot coverage for the project site;
  5. The project will be consistent with the minimum 50% landscaping requirement for the front and street side yard setbacks for the project site;

6. The project will be consistent with the parking requirement, as determined by the updated traffic and parking study for the project and as supported by the City's Traffic Engineer;
  7. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), given that; on August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and exploring greater articulation to the upper-story along the north elevation.
- C. The amended project design minimizes adverse environmental impacts, given that;
1. The previously approved landscape design includes new trees shrubs, grasses and vines, within the 10-15' building setback. The amended project proposes to no changes to the approved landscape plan beyond providing additional plantings on the new 5<sup>th</sup> floor outdoor terrace along the Mission Ave. frontage. In their recommendations of the amended project, the Board requested the project return for final review of updated landscape plans.
  2. The approved project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined by the drainage report submitted on the project and the review and recommendation by the City Engineer. The amended project design proposes no changes to the approved drainage;
  3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features.
- D. The amended project design, 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, as identified in Finding B2 (Use Permit UP21-006) above.

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

The proposed design changes to the approved project will continue to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development meeting the following conditions: (a) The project continues to be consistent with the applicable General Plan land use designation and all applicable General Plan policies and all applicable Zoning Ordinance standards and regulations; b) The proposed development continues to occur within the San Rafael city limits on a project site of less than five acres substantially surrounded by urban uses; c) The project site has no value as habitat for endangered, rare or threatened species; d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and e) The site can be adequately served by all required utilities and public services.

The project continues to require the consolidation of two separate legal lots, with an average cross-slope of approximately 11%, so that all of the proposed new construction is located within a single parcel. Additionally, the project continues to qualify for a Class 32 In-Fill exemption based on the following: a) The project will continue to be consistent with the applicable General Plan policies and the

Zoning Ordinance land use designation for the project site and all applicable Zoning Ordinance standards and regulations; b) The project site continues to be comprised of two adjacent vacant legal lots with a combined area of 29,885 sf (0.69 acre) and is located in an urban area that is immediately surrounded by development (i.e., multifamily residential development immediately to the north and west, Mission Ave. to the south and Lincoln Ave. to the east); c) The project site continues to have no creeks, drainageways, seasonal freshwater wetlands, tidal wetlands, or riparian areas that are valued resources as wildlife or plant habitat for endangered, rare or threatened species; d) The additional parking demand generated by the requested height bonus has been determined to be met by the off-street parking already provided by the approved project (40 off-street parking spaces approved; off-street parking required by the project increased from 31 to 37 parking spaces); e) The additional traffic generated by the project has been deemed insignificant by the City's Traffic Engineer conditioned on the payment of the appropriate traffic mitigation fee (15 total peak hour trips), any additional noise or impacts to air and water quality created by the approved project will be temporary and limited to the period of construction period, the new residential uses for the site would generate noise levels that are similar to the other multi-family residential uses in the surrounding neighborhood, and f) All utility agencies continue to indicate that they have adequate capacity to provide services to the approved project with the requested height bonus.

**BE IT RESOLVED**, the project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) are subject to adoption by City Council of the proposed zoning ordinance amendment to exempt from the new Downtown zoning regulations adopted by Ordinance No. 1996 and Ordinance No. 1997 those projects that were deemed complete on or before August 16, 2021.

**BE IT FURTHER RESOLVED**, that the Planning Commission hereby approves the Use Permit Amendment (UP21-006) and Environmental and Design Review Permit Amendment (ED21-022), subject to the following conditions of approval:

**Use Permit (UP21-006)  
Conditions of Approval**

Community Development Department, Planning Division

1. This Use Permit shall only become effective and shall be conditioned upon a future adoption of an ordinance by the San Rafael City Council which ordinance requires that the City only apply to applicant's project those zoning ordinances, standards and regulations in place at the time of submission of applicant's complete development application. For purposes of this resolution "zoning ordinances, standards and regulations," means the City's general plan, precise plan, zoning, design review standards and criteria, and subdivision standards and criteria.
2. This Use Permit approves a 'Residential Care Facility, Large' (7 or more residents), with memory care services, to operate on the project site with up to 103 residential rooms and 105-beds of capacity.
3. This Use Permit includes a 11' 2" height bonus for complying with the required affordable housing requirement and providing a community or public benefit, which is the deference between the required affordable housing in-lieu fee (\$389,488.66) and voluntarily increase in the affordable housing in-lieu fee (\$600,000) that continues to be a condition of project approval.
4. This Use Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a grading permit or building permit is issued by the City and work commenced or a time extension request is submitted to the

City's Community Development Department, Planning Division, within **two (2) years** of this approval, or until **October 12, 2023**. Failure to obtain a grading permit or building permit or submit a time extension request by the specified date will result in the expiration of this Use Permit Amendment.

**Environmental and Design Review Permit Amendment (ED21-022)  
Conditions of Approval**

***General and On-Going***

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their September 28, 2021 hearing, stamped "approved" and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building and grading permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board on design-related changes.
2. This Environmental and Design Review Permit Amendment requires final review by the Design Review Board on the following additional recommended design changes after Planning Commission review: A) Provide additional setback of the upper-story more along the Mission Ave elevation; B) Update the landscape plan, showing the proposed landscaping at all outdoor common areas (patios and terraces); and C) Explore providing greater articulation to the north elevation to help break up perceived visual bulk.
3. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
4. This Environmental and Design Review Permit Amendment approves development of a 103-residential room / 105-bed senior living facility, with memory care services, a total of 40 garage parking spaces and miscellaneous site improvements, including new landscaping, grading and drainage.
5. This Environmental and Design Review Permit Amendment approves 'efficiency kitchens' in each residential room (no cooking facilities) rather than full kitchens since the project proposes to include common dining areas with the other service amenities for residents and guests.
6. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
7. All grading and construction activities shall comply with the City's adopted noise limits at all times. All grading and construction activities shall occur Mondays – Fridays, 7 a.m. – 6 p.m. Low-noise construction, occurring entirely within the interior of the building, may be permissible beyond the allowable construction hours of operation with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved,

Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.

8. All new landscaping shall comply with Marin Municipal Water District's most recent water conservation ordinance and measures. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
9. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
10. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
11. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass
12. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
13. This Environmental and Design Review Permit Amendment shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a building or grading permit is issued and construction commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of approval, or **October 12, 2023**. Failure to obtain a building permit or grading permit and construction or grading activities commenced, or failure to obtain a time extension within the two-year period will result in the expiration of this Environmental and Design Review Permit
14. This Environmental and Design Review Permit shall run concurrently with the Use Permit Amendment (UP12-006) approval. If the Environmental and Design Review Permit expires, the Use Permit Amendment approval shall also expire and become invalid.

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

### Community Development Department, Planning Division

15. The project sponsor, or its successor, shall pay all outstanding balances of fees due the City in the review, approval and/or issuance of Planning and/or Building Permits for entitlements on the project site.
16. Updated details of the proposed site landscaping of all outdoor common areas and the upper-story setback from the gabled roof feature along the Mission Avenue elevation shall require final review and approval by the Design Review Board prior to building permit submittal.
17. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance (District Code Title 13). Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division prior to building permit issuance
18. An acoustical analysis is required indicating the internal noise level of the residential rooms or suites and common outdoor terrace areas are consistent with the applicable City's noise standards.
19. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include, but is not limited to, a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, dust control plan or program, air quality best management practices recommended by project's air quality analysis (see Illingworth & Rodkin, dated November 30, 2017), a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code), a statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on both Lincoln and Mission Avenues shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
20. The project shall comply with the City's affordable housing requirement, using a hybrid rate that includes both the hotel rate (0.0075 affordable units per 1,000 gross sq. ft.) and the personal service rate (0.0225 affordable units per 1,000 gross sq. ft.) as adopted in Table 14.16.030 – 3 of the San Rafael Zoning Ordinance. The Community Development Director has determined an average nonresidential affordable housing rate of 0.015 affordable units per 1,000 gross sq. ft. shall be required of the project, which translates to 1.29 affordable housing units or an affordable housing in-lieu fee of approximately \$443,885.72 for the project, using the current affordable housing in-lieu fee of \$343,969.47 per unit. However, the applicant is proposing to voluntarily increase the affordable housing in-lieu fee to \$600,000, the difference as a public benefit for the requested height bonus.

### Department of Public Works

21. A grading permit is required for the project from the Department of Public Works Department (111 Morphew St.).

22. Final details, including directional controls (i.e., signage and striping for right turns in and out of the garage) on the driveways, pull outs and turn pockets shall be reviewed by the Department of Public Work prior to building permit issuance.
23. The project proposes over 5,000 sq. ft. of impervious surface and is a regulated project under MCSTOPPP requirements. Provide a stormwater control plan, which includes a written narrative. A stormwater facility maintenance agreement shall be required. More specific information is available from MCSTOPPP, on the Marin County website. See tools and guidance, and post construction requirements at <http://marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>
24. While the preliminary design of the proposed stormwater control plan is acceptable, limited use of pumping and piping through the interior building is recommended.
25. The proposed project results in 18 AM and 23 PM peak hour trips. After crediting the project for the peak hour trips generated by the prior development on the site (13 AM and 13 PM peak hour trips from 24 residential apartments and one single-family residence). The traffic mitigation fee for the resulting increase of eight (15) peak hour trips is \$63,690 (15 x \$4,246) shall be paid prior to building permit issuance. Please note the traffic impact fee will be reconsidered by the City Council soon. Depending on their action, the actual fee may vary.
26. An encroachment permit is required for any work within the public Right-of-Way (ROW) from the Department of Public Works. Please note that Mission Ave. and a portion of Lincoln Ave., south of Mission Ave., are currently moratorium streets. Full width resurfacing is required. For Lincoln Ave. north of Mission Ave., 50% of the width shall require resurfacing. This shall be reviewed at the time of encroachment permit issuance.
27. 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.

Community Development Department, Building Division

28. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments
29. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
  - a) Architectural plans
  - b) Structural plans
  - c) Electrical plans
  - d) Plumbing plans
  - e) Mechanical plans
  - f) Site/civil plans (clearly identifying grade plan and height of the building)
  - g) Structural Calculations
  - h) Truss Calculations
  - i) Soils reports
  - j) CalGreen documentation
  - k) Title-24 energy documentation



30. The occupancy classification (in mixed occupancies-each portion of the building shall be individually classified), construction type and square footage of each use within the building shall be specified on the plans. In mixed occupancies, each portion of the building shall be individually classified.
31. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.
32. The building height shall comply with CBC Section 504 and Table 503. On the plan justify the proposed building height.
33. Building areas are limited by CBC Table 506.2. On plan justify the proposed building area.
34. 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." In order 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.
35. Buildings located 4 or more stories above grade plane, one stairwell must extend to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1011.12.
36. Egress through stairwell must not be blocked by fire standpipes or other fire sprinkler equipment. Maintain egress path and follow protrusions per code.
37. Minimum elevator car size (interior dimension) is 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
38. All buildings with one or more elevators shall be provided with not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" by 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
39. Due to ambient noise from the two arterial roadways that front on the property, sound attenuation will likely be required for those units that face Mission and Lincoln Avenues. An acoustical analysis will be required as part of the building permit submittal.
40. The address for structures is determined by the Chief Building Official. The tentative address for the proposed project is 800 Mission Avenue. This address will be legalized as we approach completion of the project construction. A written request from the property owner should be sent to the Chief Building Official. Each page of the plan's title block and all permit application documents must show the proposed building's address identification information.
41. If proposed fencing/gates exceed 7' in height, a building permit is required.

42. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
43. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted. Property lines must be staked for inspection of foundations.
44. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated or redesigned to fall within property line boundaries. Parcels 011-184-09 & 011-184-08 must be consolidated, and new map recorded prior to issuance of a building permit.
45. 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.
46. 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.
47. Walls separating sleeping rooms from each other and other occupancies contiguous must be a minimum of 1-hour construction.
48. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
49. Any monument sign(s) shall have address numbers posted prominently on the monument sign.
50. It appears that at least the lower level of parking in the parking garage will require mechanical ventilation capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 403.7.
51. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
52. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
53. Minimum elevator car size shall meet CBC 11A and 11B for accessibility.

54. This project shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher.
55. In the service areas, mechanical ventilation will be required capable of exhausting a minimum of 1.5 cubic feet per minute per square foot of gross floor area. Connecting offices, waiting rooms, restrooms, and retail areas shall be supplied with conditioned air under positive pressure.
56. The proposed facility shall be designed to provide access to the physically disabled in accordance with the requirements of Title-24, California Code of Regulations. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:
- a. Path of travel from public transportation point of arrival
  - b. Routes of travel between buildings
  - c. Accessible parking
  - d. Ramps
  - e. Primary entrances
  - f. Sanitary facilities (restrooms)
  - g. Drinking fountains & Public telephones (when provided)
  - h. Accessible features per specific occupancy requirements
57. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2. The civil, grading and landscape plans shall address these requirements to the extent possible.
58. Multistory apartment or condominium on the ground floor in buildings with no elevator at least 10 percent but no less than one of the multistory dwellings in apartment buildings with three or more and condos with four or more dwellings shall comply with the following:
- a) The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in CBC Section 1150A.
  - b) At least one powder room or bathroom shall be located on the primary entry level, served by an accessible route.
  - c) All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms or hallways
59. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent (2%) of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent (2%).
60. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent (5%) of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses,

recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.

61. Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site:

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

62. At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off- load area, or 17' wide overall. Additionally, one in every eight required handicap spaces must be van accessible.

San Rafael Sanitation District

63. The building permit plans shall include Civil/Utility drawings which shows the sewer lateral design in compliance with the San Rafael Sanitation District Standard Specifications, including pipe information (pipe type, pipe size, inverts and slope) and a backflow preventer near the building.

64. Please add the following note to the Utility Plans: Notify the San Rafael Sanitation District Inspector, Rolando Calvo (415.485.3194 or [Rolando.calvo@cityofsanrafael.org](mailto:Rolando.calvo@cityofsanrafael.org)), 72 hours prior to start of sanitary sewer construction.

San Rafael Fire Department, Fire Prevention Bureau

65. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.

66. 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 standpipe system plans (Deferred submittal to the Fire Prevention Bureau)
- c) Fire Alarm system plans (Deferred submittal to the Fire Prevention Bureau)
- d) Fire Underground plan (Deferred submittal to the Fire Prevention Bureau)
- e) Kitchen Hood Automatic Fire-Extinguishing System plans (Deferred submittal to the Fire Prevention Bureau).

67. A Fire apparatus access plan shall be prepared for this project. The fire apparatus plans shall show the location of the following:
- a) Designated fire apparatus access roads.
  - b) Red curbs and no parking fire lane signs.
  - c) Onsite fire hydrants.
  - d) Fire Department Connection (FDC).
  - e) Double detector check valve.
  - f) Street address sign.
  - g) Recessed Knox Box
  - h) Fire Alarm annunciator panel.
  - i) NFPA 704 placards
  - j) Note the designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
68. 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 his project. The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note that the Know Box must be installed between 72-78" above finished grade. Please show the location of the Knox Box on the plans (<https://www.knoxbox.com/commercial-knoxboxes/>).
69. A Knox key is required for driveway or access road automatic gates (<https://www.knoxbox.com/gate-keys-and-padlocks/>).
70. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road:
- a) The minimum width of the fire apparatus access road is 20-feet.
  - b) The minimum inside turning radius for a fire apparatus access road is 28-feet.
  - c) The fire apparatus access road serving this building is more than 150-feet in length so an approved turn-around is required.
71. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building:
- a) The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
  - b) The minimum unobstructed width for an aerial fire apparatus access road is 26-feet..
  - c) Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
72. Fire lanes must be designated with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC 503.3.
73. Hazardous Materials Placards shall be installed in accordance with NFPA 704.
74. Provide a Hazardous Materials Management Plan to be submitted to the Marin County Department of Public Works, CUPA.
75. 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 illuminated in all new construction or substantial remodels. Number sizes are as follows: 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.

76. During construction, contractor is required to conform to the provisions of CA Fire Code Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION.
77. During construction, all secured access points must be equipped with Fire Department approved locks.
78. During construction, a plainly visible all-weather sign must be posted in a conspicuous location that provides 24-hour emergency contact information.
79. During construction, if warranted by the decision of the fire chief, an approved fire watch will be provided during all hours when the construction site is not occupied by construction staff.
80. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

### ***During Construction***

#### Marin Municipal Water District

81. District records indicate that the property’s current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:
  - a) Pay the appropriate fees and charges.
  - b) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District’s Water Conservation Department at (415) 945-1497. You may also find information on the District’s water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).
  - c) Comply with the backflow prevention requirements, if upon the Districts review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
  - d) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to (415) 945-1558.
  - e) Installation of gray water recycling systems is required when practicable.

#### Pacific Gas & Electric

82. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E’s website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.

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

Community Development Department, Planning Division

85. The project shall minimize the potential air quality impacts to adjacent residences during all grading and construction activities by implementing best management practices (BMPs), as identified in the air quality analysis submitted with the project application (Illingworth & Rodkin, dated November 30, 2017, Page 3).

***Prior to Occupancy***

Community Development Department, Planning Division

86. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
87. All landscaping and irrigation shall be installed prior to occupancy.
88. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
89. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
90. All trash enclosures shall be fully screened from public view.

***After Occupancy***

Community Development Department, Planning Division

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

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 12<sup>th</sup> day of October 2021.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_  
:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Alicia Guidice, Secretary

BY: \_\_\_\_\_  
Shingai Samudzi, Chair



[REDACTED]

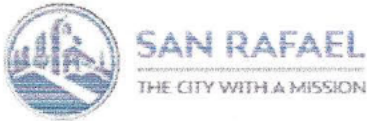
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**From:** Renee Nickenig <Renee.Nickenig@cityofsanrafael.org>  
**Sent:** Thursday, October 07, 2021 11:34 AM  
**To:** Steve Stafford; Leslie Mendez  
**Subject:** FW: 800 Mission

Comment below for 800 Mission.

**Renee Nickenig | City of San Rafael**  
Assistant Planner  
1400 5<sup>th</sup> Avenue, 3<sup>rd</sup> floor  
San Rafael, CA 94901  
415-485-3397

**The City of San Rafael is currently open for general walk-in customer service Tuesday and Thursday, 8:30AM – 12:30PM. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.**



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**From:** Josh Mehler <[REDACTED]>  
**Sent:** Thursday, October 7, 2021 11:02 AM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** 800 Mission

To whom it may concern,

I grew up in Main, and now own a home in Bret Harte. I saw a post on Nextdoor about the new facility being planned for 800 Mission. I fully support it. People who can't see that we need more housing are living in the past. Please approve this project and other housing projects. Especially those near mass transportation.

Continuing under the illusion that we are going to stay a small town is aggravating homelessness and the ludicrous housing prices.

Thank you,  
Josh Mehler

.....  
Josh Mehler  
Translucent Studios  
[REDACTED]  
[REDACTED]  
.....

October 6, 2021

Steve Stafford Planning Department  
1400 Fifth Avenue, Top Floor  
San Rafael, CA 94901

RE: 800 Mission Ave. proposed project

Dear Mr. Stafford,

I am writing to voice my opposition to the proposed increase in height by allowing an additional story 11 feet high to be added to the originally approved structure. This request must be rejected. The City has already been irresponsible in permitting a vacant office building at the other end of this block to bypass the minimum zoning parking requirements in order to build out the basement area. The already tight parking in this area will now be overwhelmed. It is time the City require developers to work within the given zoning requirements. The backup of cars along Mission Ave. at the end of the day from the Smart Train signal lights is already burdensome. Allowing additional units in this project would overwhelm an already intolerable situation. I urge the City Council to reject this proposed revision to the 800 Mission Ave. project.

Sincerely,

  
Jonathan Marlowe

October 6, 2021

Steve Stafford  
Planning Department  
1400 Fifth Avenue, Top Floor  
San Rafael, CA 94901

Re: 800 Mission Project, San Rafael

Dear Mr. Stafford:

I am adamantly opposed to any approval to change the plans for the project at Mission and Lincoln. The original 4-story concept was approved and should not be changed. Traffic is already challenged from the streets feeding off of Hwy 101 and the inclusion of a project at this intersection will be problematic even with the original design – increasing its scope will only make it worse.

I especially resent the fact that this request might end up being approved after residents were led into believing that the original concept would be the end result. Will the developers keep trying to “slip it by covertly” by continually resubmitting the request? The final answer should be a resounding “no” at this time.

Best regards,



Florida Booth  
[REDACTED]  
San Rafael, CA 94903

Lincoln-San Rafael Hill Neighborhood Association  
Co-founder & President, Nina Lilienthal-Murphy  
P.O. Box 150983  
San Rafael, Ca. 94915-0983

October 6, 2021

RE: 800 Mission Proposal

City of San Rafael  
Planning Commission  
Attn.: Steve Stafford, Senior Planner  
1400 – 5<sup>th</sup> Avenue  
San Rafael, Ca. 94901

Dear Planning Commission,

Hello, my name is Nina Lilienthal-Murphy and I am a 40 year resident, Co-founder, Past President, and now Current President of the Lincoln-San Rafael Hill Neighborhood Association (LSRHNA). When I was previously President, I worked on the 800 Mission Project, and we in the Neighborhood Appealed this proposal, and the appeal was upheld.

We of the Neighborhood Association have many concerns with the 800 Mission proposal. To start, we have issues with the Design Review Board not following their own guidelines; there are issues with the height of this building, the traffic study, the overall design of the building, the lack of parking to build this proposal, and water, where will you get the water??

Let's start with the overall Design of this project. There is nothing similar to this building in our neighborhood or in San Rafael. It looks so out of place, out of character for this area, it's truly an eyesore. The intersection of Lincoln & Mission is the Gateway to our Neighborhood, and this Monolith does not belong here. It's too tall, and not befitting and the scale of the building is overwhelming.

Height is probably the #1 issue with this proposal. All of the height bonuses have literally ruined the design of the building, making it Massive, and much taller than the Bio Marin Corporate Center (about 55 ft.). Is this what anyone in San Rafael wants as their Gateway to their neighborhood, NO!!

At the August 3<sup>rd</sup>, 2021 DRB meeting, the new DRB member, Sharon Kavalsky who is an architect, asked how the DRB figured out the height of the building, she could not. It states on the Cards sent out by the City, this proposal is 47 ft tall, and that's correct if you're talking about the rear corner of the lot, which is on a hill, that North-West corner is 47 ft. BUT the South East corner, where everyone walks by is over 81 ft. (as shown on my attachments, exhibit A & B, with the red line pointing to the roof deck) It's actually over 81 ft., but you get the idea. Our Steering Committee member had 7 architects look at this proposal, and they all came out with the same figures, so what is DRB trying to hide?? That the proposal is actually 34 ft. higher than we're being told??? Our question is WHY?

At that August 3<sup>rd</sup> DRB meeting, after the presentation, Chair Paul asked Sharon for her opinion, "you have a fresh set of eyes, what do you think of this? and Sharon replied, "it's Massive, I wouldn't want to live next to this". Then she asked if there were any way to soften up the north and west exterior walls, and DRB member Stewart Summer, said, "well, we already approved this in 2018, we don't want them to have to go back again". Isn't this what the DRB's job is, is to make corrections now, rather than later, and pass them off to the Planning Commission?? Bottom line, this proposal is overwhelming for this particular site, and it dwarfs everything around it. Who really knows the true height of this building, not the residents, and that's a concern.

Second, The Design Review Board is not following their own guidelines, 14.25.010 (attached, exhibit C) "A thru G". They are there to protect the residents, and neighborhoods, but they are not doing that. They have violated all of their guidelines: "to preserve and enhance views from other buildings & property" or "preserve balance & harmony within neighborhoods". The surrounding neighbors of this site, will lose their views, sunlight, and their privacy will be impeded, which in turn will plummet the value of their properties. Instead, they get to look at a solid massive wall, who would buy this property??? Not Sharon Kavalsky, she thinks this is "Massive" and we agree with her, no one wants to live next to this.

Third, The Traffic Study, which I pulled out all my paperwork, and found that this project started back in September 2017, the same time as the Train started 2017, so why do all traffic studies exclude the train? Even the most recent Traffic Study in May 2021 call for a “future train” when it’s been up and running the whole time? We also want to know how one can compare California’s traffic with the State of Washington?? There is no comparison, but that’s where the traffic study was done, with no train included. This is unacceptable; we need to have someone do a traffic study here in San Rafael, feet on the ground, with the inclusion of the TRAIN. Just to build this project will impact Lincoln Ave. and Mission St., in very severe ways for at least 1 to 2 years, with no parking around this site at all. As our previous Traffic Engineer once stated, “Lincoln and Mission is one of the busiest intersections in all of San Rafael

Many commuters from the north, heading southbound into our City, use Lincoln Avenue Exit, or the Mission Street Exit, which in turn create heavy traffic back up throughout the day, not in just commute hours. The streets back up in all directions, anywhere from 2 blocks to 6 blocks backed up on the north, south, east, and west. This has not been studied and needs to be looked at by the City of San Rafael, so it’s not bias. We also believe we need a new Subsequent EIR, along with a New Traffic Study, which will address these issues and many other issues.

Then there is the Water, where are we going to get the water from, US???? The Marin Municipal Water District on April 20<sup>th</sup>, 2021 declared an “Extreme Drought Conditions” and put restrictions on all of the residents in Marin County. So, while we conserve, out of State Developers come into California, build their projects, and get their money and leave, while we reap the consequences. We have NO Water, how can we continue to build??? It’s not fair to the residents at all.

To summarize, we need a New Subsequent EIR, if indeed one was done at all, along with a New Traffic Study, and we need to consider the effects on the

surrounding neighbors this proposal will have on them, and on the Neighborhood as a whole. Looking at solid massive walls is not what they paid for when they purchased their properties. The Design Review Board is not following their own guidelines, and for that we believe this proposal should go back to the DRB for many improvements to be made before passing it off to the Planning Commission. It is vital to this project that the City of San Rafael due the Traffic Study by a **Local and Objective** entity that knows the ins and outs of San Rafael. The height of the proposed building is way out of scale with the surrounding buildings, and the Neighborhood, and needs to be reduced in height. The Design needs some work to “fit into the area”, this is the entrance to our Neighborhood, NOT the Downtown Neighborhood, and should reflect just that. Last, in the General Plan 2020 – it was agreed by all, the Design Review Board, The Planning Commission, The City Council and then Mayor Al Boro, along with our Neighborhood, it states, “NO Tunnel effect down Lincoln Avenue,” Which this building would create and set a precedence. Not acceptable!!

Thank you for reading my comments; I look forward to working with you, to help in resolving these issues.

Sincerely,


*Nina Lilienthal-Murphy*

Nina Lilienthal-Murphy

Co-founder & President of the Lincoln-San Rafael Hill Neighborhood Association

415-457-7192 h

415-419-6214 c



Attachments:

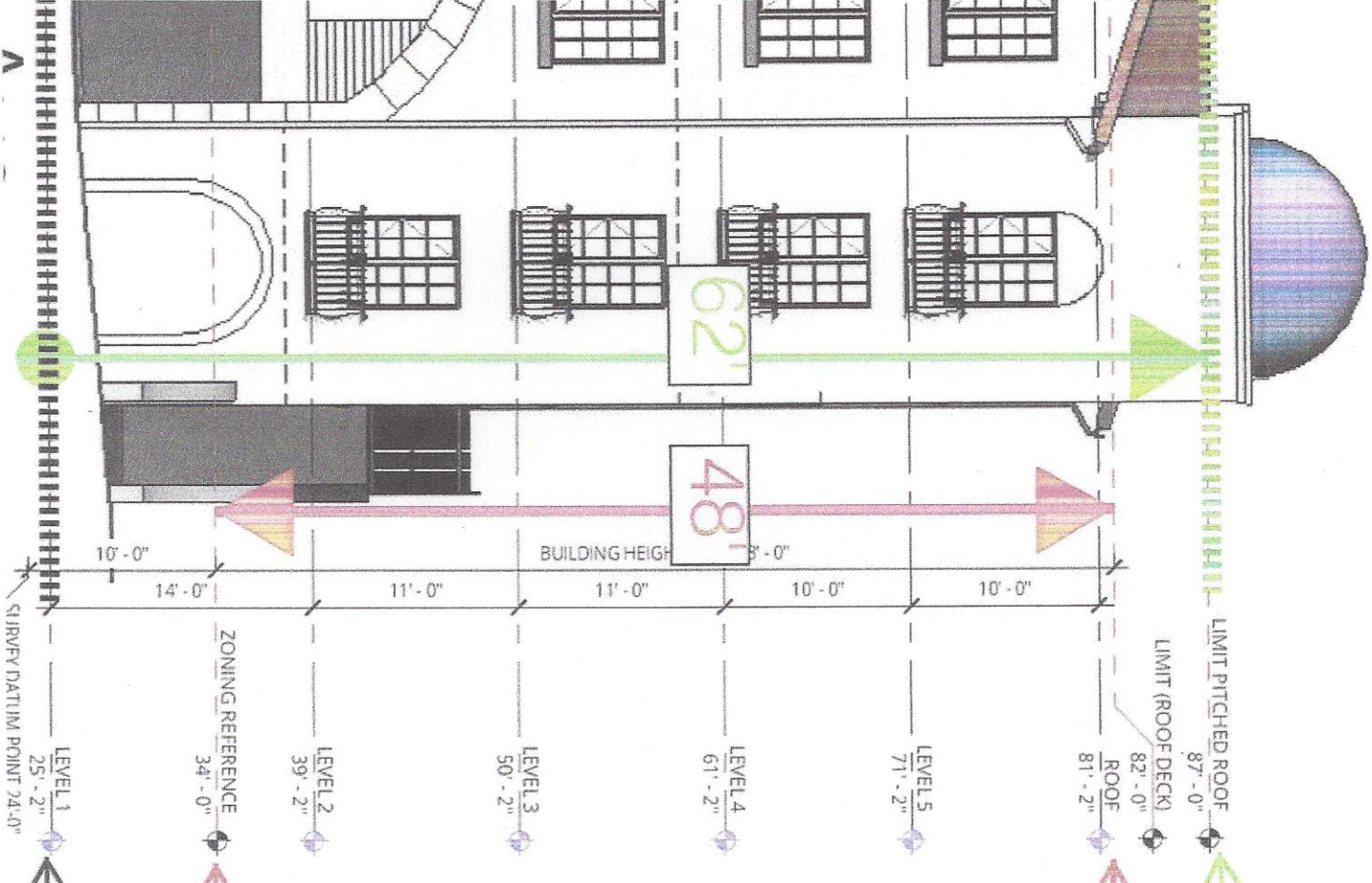
Exhibit A – South East Elevation –in color

Exhibit B - South East Elevation – black & white

Exhibit C - Municipal Code 14.25.010 DRB Guidelines

# CONSTRUCTION

38 NORTHWEST DAVIS, SUITE 300  
PORTLAND, OR 97209  
503.245.7100  
1505 5TH AVE, SUITE 300  
SEATTLE, WA 98101  
206.576.1600  
1014 HOWARD STREET  
SAN FRANCISCO, CA 94103  
415.252.7063  
ANKROM MOISAN ARCHITECTS, INC.

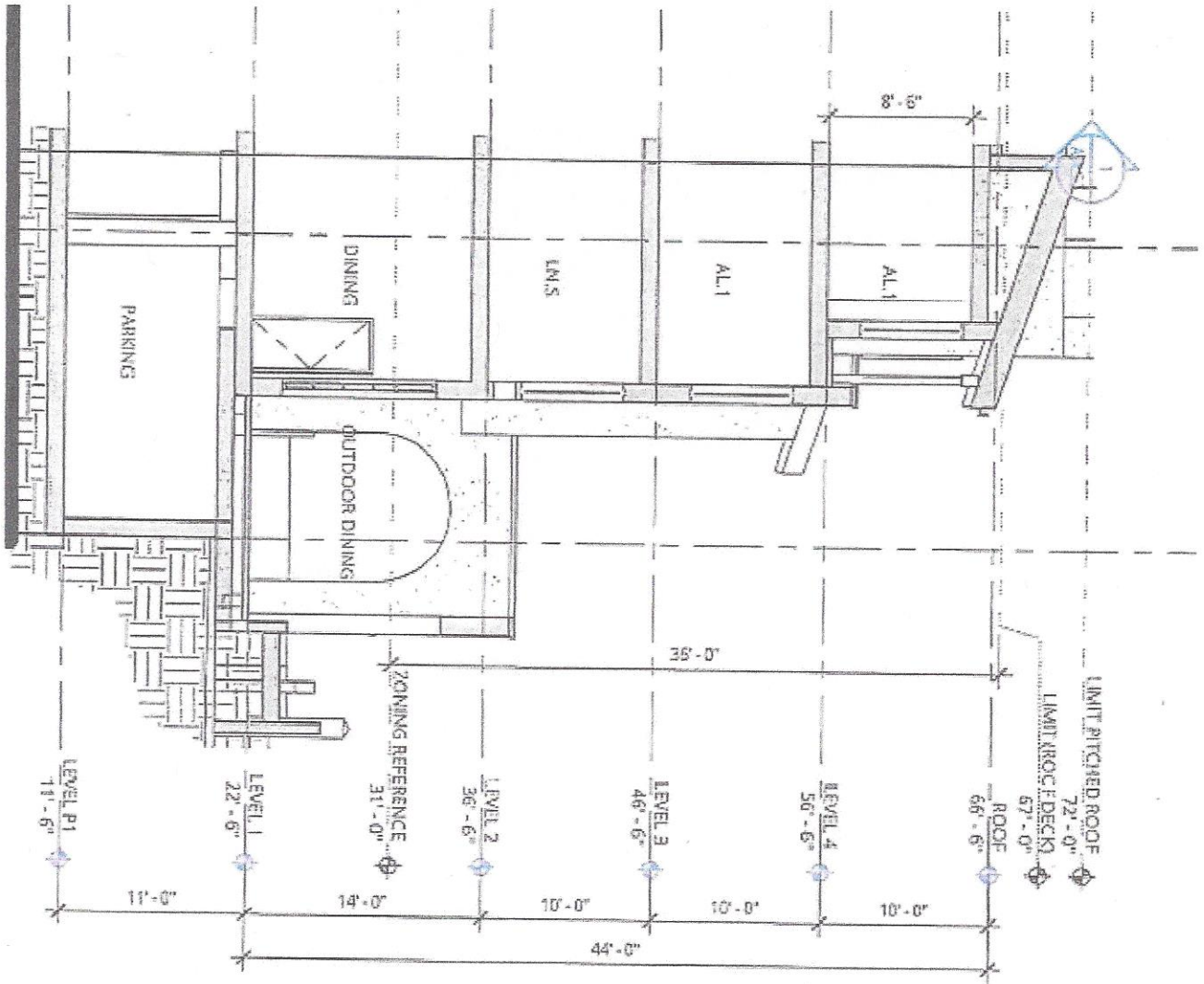


Zoning Ref: 34'

level 1: 25' 2"

*exhibit A*





*exhibit B*

# Code of Ordinances



San Rafael, California - ... / Title 14 - ZONING\* / Division V - ADMINI... / Chapter 14.25 - EN... / 14.25.010 - Specific...



< 14.24.150 - Expiration.

Chapter 14.26 - REQUESTS FOR REASONABLE ACCOMMODATION >

## Chapter 14.25 - ENVIRONMENTAL AND DESIGN REVIEW PERMITS

Sections:

### 14.25.010 - Specific purposes.

Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:

- A. First and foremost, maintain a proper balance between development and the natural environment;
- B. Ensure that the location, design and materials and colors of development blends with and enhances the natural setting;
- C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city;
- D. Preserve balance and harmony within neighborhoods;
- E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques;
- F. Preserve and enhance views from other buildings and public property;
- G. Ensure the right to make residential additions and modifications which minimize the impact on adjacent residences and which are designed to be compatible with the existing residence and neighborhood.

(Ord. 1625 § 1 (part), 1992).

### 14.25.020 - Authority.

Exhibit C

< Prev Hit | Next Hit >

## Steve Stafford

---

**From:** Community Development  
**Sent:** Wednesday, October 6, 2021 1:53 PM  
**To:** Steve Stafford  
**Subject:** FW: Mission & Lincoln project

800 Mission public comment:

**From:** A Dunn <[REDACTED]>  
**Sent:** Wednesday, October 6, 2021 1:40 PM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** Mission & Lincoln project

TO: Steve Stafford

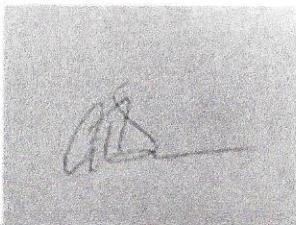
I'm writing to oppose the height increase in the planned project at Mission X Lincoln in San Rafael.

tl;dr

1. Use of "zoning reference" in relation to the height is deceptive. Zoning reference starts from 12' off the ground so the actual height of the building will in actuality be 62' from the ground NOT 47' as the referenced plans say.
2. There already aren't enough parking spaces for staff and the additional rooms that this added height would accommodate would make the congestion on the streets even worse.
3. The design review board DID NOT PASS this additional height already, why is this going back to the planning commission??

This building is a colossal eyesore as it is and should never been approved. This proposed increase in height will make it worse. Do you even care about San Rafael and its residents?

Aileen Dunn  
[REDACTED] San Rafael, CA



**Steve Stafford**

---

**From:** Community Development  
**Sent:** Wednesday, October 6, 2021 1:52 PM  
**To:** Steve Stafford  
**Subject:** FW: 800 Mission Project

800 Mission public comment:

**From:** Anne Ross <[REDACTED]>  
**Sent:** Wednesday, October 6, 2021 12:57 PM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** 800 Mission Project

Steve Stafford  
[planning@cityofsanrafael.org](mailto:planning@cityofsanrafael.org)

Dear Mr. Stafford and the Planning Department,

I am writing to express my strong opposition to the subject project as currently proposed and presented to you by the property's developers. As you are well aware, the Design Review Board did not previously pass this project as specified.

Among other things, I am against the eleven-foot height increase—an entire story—which, in addition to the unctuous choice of pseudo-mission-style design, runs counter to the character of the neighborhood.

As well, as configured, the building appears to "swallow up" every free inch of airspace of this fairly key intersection of town. It "overdominates" and "unbalances" the four corners of the intersection as a whole.

I would also like to see greater setbacks from the perimeter sidewalks—so that the building doesn't add such a huge "shadow footprint" and might thereby retain some of the general sunniness of the area.

Sincerely,

Anne Ross  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Steve Stafford

---

**From:** Community Development  
**Sent:** Wednesday, October 6, 2021 1:51 PM  
**To:** Steve Stafford  
**Subject:** FW: Project: 800 Mission (corner of Mission and Lincoln)

800 Mission public comment:

**From:** Jenny Blackburn <[REDACTED]>  
**Sent:** Wednesday, October 6, 2021 12:53 PM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** Project: 800 Mission (corner of Mission and Lincoln)

Dear Mr. Stafford,

I am writing to share my concerns over the clear attempt by the developers of this project to skirt the initial community feedback and floor restriction recommendations from the Design Review Board.

The initial DRB review rejected the addition of another floor. The building plans are way out of whack for the location of the building, calling for something in size and scale which is inconsistent with that area. As designed, it will clearly become a traffic nightmare. I understand the city wants tax revenue, but I am disappointed they are willing to deliberately jam up a key intersection which most San Rafael residents use on a regular, if not daily, basis.

Knowing that most city departments eye roll at any input from the city's residents, I realize my concerns will have little or no impact. I want to go on record to state my objection to a project like this at this location, and to the cynical resubmission of plans, minus the additional floor, but with the addition of 11 feet to a final height of 62 feet. Is this a "just in case" change that could accommodate an extra floor if the planning department ignores the DRB rejection of an additional floor? Will this just slip through while no one is looking?

Using the obscure and frankly suspicious "zoning reference" as the way to tweak the height specs seems murky at best and outright misleading and cynical at worst.

It is really comical to think San Rafael needs two new multistory hotels within blocks of one another. Have we suddenly become a business or tourist destination?

Per the instructions I am mailing a "signed paper copy" of this letter to you directly.

Thank you.

Jenny Blackburn  
[REDACTED]

San Rafael, California 94901  
[REDACTED]  
[REDACTED]

## Steve Stafford

---

**From:** Community Development  
**Sent:** Wednesday, October 6, 2021 1:51 PM  
**To:** Steve Stafford  
**Subject:** FW: Attention Steve Stafford Planning Dept re: 800 Mission corner lot and Aegis monstrosity

800 Mission project comment:

**From:** Ms Angela Gott <[REDACTED]>  
**Sent:** Wednesday, October 6, 2021 12:21 PM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** Attention Steve Stafford Planning Dept re: 800 Mission corner lot and Aegis monstrosity

October 6, 2021

Dear Mr. Stafford-- I do not know how to sign this letter electronically. I am am 70 and my computer technological skills are limited. I do not even have a cell phone so I can't text and I do not have any kind of iPad or tablet either so I just do not know how to physically sign my name. So this is my photo. I comment on Nextdoor all the time so I hope that will do.



This is an old photo taken in 2011 when I turned 60 but I do not have a digital camera either and I got a person to take this headshot and it is the same photo on my FB page and somehow I got it transported to Nextdoor too--So I look a little older but it's still identifiable as me.

I am writing my opposition to the 800 Mission Aegis monstrosity. I personally believe it will go bankrupt since the people paying for the seniors to live there will want to visit them and will find it impossible to find a parking spot and will instead put "mom" into an assisted living place that is easy and convenient to park and visit often. Busy Moms will decide this as they will want to visit at least twice a week if not more and the parking will be almost nonexistent and this hassle will be the ultimate deal breaker. The residents will be packed

in like sardines and no more rooftop garden with the increased height and it is just going to be such a monstrosity on that corner.

It will just be awful for everyone in that whole area due to the traffic congestion and people trying to find parking and going around the blocks seeking parking that simply is not there. It won't be available for low income families for their elderly at all and so those in the neighborhood all around there won't be able to put their own relatives in this place and then be able to walk to visit them. The plans even have a wine cellar-- that blew my mind-- so you are going to have people with dementia packed in like sardines-- this was approved before COVID so I've seen nothing about making this building safe for the residents with regard to COVID and yet there is a wine cellar-- What is up with that? How is a wine cellar justified? I think it is on the first floor.

I think due to COVID and the ongoing drought situation and lack of water this whole thing needs a redesign with regard to COVID with real scrutiny about the ventilation system and if the windows will be able to be opened so that fresh air can get into and move throughout the building. I would like to see a COVID prevention plan like all residents and employees will have to be vaccinated and all visitors will have to show proof of vaccination too and everyone -- vendors, delivery people, everyone coming in will have to show proof of vaccination too.

But with all the need for low income housing that should be what is built there as that will blend in with the current neighborhood along Lincoln and is walkable.

Thank you.

Sincerely,  
Angela M Gott

## Steve Stafford

---

**From:** Community Development  
**Sent:** Monday, October 4, 2021 1:44 PM  
**To:** Steve Stafford  
**Subject:** FW: San Rafael 800 Mission Ave- Proj# UP21-006 and ED21-022

**Renee Nickenig | City of San Rafael**  
Assistant Planner  
1400 5<sup>th</sup> Avenue, 3<sup>rd</sup> floor  
San Rafael, CA 94901  
415-485-3397

The City of San Rafael is currently open for general walk-in customer service Tuesday and Thursday, 8:30AM – 12:30PM. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.



**SAN RAFAEL**  
THE CITY WITH A MISSION

**From:** Stuart Welte <stuart@eidarchitects.com>  
**Sent:** Saturday, October 2, 2021 2:05 PM  
**To:** planning <planning@cityofsanrafael.org>; April Miller <April.Miller@cityofsanrafael.org>  
**Cc:** 'Valarie Welte' [REDACTED]; Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>  
**Subject:** RE: San Rafael 800 Mission Ave- Proj# UP21-006 and ED21-022

### **RE: San Rafael 800 Mission Ave- Proj# UP21-006 and ED21-022:**

Hello Ms. Miller, and City Planning, and Public Works/Engineering:

My family and I have lived in Central San Rafael and Lincoln Hill for decades, and we love the City and have always supported bringing a renewed vitality to the Lincoln Ave and Downtown areas.

**\*\*\*Please require all new projects to UNDERGROUND All Existing and New utility services along their street frontages.**

This is required in every jurisdiction we design for, and it's the responsible method for providing utility service in light of so many health, safety, and wellness reasons, including fire prevention.

This should Not be negotiable.

Thank you very much,

STUART WELTE, AIA, LEED ap, ICC

**EID** ARCHITECTS

dir [REDACTED]



Hi Steve,

Some comments about water use at the 800 Mission project:

**From:** Matt Parfit <[REDACTED]>  
**Sent:** Wednesday, October 6, 2021 10:26 AM  
**To:** planning <[planning@cityofsanrafael.org](mailto:planning@cityofsanrafael.org)>  
**Subject:** Fw: 800 Mission/Lincoln project

As ever, my only concern about new construction is where the water will come from? Is this part of the process? I've lived in the county my whole life, and as new houses and offices increase in number, the capacity for water storage has remained the same. Regardless of seasonal variation in rainfall, I hope somebody has their eye on the degree to which we are creating our own water shortages.

- Matt Parfit  
San Rafael, dead yard

**Steve Stafford**

---

**From:** [REDACTED]  
**Sent:** Monday, October 4, 2021 11:45 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Proposal

Dear Steve,

As a long time owner of a condo on Lincoln Ave in San Rafael I want to express my dissatisfaction with the proposed building at 800 Mission for the following reasons (I will be brief):

The building is HUGE and does not fit in at all with the rest of the nearby neighborhood buildings

The proposal will create more traffic and does not support enough parking spaces for the staff and visitors

Water! We are in the middle of a severe drought. Now is not the time to build something of this magnitude.

Please reconsider and put something smaller in that conforms to the neighborhood. It is your job to do so!

Linda Coiner  
[REDACTED]  
San Rafael, CA 94901

Linda Coiner

**Steve Stafford**

---

**From:** [REDACTED]  
**Sent:** Saturday, October 2, 2021 1:04 PM  
**To:** Steve Stafford; Krystle Rizzi  
**Subject:** Lincoln Hill Projects

Hi Steve and Krystle,

My wife and I have been living in the Lincoln Hill neighborhood since 2005.

We would like to advise you of our issues with and opposition to the two large projects now being considered for the area.

These are the Senior Living Center at 800 Mission and the Hotel proposed for 1580 Lincoln.

In both cases the scale of the buildings is totally out of character for the neighborhood and the anticipated traffic and overall impact poorly addressed.

Parking is sorely inadequate and overall scale and size of both very inappropriate.

Developers are always pushing to maximize return and minimize investment .. to the detriment of the significant impact these types of projects have on quality of life for existing residents.

In my opinion the proposals need to be scaled back significantly, not allowed height exemptions and realistic parking needs to be addressed with the builds.

We are all for progress ... and opposed to uncontrolled development.

Thank you for your consideration,

RJ Garbosky  
////////////////////  
[REDACTED]  
San Rafael  
[REDACTED]

**Steve Stafford**

---

**From:** Carol Levin [REDACTED]  
**Sent:** Thursday, September 30, 2021 6:54 PM  
**To:** Steve Stafford  
**Subject:** 800 Mission

It has come to my attention that the city is soon to vote on approval of a new senior center at 800 Mission. I object to the proposed size of the project. It is not in keeping with the standards and character of the neighborhood. Moreover, parking WILL be an issue in our neighborhood. Our street is already an overflow parking area for Martinelli's House, which is around the corner. Their prescribed parking lot is not sufficient for the true number of car owners in the complex. Whoever said that seniors won't need, or have cars is sorely mistaken. The city seems to always underestimate the number of cars associated with a project. Please do not approve the project in its current form. Please scale the project back.

Carol Levin  
[REDACTED]  
San Rafael, CA 94901

Lincoln - San Rafael Hill Neighborhood Association  
P.O. Box 150983  
San Rafael, Ca. 94915-0983

September 24, 2021

City of San Rafael  
Planning Commission  
Attn.: Steve Stafford, Senior Planner  
1400 – 5<sup>th</sup> Avenue  
San Rafael, Ca. 94901

Dear Planning Commission,

My name is Nina Lilienthal-Murphy, and I am a 40 year resident, Co-founder, Past President, and now Current President of the Lincoln-San Rafael Hill Neighborhood Association. When I was previously the President, I worked on the 800 Mission Project, and we in the Neighborhood Appealed this proposal, and the appeal was upheld.

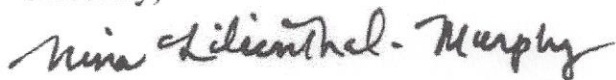
In recent years we have had no one with real leadership skills representing our Neighborhood. In fact, the President back in 2018 approved the 800 Mission Proposal without knowing how to read a blueprint, or a report concerning a development. The Neighbors were not even informed that this proposal was underway. Because of this, I would like to put out a Notification to the Neighborhood informing them of this project, so they can submit their comments to you. Our neighbor's haven't even been given the chance to respond to this Senior Living Center proposal, and I believe they should at least be given the chance to share their perspectives with you.

With this in mind, I am requesting an extension of the 800 Mission Proposal, for at least one month to be able to inform the neighbor's, and that will give them time to respond to you with their concerns. This Project will have a big impact on our Neighborhood, and may be here for the next 40 years. I believe it's only fair that the residents have a chance to submit their comments, whether pro or con, to you for consideration.

We of the Lincoln-San Rafael Hill Neighborhood Association appreciate your consideration for an extension. It will help us inform the residents of our Neighborhood of this proposal, which many are unaware of to this day. As a President, past and present, communication is the most important tool we have in our Neighborhood Association, and this extension will not only inform them but also allow them to have a say in this development.

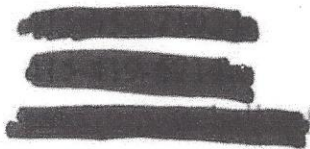
Thank you very much for your consideration of an extension of the 800 Mission Proposal. Once we get the word out, and inform our residents, we will all be ready to talk with you in an informed manner.

Sincerely,



Nina Lilienthal-Murphy

Co-founder & President of the Lincoln-San Rafael Hill Neighborhood Association



-----Original Message-----

From: Eric Holm [REDACTED]  
Sent: Tuesday, August 3, 2021 12:36 PM  
To: Distrib- City Clerk <City.Clerk@cityofsanrafael.org>; Steve Stafford <Steve.Stafford@cityofsanrafael.org>; Paul Jensen [REDACTED]  
Cc: Doug Holm [REDACTED]  
Subject: Continued Opposition to Aegis expanded plan at 800 Mission Ave.

Good morning,

I understand the DRB will be considering the expansion plan again, tonight, for Aegis Living at 800 Mission (directly next door). Although we live on the top floor of 820 Mission, this expansion would overshadow us.

We therefore wish to renew our strong opposition to any expansion of the approved plan for the reasons we have previously stated in writing and verbally at the last meeting.

This project plan is oversized, out of character, and detrimental to our and the neighbors light, views, property values, and character of our neighborhood/gateway to San Rafael.

Additionally, the Aegis claim that increasing the facility by 30 care units without any increase to care staffing, parking, etc. would have no impact to the neighborhood or public good, seems disingenuous and raises an added concern of possible "warehousing" of the vulnerable to increase the bottom line.

I understand that Staff continues to recommend passage of this expanded plan, but hear us when we state again our opposition. Please convey our strong opposition to the Design Review Board.

Thank you in advance for the Board's good judgement in denying this expansion.

Eric Holm

[REDACTED]  
San Rafael, CA 94901

## Steve Stafford

---

**From:** Steffanie Lehr <[REDACTED]>  
**Sent:** Friday, July 30, 2021 12:42 PM  
**To:** Steve Stafford; planning; Mayor Kate  
**Subject:** Memory Care Facility at Lincoln and Mission

Dear Steve,

As a resident of San Rafael that regularly uses the corner of Lincoln and Mission, and just as a resident concerned about the look of San Rafael, I am writing in regard to the new Memory Care facility soon to be constructed on that corner.

I believe you have received the following email statement from Karen Carlson. I agree completely with her words, which I have copied below and added my own comments in bold.

"I understand that the developer is currently petitioning to erect the building at a height of 62 feet? A structure of this size is utterly incongruent to the Lincoln Hill neighborhood. Even at a height of 51 feet, this building is objectionable, but an additional 9 feet? And I assume that this height change would also increase the population density of the proposed facility? How could this possibly be justified? I am praying that our city officials will reconsider, due to:

**TRAFFIC:** this area is already chronically gridlocked to an extent which exceeds inconvenience--it is often unsafe. The City should be working on ways to alleviate the current situation, rather than continually compounding it (e.g., SMART train). **\*I am often stuck in the SMART train traffic, especially when trying to make a left turn onto Lincoln from Mission going eastbound. Adding the vehicles of the staff of this facility alone makes this corner even more dangerous.**

**PARKING:** residents of this neighborhood already struggle to find parking. Instead of improving this situation, the City is choosing to worsen it? Where will the staff and guests of this new facility park their vehicles?

**WATER:** adding to our water burden is an unconscionable choice. Our current historic drought is being caused by circumstances which will only worsen over time. Meanwhile, we are constructing a gigantic hotel downtown! We do not have the resources to support this usage. **\*As residents of SR, we are now under drought restrictions. I can only water once a week. Why would we add to this burden?**

**DESIGN:** I find it shocking that this design could have been approved by our planning department. It is an extremely unsightly building, and recent redesigns have not improved it. It violates every rule of architectural aesthetics, with its jumbled sight lines, ridiculous columns and towers, and gratuitously cluttered facade. It evokes images of a downscale theme park, and would add to the embarrassing provincialism of our town. I hate to see yet another squandered opportunity for a sophisticated, elegant addition to San Rafael. **\*Agree completely. We have a chance to add beauty. It's bad enough that the swath of the 101 that runs through San Rafael cuts between barren industrial buildings and NO trees, which makes San Rafael look like the poor country cousin of Corte Madera and Mill Valley.**

I hate to see yet another squandered opportunity for a sophisticated, elegant addition to San Rafael. In my 35 years as a resident, I have felt as if the City increasingly disregards the opinions of its citizens. I hold hope that this time might be different."

Steve, I hope that you see that this is a big detail to the residents of San Rafael. We simply want San Rafael to develop thoughtfully.

Look forward to your thoughts.



Kindly,  
Steffanie

Steffanie Lehr Burkhard

[REDACTED]  
[REDACTED]

**Steve Stafford**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 27, 2021 1:25 PM  
**To:** Steve Stafford  
**Subject:** 800 Mission  
**Attachments:** P1050360.JPG

Hi Steve,

Regarding the senior facility. NO, NO, NO. It's way to big, sterile and especially not an inviting place to want to live. San Rafael is starting to build way to many 3, 4 or more storied buildings. What happened to our nice little town? It's getting over run by developers who are building out of place buildings. This corner is a nice little residential area. Keep it to two stories max with a nice park area for seniors to enjoy the outside.

Marty



**Marty Komitopoulos**  
[REDACTED] - Land Line  
[REDACTED] - Fax  
[REDACTED]

## Steve Stafford

---

**From:** Michael Alexin [REDACTED]  
**Sent:** Tuesday, July 27, 2021 7:59 AM  
**To:** Steve Stafford  
**Subject:** Senior Housing Project on Lincoln

Dear Steve:

I am a property owner and resident of San Rafael. I am writing in FAVOR of this project, and feel that it is in the City's and residents' best interests that this be approved. First, we need more housing for seniors. Secondly, the design of the proposed building is attractive and in keeping with San Rafael's Spanish roots. Third, the influx of new residents should help revitalize a dirty and unattractive section of our downtown. I am also in favor of allowing additional height, as this building can function as a landmark for our city.

Sincerely,  
Michael Alexin  
[REDACTED]

Sent from my iPad

**Steve Stafford**

---

**From:** Esther Wanning [REDACTED]  
**Sent:** Thursday, July 29, 2021 12:52 PM  
**To:** Steve Stafford  
**Subject:** New Senior Center

It looks fine to me.

Esther Wanning

[REDACTED]  
San Rafael, CA 94901

Sent from my iPhone

**Steve Stafford**

---

**From:** T. Farley [REDACTED]  
**Sent:** Tuesday, July 27, 2021 5:29 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Senior Facility

I urge you to support this drastically needed facility and building. It is a sensible development.

Sincerely,

Thomas Farley  
[REDACTED]  
San Rafael, CA 94901

**Steve Stafford**

---

**From:** carol duke [REDACTED]  
**Sent:** Monday, July 26, 2021 2:13 PM  
**To:** Steve Stafford  
**Cc:** carol duke  
**Subject:** 800 mission street

**800 Mission Senior facility NEW design. Too big and too ugly. Trying to look like something it is not....**

**although we desperately need senior housing, we do not have enough water for new hookups.**

**all projects should be on hold until we see what this year's rainy season brings.**

**I live in kentfield and I lived in marin in the mid 70's when we had extreme drought conditions.**

**Thank you, carol duke**  
[REDACTED]

## Steve Stafford

---

**From:** carol duke [REDACTED]  
**Sent:** Monday, July 26, 2021 2:19 PM  
**To:** Steve Stafford  
**Cc:** carol duke  
**Subject:** Ugly ,fake building 800 mission

carol lee

• Kent Flats

I sent a comment saying it is too big too ugly and looks like it is trying to be something that it isn't , Caroline Beyer said it best.... I agree with Caroline Beyer .....It would be different if this building were well-designed. Instead, it violates every rule of architectural aesthetics, with its jumbled sight lines, ridiculous columns and towers, and gratuitously cluttered facade. It evokes images of a downscale theme park, and would add to the embarrassing provincialism of our town. I hate to see yet another squandered opportunity for a sophisticated, elegant addition to San Rafael.

Just now

Like

Reply

Share

## Steve Stafford

---

**From:** Ms Angela Gott <[REDACTED]>  
**Sent:** Monday, July 26, 2021 7:42 AM  
**To:** Steve Stafford  
**Subject:** Re: 800 Mission re-design to 62 ft tall

What I do not like is that there is no place on the proposed building for the residents to be able to sit outside and enjoy the sun, some plants, trees, nature, bird feeders, humming birds, etc. Old people enjoy the outdoors and sunshine on pretty days. All of this went by the wayside-- Originally there was supposed to be a rooftop terrace or garden right? So this got scrapped to make room for more beds.

People are going to be confined indoors all the time with no way to get fresh air. How is this building being designed to limit the spread of COVID?

We all know that COVID is here to stay and the importance of fresh air, windows that open, etc. So to me, to confine these people indoors 24/7 is more like a prison. People coming to visit are not going to want to be indoors with all the COVID either.

There needs to be some alternative to being indoors now more than ever-- It is not healthy to limit these folks to an indoor environment all the time-- so the design needs to incorporate measures to limit the spread of COVID.

Make these developers design a site that is mindful of the new COVID world we are now living in and put in some place for the residents to be able to enjoy the outdoors.

Thank you.  
Angela Gott



**Steve Stafford**

---

**From:** Carol Galloway <[REDACTED]>  
**Sent:** Monday, July 26, 2021 9:41 AM  
**To:** Steve Stafford  
**Subject:** Building on Lincoln & Mission

To Mr. Steve Stafford,

I would like to see a much smaller building be built on the corner of Lincoln & Mission St than the latest drawing that was presented. The new plan doesn't look any smaller than the previous one. That corner is a very busy corner and having a monster building there would look so out of place. Our lovely city is being overdone with huge buildings all over San Rafael. I don't like it.

Thank you,

Carol Galloway

## Steve Stafford

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**From:** Susan Bradford <[REDACTED]>  
**Sent:** Monday, July 26, 2021 5:40 PM  
**To:** Steve Stafford; planning; Mayor Kate  
**Subject:** Re: 800 Mission Senior Facility

Dear Steve, Kate Colin and Planning Dept,

I will get right to the point to comment on the proposed senior facility building at 800 Mission.

I am an elder myself and I pray that no one ever puts me in a place like that!

It looks like an "institution". It is too tall for our city and especially for where it is located. Our elders deserve and need to be where there is easy access to the outdoors and a beautiful park-like setting with nature to view, not narrow sidewalks with swiftly moving traffic on both streets that the building is proposed to sit on.

The elders need a place where even if in a wheelchair they can be taken outside for fresh air, sunlight and a peaceful setting. This offers none of that...only a concrete, glass and metal hermetically-sealed high rise. Who would want to spend the rest of their lives in a place like that?

In the past I have worked in a number of long-term care facilities so I do have some insight into what is meaningful and important for the people who have to live in them. I would like to see the city of San Rafael planning board take into deep consideration what aspects are really of the greatest importance to honor and respect our elders in their last years.

How can you create a home that will give our city's elders some well-deserved enjoyment and pleasure in their final home?

Thank you,

Susan Bradford

**Steve Stafford**

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**From:** Karen Carlson [REDACTED]  
**Sent:** Sunday, July 25, 2021 12:55 PM  
**To:** Steve Stafford  
**Subject:** project at Lincoln and Mission

Dear Mr. Stafford

I am writing in regard to the new Memory Care facility soon to be constructed at Lincoln and Mission.

I understand that the developer is currently petitioning to erect the building at a height of **62 feet**? A structure of this size is utterly incongruent to the Lincoln Hill neighborhood. Even at a height of 51 feet, this building is objectionable, but an additional 9 feet?

And I assume that this height change would also increase the population density of the proposed facility?

How could this possibly be justified? I am praying that our city officials will reconsider, due to:

**TRAFFIC** this area is already chronically gridlocked to an extent which exceeds inconvenience--it is often unsafe. The City should be working on ways to alleviate the current situation, rather than continually compounding it (e.g., SMART train).

**PARKING** residents of this neighborhood already struggle to find parking. Instead of improving this situation, the City is choosing to worsen it? Where will the staff and guests of this new facility park their vehicles?

**WATER** adding to our water burden is an unconscionable choice. Our current historic drought is being caused by circumstances which will only worsen over time. Meanwhile, we are constructing a gigantic hotel downtown. We do not have the resources to support this usage.

**DESIGN** I find it shocking that this design could have been approved by our planning department. It is an extremely unsightly building, and recent redesigns have not improved it. It violates every rule of architectural aesthetics, with its jumbled sight lines, ridiculous columns and towers, and gratuitously cluttered facade. It evokes images of a downscale theme park, and would add to the embarrassing provincialism of our town. I hate to see yet another squandered opportunity for a sophisticated, elegant addition to San Rafael.

In my 35 years as a resident, I have felt as if the City increasingly disregards the opinions of its citizens. I hold hope that this time might be different.

Sincerely,  
Karen Carlson  
[REDACTED]

**Steve Stafford**

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**From:** Lynne Law [REDACTED]  
**Sent:** Sunday, July 25, 2021 3:46 PM  
**To:** Steve Stafford  
**Subject:** New Design for 800 Mission

I have seen the drawing for the first time of this proposed project. To me, the design reminds me of a former orphanage - definitely believe it could be improved to look more contemporary and attractive for our downtown. Definitely, the height is excessive for the neighborhood.

Lynne Law

**Steve Stafford**

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**From:** J [REDACTED]  
**Sent:** Sunday, July 25, 2021 8:26 PM  
**To:** Steve Stafford  
**Subject:** 800 Mission Avenue project

I am a lifelong, third generation San Rafael resident. I love the "mission" feel to the design but 5 stories will be completely overwhelming in size. There are no 5 story buildings in the area therefore it will overpower the whole area. Again, the styling fits the mission city but 5 stories is way too much for the neighborhood and is just too tall. I couldn't imagine being in the houses behind it, it will block out any views. 5 stories seems too high even if it was in the Bank of America block. Mission and Lincoln is not the place for a 5 story building.  
Jeanne

**Steve Stafford**

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**From:** Rosemarie Klahn <[REDACTED]>  
**Sent:** Sunday, July 25, 2021 2:03 PM  
**To:** Steve Stafford  
**Subject:** 800 Mission

Mr. Stafford,

I am in favor of senior housing, though I support Aging in Place as the first line of effort, but this project is fraught with issues.

Foremost, imo, is the architectural style. While consistent with San Rafael's history, the problem is...that it's consistent with San Rafael's history! That is, Mission/Colonial style is as much anathema to our indigenous peoples as Antebellum mansions are to descendants of Enslaved Peoples.

Also, the ever-ratcheting up of stories is an old investor's practice. Limit here at downtown and invest elsewhere. Where?

I'd like to see Senior Living built into the upper floors at Northgate Mall, opened up to the sky. And to truly make it multigenerational, support a daycare and library there. Design similar to Emeryville or in Leesburg, VA. I lived for nearly two decades at The Golden Gateway, near The Embarcadero Center in SF. Many Seniors chose to age there because it provided a good walk-friendly lifestyle, imperative for years after the ability to drive is past.

We can do better.

Thank you,

Rosie Klahn  
[REDACTED]  
San Rafael, CA 94901  
[REDACTED]

**Sent:** Saturday, July 24, 2021 4:04 PM  
**To:** planning <planning@cityofsanrafael.org>  
**Subject:** Project No.: UP21-006 and ED21-022

Hello,

I am a neighbor to this project. It appears we are either being duped or lied to. The drawing for the project to be reviewed on 8/3/21 represents a 62' high structure according to the design shown below.

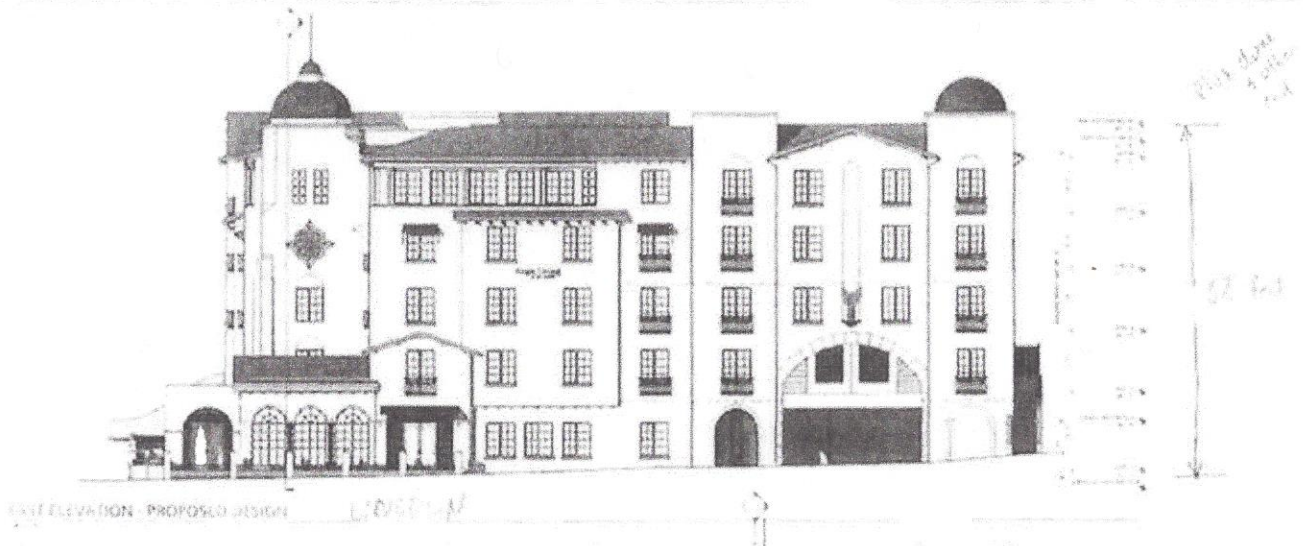
Please explain why the City of San Rafael Planning Department is listening to this developer with such plans being 62' vs. 47'.

**Your website tells me:**

The previously approved project was a four-story assisted living facility building with 77 assisted living bedrooms or suites (studio and one-bedroom unit layouts) and 88 beds over 40 garage parking spaces. The project was approved with one floor of memory care services.

Proposed amendment of the approved project to allow a requested height bonus. **Project is requesting a 11' 2" height bonus** where a maximum 12' height bonus is allowed by the General Plan and Zoning Ordinance. The proposed height would increase from 36' to 47' 2". The number of rooms would increase from 77 suites to 103 suites. The additional height would allow the memory care services to expand from one floor to two. No other design changes or modifications are proposed.

**Older Rejected Plan/Design:**



**New Proposal/Design to be heard August 3, 2021**



1 EAST ELEVATION - PROPOSED DESIGN

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Thanks,

Mark Comin | [REDACTED] | San Rafael, CA 94901



**From:** Ravi <[REDACTED]>  
**Sent:** Saturday, July 24, 2021 6:11 PM  
**To:** planning <[planning@cityofsanrafael.org](mailto:planning@cityofsanrafael.org)>  
**Subject:** mission and lincoln project

Hello,

The new plan looks just like the old plan.

Height looks the same.

What about the traffic impact on Mission?

It's the back road to San Anselmo as you guys ruined the traffic with the smart train which has so few riders even before covid.

It's like you are in a city planning cult that emanates from academia and not real world practicality.

Who do you work for?

Clearly not the tax payers.

Ravi

## Steve Stafford

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**From:** walden valen [REDACTED]  
**Sent:** Friday, July 23, 2021 3:11 PM  
**To:** Steve Stafford; 820 Mission HOA  
**Subject:** Project: 800 Mission ave. (Aegis Living San Rafael)

Mr. Stafford:

The following are some concerns, questions, facts and corrections from the last Design Review Board meeting on June 8th. Please forward these to the appropriate Committees, Commissions, or Boards as needed.

**Traffic / Parking:** In the latest proposal package from Aegis Living, the traffic study does not mention any dates beyond 2018 except as a Memorandum of March 3, 2021. It seems to refer back to a study of two Aegis Living Facilities in Washington State done in 2014. There does not seem to be anything that updates it to today except a large number of charts and tables projections. Did anyone from Trans Po Group actually come out to the site with pencil, paper and clicker to witness present traffic conditions?

Since that study the SMART Commuter Rail has begun regular service through San Rafael, and at times, creating traffic back-ups westbound on Mission Ave. and onto the off ramp from 101 Highway. Even with Covid lockdown traffic has increased significantly since 2018 on our Mission Ave..

During the last meeting Mr. Geoff Former made at least one false statement. In justifying the 37% increase in suites from 77 to 106 suites without increasing the number of parking spaces, he said that there was public transportation on both Lincoln and on Mission Ave. In fact there is no public transit on Mission Ave.

Here at 820 Mission Ave., we have 13 Units in the building. There are 2 parking spaces per unit Underground, 5 visitor parking spaces out front (Oh yes, our building is set back 30+ feet from the street), and 2 extra parking spaces up in back by our storage area. This makes 33 off street parking spaces for our complex.

Next door at 828 Mission Ave., a Victorian converted to office spaces (10), which is For Sale, the City has required them to provide 26 off street parking spaces plus 1 handicap space.

How does a 37% (77 to 106 suites) or now a 34% (77 to 103 suites) not increase their required off street parking (37 spaces plus 3 dual purpose - ADA / Short Term spaces)??\*\*\*\* Actually in their new proposal Dated: July 9, 2021 Aegis is proposing to only have 37 off street parking spaces, including two designated ADA. \*\*\*\* So now they are not only asking to increase the number of suites by 34%, but also asking to decrease the the parking by another 8%

**Other Questions /Concerns:** At the last meeting someone asked about Story Poles. Is Aegis required to put them up because of this new proposed height ??

The General Plan and Zoning Ordinance Design Policies and Criteria require Projects to harmonize with the natural environment and surrounding area. When arriving to our City the proposed Aegis Living structure does not meet the criteria. Even with their newest proposal it is still a large blocky structure that does not harmonize with the surrounding area. Our building at 820 Mission Ave. and the Vicitorian building next door are more harmonizing and inviting focal points to our City.

Please compare the set-backs (front and side) between the Aegis Living proposal and the next two buildings on Mission Ave. I know Aegis is conforming to the laws, but it makes the addition to the structure look even more Blocky and Imposing - - - not an invitation to the City.

In response to a statement made by the representative from Aegis who spoke toward the end of the meeting and said that "this project did not pencil in without the added floor". (profit) We would like to respond "this project does not pencil in for us with the added floor". (Growth in our equities.)

We also are wondering what is going on at the Aegis property with the temporary fencing and large drilling ??

One last personal concern. The Planting Plan for the Aegis project includes *Gelsemium sempervirens* 'Margarita' Carolina Jasmine. All parts of this species are poisonous if ingested. I know this plant is widely used and maybe without any incidents, but I do want to make that caution.

Thank you, for your consideration in this matter. I am looking forward to attending the online meeting on August 3.

Walden Valen, Interim President  
820 Mission Ave. HOA Board of Directors

[Redacted signature]

**From:** Susan Nawbary <[REDACTED]>  
**Sent:** Monday, June 7, 2021 2:05 PM  
**To:** planning <[planning@cityofsanrafael.org](mailto:planning@cityofsanrafael.org)>  
**Subject:** 800 Mission Construction

Please have building incorporate proper tree protection and extensive planting. Please have the street scape re-assess senior access to trains.

Thank you.

Sent from my iPhone

## Steve Stafford

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**From:** Paula Doubleday <[REDACTED]>  
**Sent:** Friday, June 4, 2021 9:07 AM  
**To:** Distrib- City Clerk; Steve Stafford  
**Subject:** 1203 Lincoln Ave Comment for DRB June 8 meeting

Good morning to you both. I am writing in support of the Design Review Board approving the Aegis Living project. I reviewed the previous designs approved by the DRB, and compared them to the modified 2021 elevations which show a consistency in the architectural elements such as the dome, stained glass, archways, etc that the DRB liked. The additional floor in the middle of the building looks like it was added with design integrity in mind.

This is an excellent location at the edge of downtown that provides significant, much needed housing for seniors. There are numerous nearby multi-story structures that will accommodate the size of this development. I've read concerns from neighbors on Nextdoor about the building height. My understanding is that the height bonus requested is built into the Code based on this location /parcel size. With the various levels, insets, and landscaping, it is a beautiful building and will be enjoyable to walk by.

The San Rafael 2040 Plan encourages density in the downtown area (and this is at the edge) and near transit to increase the vibrancy of our central San Rafael business district. Residents will likely have minimal car ownership, but when their family comes to visit, it is an easy distance for a meal or entertainment in our business district. This is a great fit and opportunity for the City.

I encourage you to approve and move the project forward. This lot has been empty for too long.

Paula Doubleday  
[REDACTED]  
San Rafael 94901

## Steve Stafford

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**From:** Richard Shaffer <[REDACTED]>  
**Sent:** Friday, June 4, 2021 7:21 AM  
**To:** Steve Stafford  
**Subject:** Aegis Project at Mission & Lincoln

Dear Mr. Stafford,

I am writing to you to weigh in on the controversy concerning the height of the proposed building on the above captioned project.

My concern is our neighborhood currently has a nice blend of single family homes and apartment complexes. I believe the additional height will protrude into our living environment in a negative way. Light to the area will be reduced and traffic patterns will be increased with an additional 29 units. The afterthought by the developer to gain more revenue at the expense of disrupting the harmony of our wonderful neighborhood is more than a little bothersome to me.

I have lived on Nye Street for almost twenty years and I can tell you that just making a left turn onto Mission Street from Nye is already challenging. I am sure that the planning department has studied the traffic patterns at the Mission and Lincoln intersection and must be aware that the proposed additional 29 units, concerning ingress-egress regulations, would become an added burden. There can be no doubt about that.

I believe that the request by the developer should be denied as its an overreach at the eleventh hour and would most assuredly be harmful to both our neighborhood and community as a whole.

Rich Shaffer  
[REDACTED]

**Steve Stafford**

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**From:** Matt Habecker [REDACTED]  
**Sent:** Thursday, June 3, 2021 10:55 PM  
**To:** Steve Stafford  
**Subject:** Increased Building Height @ Corner of Mission and Lincoln

Hello,

My name is Matthew Habecker and my partner, Jeremy Bronson, and I own [REDACTED] in San Rafael. We have loved living in this wonderful neighborhood for over five years now, but as of late, we have become concerned with a developer's request to increase the building height at the corner of Mission and Lincoln from 36ft to 47ft, which means an increase from 77 units to 106.

I am happy to know that this vacant lot will finally be developed, and my partner and I have always encouraged the development of our downtown area, but the increase in residents from this building will greatly affect our residential community (which is, although close to downtown, NOT actually downtown).

Although this area is residential, it is already heavily congested with traffic in the mornings and evenings during rush hour. My partner and I both work in San Francisco and about 25 minutes of our commute time to work and home is spent getting from our house to the 101 onramp. We can only imagine how much longer this will take with many more residents in the area and increased traffic. In addition to single family homes like ours, there are already many apartments and duplexes in the neighborhood and we truly feel we are nearing the maximum number of residents before congestion gets out of control.

We are also very concerned with a height increase for this building. It will be several feet higher than anything else in the area, which will block views of Mt. Tamalpais (a wonderful benefit to living in our neighborhood) for many of our neighbors, which will most certainly affect property values.

Again, we are fully supportive of the development of this lot, but we urge you to not allow the developer's request for a height and unit increase to be approved. Please listen to the residents of this neighborhood who have devoted so much time, money and care into improving our properties not just for our own benefit, but for the benefit of the neighborhood as well.

Thank you for your time and consideration,

Matthew Habecker and Jeremy Bronson  
[REDACTED], San Rafael, CA 94901

June 3, 2021

To: Design Review Board

Re: Aegis project at Mission & Lincoln Avenues

The plan that was approved last year seemed to us to be a good use of that location. The size was at the upper level of acceptability. The new version being considered now seems excessively large. A building that massive changes the character of the neighborhood.

Although we are at the edge of the downtown area, this is still a mixed residential neighborhood. It has been slowly changing over the years from single family residences to multiple units. Even the condominiums at 820 Mission were designed in such a way that they are set back on the upper floors. This keeps the height from overpowering the surrounding buildings.


The new design plan for Aegis does not do this. It is already planned to be close to the property lines on both Lincoln and Mission. The increased bulk of the building is out of character for the neighborhood, will overwhelm the nearby structures, and reduce everyone's property values.

Moreover, the increased number of residence and workers will add to the already congested traffic and parking, particularly on Laurel Place.

Thank you for your consideration in this matter.

John R. Haeuser

Mary Ann Haeuser

  
San Rafael, Ca 94901



## Steve Stafford

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**From:** Whitney Phaneuf [REDACTED]  
**Sent:** Thursday, June 3, 2021 7:28 PM  
**To:** Steve Stafford  
**Subject:** Feedback on Aegis project for Design Review Board

Hi Steve and Board,

Don't cave to big money and developers when your constituents are begging you to see that the Aegis project's increased height request is terrible for the Lincoln Hill neighborhood. We live in this peaceful residential neighborhood to get away from this kind of careless development.

This isn't a bunch of NIMBYs complaining. We understand the development is happening and we will personally cope with the construction noise and increased traffic, among many annoyances, that it will bring. Don't make this worse by approving the height increase and destroying the quality of life in this charming neighborhood for me and my neighbors.

Listen to the people who live here who are telling you this is wrong for the neighborhood and the city of San Rafael.

Whitney Phaneuf  
[REDACTED]  
San Rafael 94901

Dear Mr. Stafford,

I am writing to voice my support of the Aegis project at 800 Mission Avenue. We are currently in the market for a senior home for . Most all of the facilities in the County are at capacity or are VERY dated. Additionally, I believe this beautiful building would also help alleviate housing affordability issues within Central and Southern Marin as more housing units become available due to this project.

The height and scale is appropriate for this location. I work in Downtown San Rafael and believe the setting would be ideal for this use. Traffic, parking and noise impacts are MUCH less than another residential project with 160%+ density bonus, which has been recently approved in the Downtown.

Please use this letter to represent my support for this Project's approval at both the Design Review Board **AND** the Planning Commission Hearing. This lot has sat vacant long enough!

Kindest Regards,

**Colin Crotta**

Account Manager / CEgrOw

Interior Plantscape Company

Mobile: [REDACTED]

Office: [REDACTED]



## Steve Stafford

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**From:** Ian McCamey [REDACTED]  
**Sent:** Wednesday, May 19, 2021 12:07 PM  
**To:** Distrib- City Clerk  
**Cc:** Mayor Kate; Steve Stafford; Bill Guerin  
**Subject:** Request for Publication of Traffic/Park Study

Dear Planning Commission, DRB, Mayor Colin, Mr. Guerin—

It is my understanding that the approved plans for the project at Lincoln/Mission Avenue, commonly known as "800 Mission", were approved based on a parking and traffic study which was provided directly from Aegis, and approved by the City Engineer. (I am unclear if that is Mr. Guerin or not). It is also my understanding that -

- this study was furnished prior to Smart Trains completion
- this study has not been updated as part of Aegis current request for an 11' height bonus (and increased residence capacity)

Due to the importance of this project to inject revenues to the City, in the interest of full transparency and seeking the full confidence of the community, we would like to ask that:

1. An up-to-date independent study (outside of the purview of Aegis) be conducted which takes Smart Train's impact on the area into consideration. This would include, but not be limited to, the following:
  - any increase in gridlock patterns within an 8 block radius of Lincoln and Mission avenues since the Aegis study was conducted
  - any increase in overflow traffic (of any speed) caused by drivers attempting to circumvent the gridlock of Lincoln/Mission by using other arterial routes (Nye, Laurel, Curtis, Grand, Other) since Aegis study was conducted
  - any increase in the amount of pedestrian, bicycle, and/or vehicle accidents within an 8 block radius of Lincoln/Mission since Aegis study was conducted
  - any increase in parking/abandoned vehicle issues within an 8 block radius of Lincoln Mission since Aegis study was conducted
  - an updated assessment of how parking and traffic will be impacted by Aegis's currently \*approved\* 2018 plans
  - an updated assessment of how parking and traffic will be impacted by Aegis 2021 \*proposal\* for an increased height bonus and residency count
2. To the extent that any approved project from Aegis causes an expected increase above the baseline, that an appropriate mitigation plan is created for light retiming, speed limit adjustments, and appropriate, parking limits and enforcements.

Many thanks,

Ian and Michelle McCamey

[REDACTED]

San Rafael, CA

[REDACTED]

# SAN RAFAEL CHAMBER

WE ARE ONE COMMUNITY ● CELEBRATING 100 YEARS

May 17, 2021

Page | 1

City of San Rafael  
Planning Commission  
1400 5<sup>th</sup> Avenue  
San Rafael, CA 94901

Re: Approval of Additional Units at 800 Mission Avenue


Dear Mr. Stafford:

On behalf of the San Rafael Chamber of Commerce, which represents 625 Marin County businesses with over 26,000 employees, I write to express our support for the additional 26 units for the previously approved senior assisted living facility proposed at 800 Mission Avenue. The proposed project offers a significant contribution to the City's Affordable Housing Fund, additional well-paying jobs and economic stimulus to Downtown and fits with the surrounding neighborhood, only rises 5' above the adjacent building, and the architecture is outstanding.

As you are well aware, the Chamber has a long-standing policy to support workforce housing. It is of our belief that, "without more workforce housing, we will be subject to a shrinking middle class, a struggling economy, loss of tax revenue, and less options for goods and services while paying more and more for what we need" in Marin. So, it does not come easy for us to support something other than workforce housing on this site. Many factors played into our decision; the need for the Chamber to support a full range of housing including housing for our aging population; the fact that we could not find anywhere within city code that states the parcel must be workforce housing only; and the fact that this project is consistent with the values of the general plan.

The lot at 800 Mission Avenue has sat vacant for several years and we now have an operator ready to build a much-needed ALF for our aging seniors that will provide economic benefits to our downtown businesses. The San Rafael Chamber of Commerce supports this project and respectfully asks the approval by the Design Review Board and the San Rafael Planning Commission.

Sincerely,



Joanne Webster, President and CEO

cc via email: Chamber Board of Directors

## Steve Stafford

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**From:** Ian McCamey <[REDACTED]>  
**Sent:** Monday, May 17, 2021 7:38 PM  
**To:** Steve Stafford  
**Subject:** re 800 Mission Project DRB for 05/18

Hello Steve,

Please pass the following notes, questions, and feedback to the planning board.

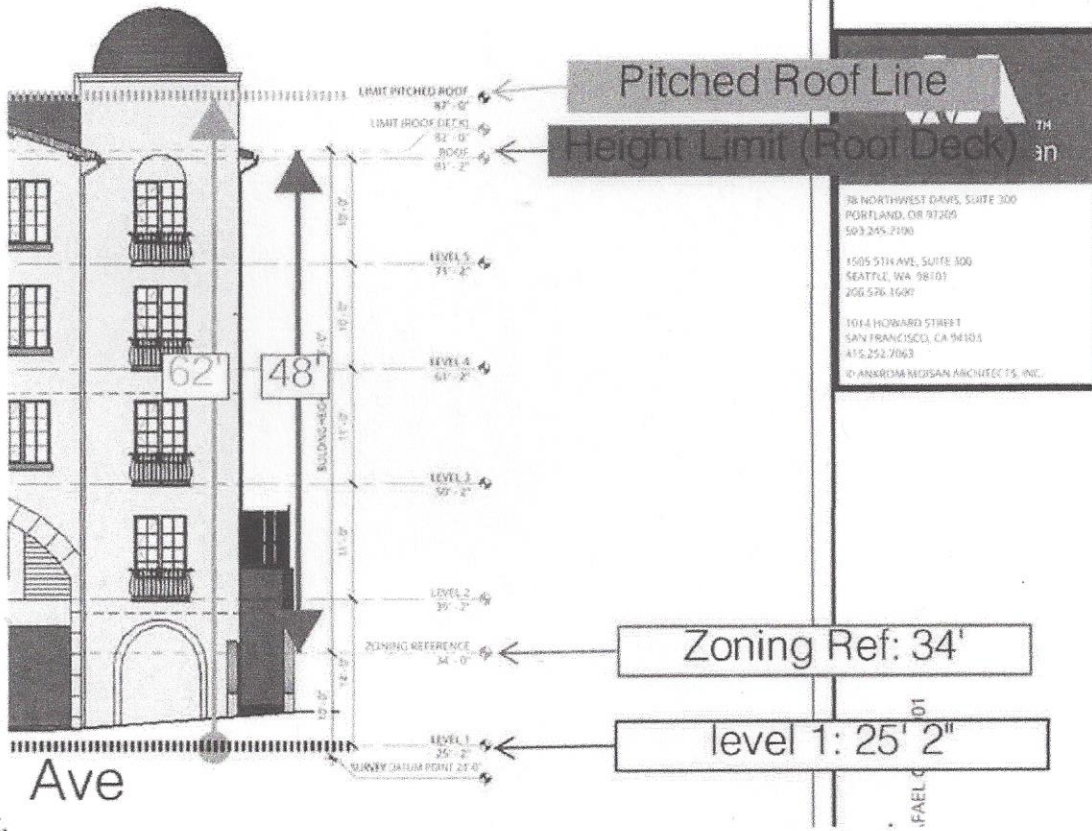
As long time residents of the area, we are not in favor of the proposed height limit increase for several reasons:

- the stated increase is from "36' to 47' feet" (which is actually 48'). However, these numbers are highly misleading, making it sound as though the final height will be 47 feet'. The truth is that the pitched roofline (what a pedestrian will see as the "top of the roof" when standing on the street, facing the building), is actually 62 feet from the street level. The previous height was less than 50'. Aside from being significantly heigher, the aesthetic difference in the proposal is magnified by the fact that the towers have not increased. Thus, where there used to be more variation to the front sightline of the building, the new proposal is quite "blocky" and thus an eyesore for the area. (Attached are images to show difference between 2020 approved and 2021 DRP proposal)
  
- As I understand, the proposed expansion does nothing to provide additional parking and is basing their analysis on their own studies.
  - Question 1: Has the City audited this analysis to verify the findings?
- As I understand, the proposed expansion does nothing to accomodate the increase traffic flow. Further, the current traffic study by Aegis was provided \*before\* Smart Train was in place which, as all San Rafal Residents in the Downtown/Lincoln Hill/Dominican/Montecito corridors can attest, has had a significant impact on traffic, resulting in gridlock and causing spillover into adjacent arterials. Any increase in residents, will in turn result in an increase in staff, visitors, vendors, and emergency services. It defies any reality to say that this proposed expansion will not result in more cars and traffic on the road.
  - Question 2: Why is the City relying on a traffic analysis that is provided by Aegis?
  - Question 3: Why is the City relying on any traffic analsysis, regardless of who provided it, based on data that was supplied before Smart Train?
  
- Lastly, we are increasingly concerned that this project continues to expand beyond the original scope as it was presented to the City (and residents) back in 2018. At the time, it was pitched as a 'memory care facility' and designs were approved as such. By the time the plans were approved, Aegis had adopted a hybrid approach whereby it was a mix of assisted living and a dedicated floor of memory care. Now Aegis is seeking to expand on the quantities of residents but based on the lack of transparency so far regarding height, and parking/traffic, it seems that the project continues to simply snowball out of control with no consideration for what the public wants and desires. We realize that the city needs money, and the project will bring much needed revenue.

However, the longer they delay the building, the less revenue is actually going into the City. We highly recommend that the new plans not be approved and that Aegis move forward with their previous proposal.

# 2021 DRB Proposal

**NOT FOR  
CONSTRUCTION**



78 NORTHWEST DAVIS, SUITE 300  
PORTLAND, OR 97209  
503.245.2190

1505 5TH AVE, SUITE 300  
SEATTLE, WA 98101  
206.576.1600

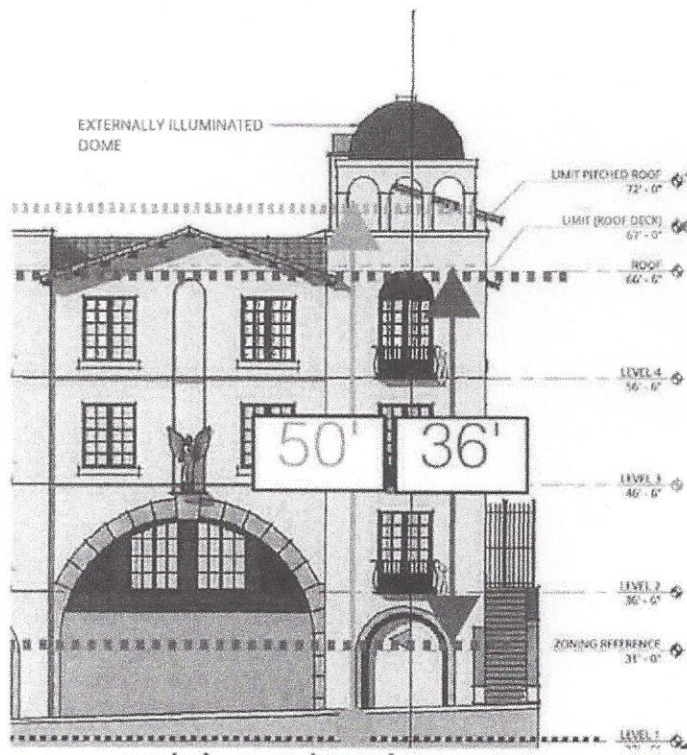
1014 HOWARD STREET  
SAN FRANCISCO, CA 94103  
415.252.7063

© ANTHONY MARISAN ARCHITECTS, INC.

• feet.



# 2020 Approved



Lincoln Ave

NOT FOR CONSTRUCTION



Pitch Roof Limit

Height Limit (Roof Deck)

1505 5TH AVE, SUITE 300  
SEATTLE, WA 98101  
206.576.1600

1014 HOWARD STREET  
SAN FRANCISCO, CA 94103  
415.252.7063

© ANVROM MOISAN ARCHITECTS, INC.

Zoning Reference

Level 1: 22' 6"

VEL CAS

**Steve Stafford**

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**From:** Maureen Hock [REDACTED]  
**Sent:** Sunday, May 16, 2021 9:13 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Ave. project 2018

Dear Mr. Stafford,

As the owner of a [REDACTED] in San Rafael I am aware of the revisions to the approved senior assisted living facility at the above-referenced address. It's my understanding the project proposes to utilize a code section of the San Rafael Municipal Code that allows for a 12' height bonus for projects that contribute to the Affordable Housing initiative and to which are located on lots that fit a limiting criteria.

This proposal will offer a significant contribution to the City's Affordable Housing Fund. The building's design is suited to the area.

Seeing this project to fruition would help contribute to the revitalization of downtown San Rafael.

I hope this letter will represent my support for this project's design and the use/height bonus to once again be supported by the Design Review Board AND approved by the San Rafael Planning Commission.

Best regards,  
Maureen Hock

[REDACTED]  
Kentfield, CA 94904  
Landlord and San Rafael native

## Steve Stafford

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**From:** Margaret Burtt <[REDACTED]>  
**Sent:** Friday, May 14, 2021 11:47 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Ave Project

Hello, Steve,

I'm writing because I'm greatly concerned about the request for an increased height allowance on this project. We own the older house at [REDACTED] that borders on 2 sides of this project, and knew of the proposed/approved plans for that corner when we bought it in 2016. We knew it would greatly detract from the light and charm of our property, but were willing to buy and invest anyway. We have purchased and improved 3 lovely old properties in San Rafael over the last 30 years. One, at 1637 5th Av, was even awarded the top design award for improving a San Rafael property a few years ago! We love to take older buildings and make them as beautiful and useful as they deserve, because we want to be part of making our San Rafael neighborhoods lovely, preserving their history, and, well, we just love these older homes! This property at [REDACTED] is from about 1906, and has a beautiful redwood paneled original lobby that we've restored, and we've put about \$300,000 into making the interior really nice apts. The next door neighbors have told us that prior to our ownership, there were questionable activities and persons coming and going at all hours. Two of the 4 units were really in terrible condition. And we've put in nice plantings along the mowing strip in front and are extending our plantings in the sidewalk area going down the street at 109 Laurel Pl, a vacant lot we also own, because I just want to make the neighborhood nice even for the people who walk by! But this request for increased height by the property developer is going to make our property a deep well of darkness if it goes higher. They'll be building right on the property line (no 5' setback I believe) and since it's on the south and east sides, it will greatly affect the light getting to our building's windows and the grassy/woody sitting area at the south side of our lot. As I said, we knew from the start that we'd be affected, but this added height will really detract from the residential feel of the neighborhood for us and our neighbors there.

The people who purchased this space are certainly entitled to develop it as approved by the city and with the limitations city ordinances require, but going beyond that is harmful to the sense of residential neighborhood pride and charm. Even the large apartment complexes in this neighborhood have a good sense of space and light around them, and lovely plantings, that make this a neighborhood people want to live in and walk through and enjoy. And this IS a residential neighborhood. A quite lovely one, with a good mix of private homes and apartments. Please protect that neighborhood and tell the developers they are required to stay within the original height limits. Thank you.

Peggy Burtt

[REDACTED] (home); [REDACTED] (cell)

Deborah Thompson

San Rafael, CA 94901

As a resident of the Lincoln-San Rafael Hill neighborhood since 2004, I have had occasion to drive or walk past the intersection of Lincoln and Mission almost daily for the past 17 years. I remember the old apartments on the northwest corner, including the friendly plaster burro who stood out front. For many years now, my neighbors and I have awaited new construction there.

Many of us thought that condominiums (the original plan, I believe) were appropriate and expected them to be similar to the attractive, adjacent condominium development on Mission. Although a senior and memory care facility seemed less appropriate (wouldn't family and/or workplace housing be more appropriate in a primarily residential neighborhood within walking distance of downtown? and wouldn't it be more appropriate for people who are not mobile to be farther out?), I don't recall any major objections to this new project.

However, this apparently sudden, new proposal to raise the height limit of the proposed building is of concern—**major concern**—for many reasons:

1) Originally 36 feet high, the project is now projected to be 47 feet high, but actually from the street it appears to be 62 feet, not including the domes at either end. **Nothing in this neighborhood is anywhere near this height. We are a neighborhood of one and two-story homes and a few condos. This building would stand out like a sore thumb in our neighborhood.**

My understanding is that the city is not willing to deny or even discourage increasing heights of buildings because it is trying to encourage new development—because all the city seems to care about is revenue, not quality of life for our community. The people who live here do not want to be part of a high-rise neighborhood, but the city does not seem to care about the wishes and concerns of its people.

In addition, this seems very much like a bait and switch operation—promise a smaller building, then sneak in the increase to make more money for the developer and the city. I hate to sound cynical, but I can't help but be, given the way the city has behaved.

2) I have heard many complaints about the new 5-story Marriott hotel going up at 5th and B. My feeling is that San Rafael needs a nice, new hotel downtown. Who could argue this is not a good location for a hotel, near commercial 4th St and City Hall? As with Bio Marin's buildings, this seems to me entirely appropriate for downtown. **But we are not downtown—we are primarily residential and trying hard to remain so.**

3) **Traffic is already horrendous on both Lincoln (north and south) and Mission (east and west).** I understand the traffic study shows this proposed larger building will generate an estimated 320 cars in and out daily. Neither Lincoln nor Mission can absorb this increase. The SMART train and additional traffic lights have already increased traffic on Mission, which is much slower now, causing frustrating backups onto intersections on Lincoln all day long. To add to this congestion would be intolerable.

4) This is a serious matter of quality of life for our neighborhood. **This change, increasing the height and density of this building, will forever destroy not only our neighborhood, but by extension will encourage further highrise commercial growth throughout the city of San Rafael. We will no longer be a warm, friendly, people-driven city of neighborhoods but rather a nameless, faceless place from which people will flee.**

5) Can we afford to increase **water and power demands? In the past month, we have had two significant power outages. Who has studied the infrastructure issues** related to this increase? The city may choose to downplay these issues because, again, it seems to be more interested in revenue than in the quality of life for residents.

6) At a time when walkability and increased bike lanes and pedestrian zones are becoming the real wave of a sustainable future, **does the city of San Rafael really want to pursue this antiquated notion of bigger is better?**



Noah M. Reischmann  
First Vice President

415 Mission Street, Suite 4600  
San Francisco, CA 94105

CBRE HMF Inc.  
Capital Markets  
Debt & Structured Finance | Multifamily & Healthcare

[REDACTED] Tel  
[REDACTED] Fax  
[REDACTED] Cell

May 13, 2021

[REDACTED]  
[www.cbre.com/fha](http://www.cbre.com/fha)

Steve Stafford  
City of San Rafael - Planning Department  
1400 Fifth Avenue  
San Rafael, 94091

**Re: Proposed Aegis Senior Housing Development – Support Letter**  
Mission Avenue & Lincoln Avenue, San Rafael, CA

Dear Mr. Stafford:

I am a homeowner and resident of San Rafael since 2015. I am also a commercial real estate professional and understand the challenges of developing new housing in California.

I have been informed of the revisions to the approved senior assisted living facility at 800 Mission Avenue. I understand the project proposes to utilize a code section of the San Rafael Municipal Code which allows for a 12' height bonus to projects which contribute to Affordable Housing initiative, and to which are located on lots that fit a limiting criteria.

From my review of the application, the proposed project offers a significant contribution to the City's Affordable Housing Fund (well in excess of what is required by the City, and for what has been paid by other projects of this use type). In addition, while the project is increasing in height, the building does not appear to be adding an entire level of massing. The building's character fits with the surrounding neighborhood, only rises 5' above the adjacent building, and the architecture is outstanding.

I believe Mission Avenue deserves an iconic building at the Gateway to Downtown, and from a reputable senior care provider like Aegis who can provide great benefit to San Rafael's quickly aging population. Seeing this project to fruition would greatly help in achieving numerous of San Rafael's General Plan initiatives, and contribute to the revitalization of Downtown.

Otherwise, we will likely receive a bland apartment high-rise which takes advantage of State initiatives to rise well above any height limit in place and provide tremendously more traffic and parking impacts to Downtown San Rafael. In my professional opinion, the proposed senior project is the best use for this particular site.

Please use this letter to represent my support for this project's design and the use/height bonus to once again be support by the Design Review Board AND approved by the San Rafael Planning Commission.

Best Regards

Noah M. Reischmann  
First Vice President  
CBRE HMF, INC

Design Review Members,

Out of the over 188 comments on this project on nextdoor and many more from direct emails maybe 2 were positive. Traffic, parking, safety, and water were all mentioned repeatedly but these seem like Planning Department issues, not Design Review. The Design Review Board's task is:

"The Board is advisory, with final permit decisions made by the Planning Division staff, the Zoning Administrator, Planning Commission or City Council, depending on the complexity of the project. The scope of the DRB authority is to review and **make recommendations on design matters such as architecture, mass, bulk, site planning, site improvements, color, materials, and landscaping.**" <https://www.cityofsanrafael.org/design-review-board/>

Should this addition be accepted, in the future when I stand on the corner of Lincoln and Mission I will see a 62 foot building. I have now come to realize the 47 foot height projection was based off a "zoning reference line" which has nothing to do with actual height. The statement in the public notices and the staff report said this "would increase the building height of the building from 36' to 47'." I feel representing the height using this the Zoning Reference Line is tragically misleading.



I also see now that the original approval of 2018 was based on statements this Zoning Reference height of 36 feet when the actual visual height of the building from the street would have actually been closer to 50 feet. Had I known the truth, I would have not supported this project at that time.

The public notices are sent to residents within 300 feet, not even a block away. This project affects the whole of San Rafael as it is on one of the busiest streets. There was no public notice sent to advise neighbors that the DRB meeting decision was postponed. The city website has no mention of it. "Sorry no content could be found."

This addition is not the vision of San Rafael's residents.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Williamsen".

Michael Williamsen, San Rafael resident since 1977.

## Steve Stafford

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**From:** Stuart Welte [REDACTED]  
**Sent:** Thursday, May 13, 2021 2:26 PM  
**To:** Steve Stafford; [REDACTED]  
**Subject:** FW: 800 Mission proposing another story from 36 feet to 47 feet

Hello Steve and Mike,  
My family and I are Lincoln-San Rafael Hill Residents.  
Please see our Comments below and include in your review.  
\*\*\*ATTENTION TO DETAILS PLEASE\*\*\*

Thank you,

STUART WELTE, AIA, LEED ap, ICC  
**EID** ARCHITECTS  
dir [REDACTED]

**From:** Stuart Welte  
**Sent:** Saturday, April 24, 2021 3:01 PM  
**To:** [REDACTED]  
**Subject:** Re: 800 Mission proposing another story from 36 feet to 47 feet

Hello Mike,

We greatly appreciate you including our comments as a Neighbor and as Architects.  
Everyone Must keep in mind that San Rafael is the COUNTY SEAT.  
This status should inform the quality of our built environment, especially at the our Gateways into San Rafael.  
Mission/Lincoln Gateway Entrance is significant:  
This architecture for 800 Mission Must reflect the QUALITY of DETAILING and Finishes appropriate to this significant location.

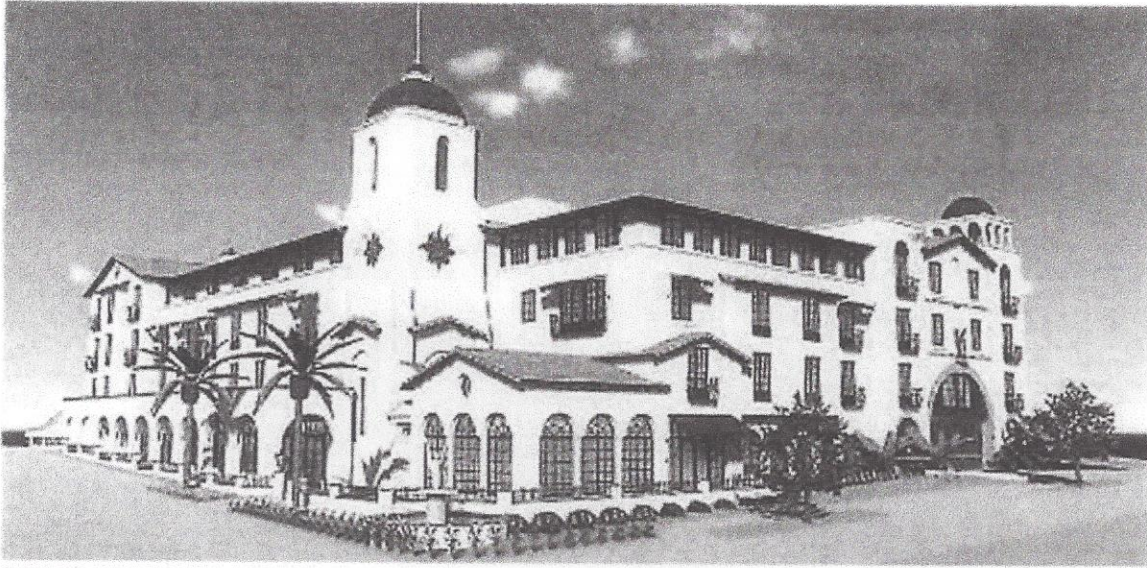
The extra height for this particular design is not a problem for us as design professionals, nor as San Rafael residents;  
HOWEVER,  
HIGH QUALITY MUST BE MANDATED PLEASE !

Attention to Details and subsequent design board review and approval Must be REQUIRED prior to construction.  
All too often, the details do not achieve the Rendered Character.

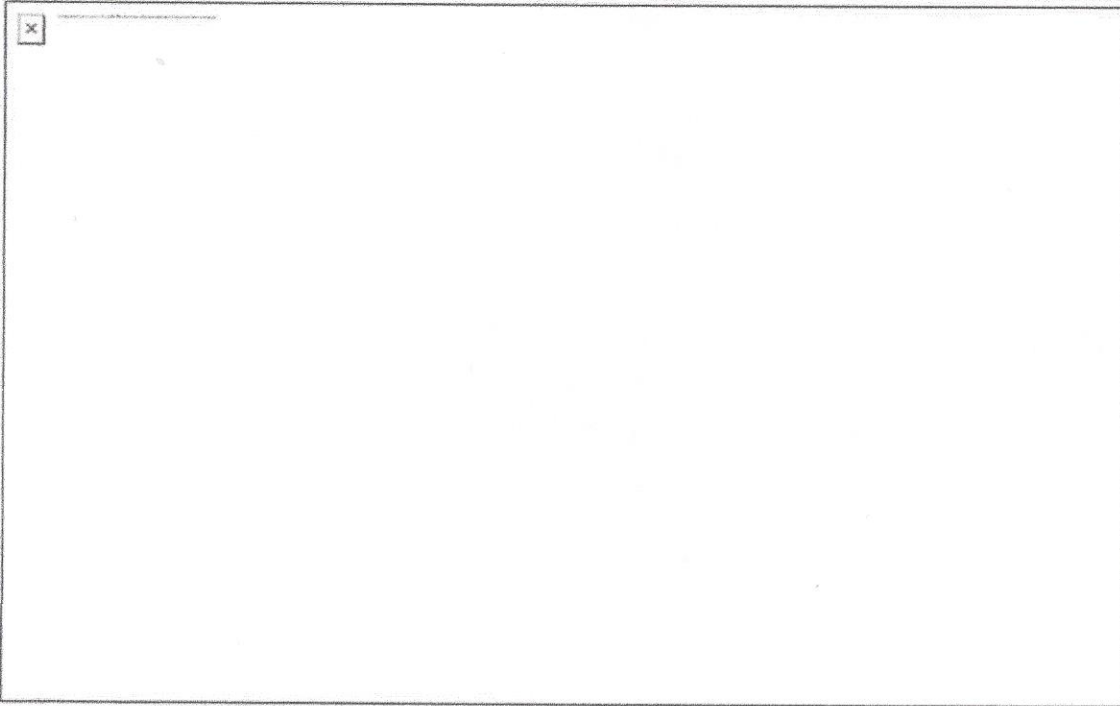
Items noted that should be rectified between the previous and current designs are:

- a) The smaller bell tower at the northern end on Lincoln should be retained....without this the northern end of this building on Lincoln will be mundane and offensively bulky with no redeeming character;
- b) The western "unit tower" along Mission must have additional articulation (this can be done with the simple addition of iron or bronze awnings, etc);
- c) The "Arcade Façade" along Mission should be a different material from the body of the main building, as this would adhere to the intended style, and compliment the overall composition, and create a more interesting, beautiful, tactile experience for residents and pedestrians;
- d) The "Arcade Façade" along Mission is a significant built form very close to the sidewalk, and continues for a long distance, so this must be articulated with elegant materials and proportions such as : limestone; granite; mosaic porcelain tile; etc.

Sincerely,



PREVIOUS DESIGN ABOVE.



CURRENT DESIGN.

STUART WELTE, AIA, LEED ap, ICC

**EID** ARCHITECTS

dir [REDACTED]



## Steve Stafford

---

**From:** Ravi [REDACTED]  
**Sent:** Wednesday, May 12, 2021 4:56 PM  
**To:** Steve Stafford  
**Subject:** mission and lincoln project

Dear Sir,

You job is to protect those that pay taxes in San Rafael. This project will make traffic so bad in our town and will make it almost unlivable. Please fight for those that pay taxes and built this town. Reject this project.

If the law is a hindrance then do what ever you can to protect us, the citizens of San Rafael who have been under siege of these new abad laws and mandates.

Please sir represent us.

Thanks

Ravi.

## Steve Stafford

---

**From:** Czorniak, Lauren @ San Francisco [REDACTED]  
**Sent:** Tuesday, May 11, 2021 11:36 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Ave San Rafael - Letter of Support

Dear Mr. Stafford,

I am a working professional of San Rafael.

I have been informed of the revisions to the approved senior assisted living facility at 800 Mission Avenue. I understand the project proposes to utilize a code section of the San Rafael Municipal Code which allows for a 12' height bonus to projects which contribute to Affordable Housing initiative, and to which are located on lots that fit a limiting criteria.

From my review of the application, the proposed project offers a significant contribution to the City's Affordable Housing Fund (well in excess of what is required by the City, and for what has been paid by other projects of this use type). In addition, while the project is increasing in height, the building does not appear to be adding an entire level of massing. The building's character fits with the surrounding neighborhood, only rises 5' above the adjacent building, and the architecture is outstanding.

I believe Mission Avenue deserves an iconic building at the Gateway to Downtown, and from a reputable senior care provider like Aegis who can provide great benefit to San Rafael's quickly aging population. Seeing this project to fruition would greatly help in achieving numerous of San Rafael's General Plan initiatives, and contribute to the revitalization of Downtown.

Otherwise, we will likely be receive a bland apartment high-rise which takes advantage of State initiatives to rise well above any height limit in place, and provide tremendously more traffic and parking impacts to Downtown San Rafael.

Please use this letter to represent my support for this project's design and the use/height bonus to once again be support by the Design Review Board AND approved by the San Rafael Planning Commission.

Sincerely,

Lauren

Lauren Czorniak | Senior Associate | Lic. 02001209  
CBRE | San Francisco Downtown | Advisory & Transaction Services  
415 Mission Street, Suite 4600 | San Francisco, CA  
T [REDACTED] | C [REDACTED]  
[REDACTED] | [www.cbre.com](http://www.cbre.com)

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Lincoln-San Rafael Hill Neighborhood Association  
Nina Lilienthal-Murphy, President  
P.O. Box 150983  
San Rafael, CA. 94915-0983

May 10, 2021

City of San Rafael  
Planning Dept. – Steve Stafford  
To Design Review Board, City Council, and Mayor Kate Collins  
1400 – 5<sup>th</sup> Avenue, 3<sup>rd</sup> floor  
San Rafael, CA. 94901



Hello Ladies & Gentlemen,

My name is Nina Lilienthal-Murphy, and I am a 40 year resident, the Co-Founder, President Emeritus, and the Current President of the Lincoln-San Rafael Hill Neighborhood Association, and today I am writing to you with our concerns, and we have many, for the 800 Mission Project.

Before I address our concerns, I want to emphasize that the information on the Reports & Notices is very different than that contained in the Blueprints.

On the Blueprints in 2018 the roof ridge line is at 67 ft. Now, in 2021 it's 87 ft. Yet, notices to the Public, DRB Agenda & Staff Report and the Site Sign all say the ridge line is 36 ft. Which is it??? We need to know what we're working with, and the numbers coming out of City Hall make this very confusing. I will focus on the issues:

To start, the site of Lincoln/Mission aka 800 Mission is NOT in the downtown area; it's on the outskirts, and this intersection is the Gateway to our Neighborhood. You can see a record of our Neighborhood boundaries noted in our Bi-Laws that we submitted in the late 1990's.

Going off the Blueprints, the Height and Character of this building do NOT belong on this particular site. It is completely out of character for our Neighborhood, and the City. The Height is out of control, and with windows on all 4 sides will impact the surrounding Neighbors, with people looking into their bedrooms, they will lose their PRIVACY, they will lose the Sunshine, and their views. Immediate surrounding homes will be overwhelmed by a Reflective towering wall and will affect their quality of life, and devalue their property.

State Mandate height bonuses for Housing, do not include Senior Living Centers or Hotels, this makes no sense.

Back in 2000 all the neighborhoods were working on the 2020 General Plan, in harmony with the City, and the designated Committee. In discussion it was brought up several times and agreed upon by all involved that Out of Scale Buildings along Lincoln Ave. will create a "Tunnel Effect", that will negatively impact the neighborhood. This issue was discussed extensively among all concerned and agreed upon by our Neighborhood Association, The Design Review Board, The Planning Commission, and then, Mayor Al Boro.

On April 20<sup>th</sup>, 2021 The Marin Municipal Water District declared Marin is in an "Extreme Drought" Condition, requesting everyone cut back their water use. So, how can a building with 110 units for "seniors" or "tenants" be approved with an impending drought?? Where will you get the water?? We believe at this time, all development should STOP!! Planned development does require an assessment of the current and future impacts affected by the project.

This project is in need of a LOCAL Traffic Study and an updated and current Environmental Impact Report (EIR).

The EIR was done in 2006 for a Condominium project, or as it states on the March 2021 Blueprints, "Multi-Family Residential" HR1. This is NOT a multi-family residential proposal, and this must be changed and corrected on the current blueprints, Design Review Board Agenda & Staff Report. The title of the Project is misleading thus the bonuses come into question.

The Traffic Study must be compiled locally, with feet on the ground along with accurate updated data that assesses the traffic impacts currently but in conjunction with a proposed project. A remote study done in the state of Washington by Transpo who did the current and past studies continues to include references to a "Future Train" which has been running for over 4 years now, starting in 2017, yet no updated assessment has been submitted. An updated traffic study, based on the current impacts including the train, normal and commute times, needs to be done.

As a former Traffic Engineer for San Rafael once stated, "the Lincoln-Mission intersection is one of the busiest in town". The daily impact of the east-west traffic during commute hours is very frustrating, and when the train enters the equation it becomes horrendous.

So many amendments required for this project that perpetuate many questions. Consistency in the information disseminated by the either developer, the City or both, leaves the Lincoln-San Rafael Neighborhood Association confused and the residents very concerned.

Points of contention are the amendments regarding;

Height, Parking, Guest Parking, Lot line adjustments, and monies paid to the City to eliminate affordable units. The main question from residents is whether this project is a "Senior Living Care Facility", "Multi-Family Residential project" or a "Hotel"!!

General Plan 2020 Consistency was violated,

The following are amendments to or violations of the General Plan 2020, contrary to what the Neighborhood and the City agreed and voted upon:

CD2 CD3 CD5 CD7 CD10 The City is supposed to preserve and enhance our area, the character of the building, the design, are to contribute to the look of the neighborhood, IT DOES NOT COMPLY!!

Ladies & Gentlemen, I know you know what your job is as a member of the Design Review Board, yet I would like to emphasize first and foremost we need to comply with the City's Municipal Code, 14.25.010, "A" thru "G".

A. To maintain a proper balance between development and the natural environment.

D. Preserve balance and harmony within neighborhoods.

F. Preserve and enhance views from other buildings and public property, and

G. Ensure the right to make residential additions and modifications which minimize the impact on adjacent residences and which are designed to be compatible with the existing residence and neighborhood.

All are important to us, please keep these in mind.

I would like to close by reiterating the points I have made:

There is a need of an updated Environmental Impact Report, a current and updated Traffic Study, and a coordinated assessment of the water needed for the Lincoln-Mission Project aka 800 Mission, and the corrections made to reflect that the proposed project is for a "Senior Living Center" and NOT a "Multi-Family Residential" project.

Thank you for your time and considerations,

Sincerely,

*Nina Lichtenhal - Murphy*

## Steve Stafford

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**From:** NTN <[REDACTED]>  
**Sent:** Monday, May 10, 2021 10:41 AM  
**To:** Steve Stafford  
**Subject:** 800 Mission Avenue Project Proposal - Letter of Support

Dear Mr. Stafford,

I am a downtown San Rafael homeowner, resident, and working professional .

I have been informed of the revisions to the approved senior assisted living facility at 800 Mission Avenue. I understand the project proposes to utilize a code section of the San Rafael Municipal Code which allows for a 12' height bonus to projects which contribute to Affordable Housing initiative, and to which are located on lots that fit a limiting criteria.

I believe Mission Avenue deserves an iconic building at the Gateway to Downtown. Seeing this project to fruition would greatly help in achieving numerous of San Rafael's General Plan initiatives, and contribute to the revitalization of Downtown.

As part of the City's evaluation, please consider requesting/requiring (1) reasonable building setbacks and (2) dedicated interior/exterior public spaces.

Please use this letter to represent my support for this project's design and the use/height bonus to once again be support by the Design Review Board AND approved by the San Rafael Planning Commission.

Sincerely,  
Nicholas Nguyen

## Steve Stafford

---

**From:** William Dewey [REDACTED]  
**Sent:** Monday, May 10, 2021 3:20 PM  
**To:** Steve Stafford  
**Subject:** Fw: support for Aegis Senior Communities, LLC 800 Mission Avenue development

**William Dewey, CEBS** | Senior Benefits Consultant  
1465 North McDowell Boulevard, Suite 180 | Petaluma | CA 94954  
P: [REDACTED] | F: [REDACTED] | [REDACTED]

[Benefits](#) | [COBRA](#) | [FSA](#) | [Dental](#) | [Mobile](#) | [In The News](#)

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**From:** William Dewey  
**Sent:** Monday, May 10, 2021 2:59 PM  
**To:** Steve.Stafford@cityofsanrafael.org  
**Cc:** Billy Dewey [REDACTED]  
**Subject:** support for Aegis Senior Communities, LLC 800 Mission Avenue development

Dear Steve,

I am a homeowner and resident of San Rafael since 1994.

I have reviewed revisions to the approved senior assisted living facility at 800 Mission Avenue. I understand the project now proposes to use a section of the San Rafael Municipal Code which will allow for a 12' height bonus to projects which contribute to Affordable Housing initiatives, and that are located on lots that fit certain limiting criteria. From my review of the application, the proposed project offers a significant contribution to San Rafael's Affordable Housing Fund (in excess of what is required by San Rafael, and for what has been paid by other projects of this use type). In addition, while the project is increasing in height, the building does not appear to be adding much overall size. The proposed building's characteristics fit with the surrounding neighborhood, and only rises 5' above the adjacent building. The architecture is outstanding.

I believe Mission Avenue deserves an iconic building at the gateway to downtown, and one from a reputable senior care provider like Aegis Senior Communities, LLC, which will provide benefits to San Rafael's aging population.

Seeing this project to fruition will greatly help to achieve several of San Rafael's General Plan initiatives and will contribute to the revitalization of downtown.

If this project is not completed, it is likely that as an alternative we will have a bland apartment high-rise which takes advantage of State initiatives to rise above any height limits in place and will generate much more traffic and parking issues to downtown San Rafael.

Thank you for your consideration of my support for this project's design and the use/height bonus to once again be supported by the Design Review Board and approved by the San Rafael Planning Commission.

Sincerely,

William Dewey

[REDACTED]  
San Rafael, CA 94903

[REDACTED] home

[REDACTED] mobile

**William Dewey, CEBS** | Senior Benefits Consultant

1465 North McDowell Boulevard, Suite 180 | Petaluma | CA 94954

P: [REDACTED] | F: [REDACTED] | [www.arrowbenefitsgroup.com](http://www.arrowbenefitsgroup.com)

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**Steve Stafford**

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**From:** Karinne Kleinbort [REDACTED]  
**Sent:** Monday, May 3, 2021 12:22 PM  
**To:** Steve Stafford  
**Cc:** Susan Kleinbort  
**Subject:** Aegis Living Project 800 Mission Avenue

Dear Mr. Stafford,

I am an owner of [REDACTED] a 13-unit condominium building, directly next door to the Aegis Living project at 800 Mission.

We received a notice for the hearing of the Design Review Committee, Tuesday, May 4, 2021 at 7:00 PM to discuss Aegis Living amending their use permit, and yet again, to allow an additional 11 feet height increase from 36' to 47' (an additional story to be added to their previous expansion) with a unit increase from 77 suites to 106 suites.

The notice also gave your address for information. It is our opinion that this additional increase in height and volume of the proposed building would create detrimental overshadowing to our building, causing severe environmental, adjacent light and support issues, noise, traffic and parking problems, as well as detrimental financial impact, with diminution in quality of life to us and our fellow homeowners at 820 Mission Ave.

We strongly oppose this egregious action by Aegis Living, particularly in that Aegis Living was already granted a previous variant to raise their height and unit specifications from the allowed zoning.

Please express our concerns to the Design Review Board, Planning Commission, and City Council in the hopes of avoiding further action.

We will do our best to attend the Zoom meeting, Tuesday, May 4, 2021 at 7:00 PM, but wanted to get our opinion on the record in writing.

Thank You and Best Regards,

Karinne Kleinbort  
[REDACTED]  
[REDACTED]

**Steve Stafford**

---

**From:** James Wilson [REDACTED]  
**Sent:** Monday, May 3, 2021 8:59 AM  
**To:** Steve Stafford  
**Cc:** Etsuko Wilson; Walden Valen; Ginger Valen; Ingrid; Helga Blum  
**Subject:** Opposition to Aegis project design and expansion

Dear Mr. Stafford:

My wife and I are owners of [REDACTED] a 13-unit condominium building, directly next door to the Aegis Living project at 800 Mission. We received a notice for the hearing of the Design Review Committee, Tuesday, May 4, 2021 at 7:00 PM to discuss Aegis Living amending their use permit, and yet again, to allow an additional 11 feet height increase from 36' to 47' (an additional story to be added to their previous expansion) with a unit increase from 77 suites to 106 suites.

The notice also gave your address for information. It is our opinion that this additional increase in height and volume of the proposed building would create detrimental overshadowing to our building, causing severe environmental, adjacent light and support issues, noise, traffic and parking problems, as well as detrimental financial impact, with diminution in quality of life to us and our fellow homeowners at 820 Mission Ave.

We strongly oppose this egregious action by Aegis Living, particularly in that Aegis Living was already granted a previous variant to raise their height and unit specifications from the allowed zoning. Please express our concerns to the Design Review Board, Planning Commission, and City Council in the hopes of avoiding further action.

We will do our best to attend the Zoom meeting, Tuesday, May 4, 2021 at 7:00 PM, but wanted to get our opinion on the record in writing.

Thank You and Best Regards,

James Wilson

May 3, 2021

HOA Board of Directors  
820 Mission Avenue HOA  
San Rafael, CA 94901

RE: Aegis Living Project  
800 Mission Avenue  
San Rafael, CA 94901

Dear Mr. Stafford:

Our 820 Mission Avenue HOA Board met last week and discussed the proposed changes to the Aegis Living Project, 800 Mission Avenue, San Rafael, adjacent to our building. We are in strong opposition to this project going forward with the proposed changes being presented and requested by Aegis to the San Rafael Design Review Board Meeting on May 4, 2021. As this is a THIRD iteration of their proposal being considered we find the potential impact to our building, traffic issues, parking, natural light, and property values egregious. It is also our understanding that the Lincoln Hill community fears the same impacts to an already busy neighborhood and intersection.

- The proposed additional extension dramatically increases the size of the original project, in height from 3 stories, later modified to 4 stories, and now proposed 5 stories, plus the towers which rise above that;
- There is also a dramatic increase of overall number of units, with all the naturally resulting issues, complications, and public impact. **It is our opinion, this project would have met much greater opposition originally, had the full scope of this endeavor been disclosed at the onset.**
- This continuous expansionist project is the quintessential definition of "mission creep" or in this case "Mission Avenue creep", and seems manipulative and opaque from the original intent and impact of the project as previously presented.
- The Aegis Living project is on a major corner and gateway to the Downtown (Mission at Lincoln) and will overpower the character of our neighborhood as well as create an uncharacteristic first impression of the City.
- The continued increase of units does not create any sustainable housing in general and does not add to the vibrancy of the downtown.

It is our understanding that Aegis has sweetened the financial contribution to the City of San Rafael from \$500,000 to \$880,000 to allow the City to build additional low cost housing. While a majority of San Rafael residents appreciate the need for low cost housing, this feels a bit underhanded to these neighborhood residents who will experience a decrease in quality of life should this project move forward.

Sincerely,

Walden Valen  
Interim HOA Board President

## Steve Stafford

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**From:** Jill Sida <[REDACTED]>  
**Sent:** Sunday, May 2, 2021 10:40 AM  
**To:** Steve Stafford  
**Subject:** Opposition to Aegis Living Request for change to plans

Dear Mr. Stafford:

I am an owner of [REDACTED], a 13-unit condominium building, directly next door to the Aegis Living project at 800 Mission. We received a notice for the hearing of the Design Review Committee, Tuesday, May 4, 2021 at 7:00 PM to discuss Aegis Living amending their use permit, and yet again, to allow an additional 11 feet height increase from 36' to 47' (an additional story to be added to their previous expansion) with a unit increase from 77 suites to 106 suites.

It is my strong belief that this additional increase in height and volume of the proposed building would create detrimental overshadowing to our building, causing severe environmental, adjacent light and support issues, noise, traffic and parking problems, as well as detrimental financial impact, with diminution in quality of life to me and my fellow homeowners at 820 Mission Ave.

I strongly oppose this egregious action by Aegis Living, particularly in that Aegis Living was already granted a previous variant to raise their height and unit specifications from the allowed zoning. Please express my concerns to the Design Review Board, Planning Commission, and City Council in the hopes of avoiding further action.

I will attend the Zoom meeting, Tuesday, May 4, 2021 at 7:00 PM, but wanted to get my opinion on the record in writing.

Jill Sida

Homeowner [REDACTED]

## Steve Stafford

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**From:** Matthew Ein [REDACTED]  
**Sent:** Sunday, May 2, 2021 11:27 AM  
**To:** Steve Stafford  
**Subject:** Aegis Living Project 800 Mission Ave

Dear Mr. Stafford,

I own [REDACTED], a 13-unit condominium building, directly next door to the Aegis Living project at 800 Mission. We received a notice for the hearing of the Design Review Committee, Tuesday, May 4, 2021 at 7:00 PM to discuss Aegis Living amending their use permit, and yet again, to allow an additional 11 feet height increase from 36' to 47' (an additional story to be added to their previous expansion) with a unit increase from 77 suites to 106 suites.

The notice also gave your address for information. It is our opinion that this additional increase in height and volume of the proposed building would create detrimental overshadowing to our building, causing severe environmental, adjacent light and support issues, noise, traffic, and parking problems, as well as detrimental financial impact, with diminution in the quality of life to us and our fellow homeowners at 820 Mission Ave.

We strongly oppose this egregious action by Aegis Living, particularly in that Aegis Living was already granted a previous variant to raise their height and unit specifications from the allowed zoning. Please express our concerns to the Design Review Board, Planning Commission, and City Council in the hopes of avoiding further action.

We will do our best to attend the Zoom meeting, Tuesday, May 4, 2021 at 7:00 PM, but wanted to get our opinion on the record in writing.

-Matt Ein

**Steve Stafford**

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**From:** Helga Blum [REDACTED]  
**Sent:** Tuesday, April 27, 2021 3:58 PM  
**To:** Steve Stafford  
**Subject:** Aegis Building next to 820 Mission Ave

Dear Mr. Stafford,

I am a long time resident of San Rafael and live at 820 Mission Ave.

While I was initially supportive of the proposed Aegis Living development next door to our Building at [REDACTED] it is regrettable that the developers are now wishing to amend their use permit to increase the building's height to gain 106 units as opposed to the originally proposed 77 units.

This will dramatically impact our Mission Ave neighborhood from parking to traffic to noise and much more.

Furthermore, this height increase would now overshadow our building, this

impacting the view and sunlight to many of our tenants.

These sudden amendments are literally and figuratively leaving us in the dark,

and this is not what we were originally promised.

We ask that the City and the developers seriously reconsider this proposed plan

and work with the neighborhood on a building plan that is more respectful of our community.

As it stands now, this current proposal is unacceptable and I look forward to your response.

Respectfully,  
Helga Blum

**Steve Stafford**

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**From:** Holm, Doug [REDACTED]  
**Sent:** Wednesday, April 21, 2021 4:24 PM  
**To:** Steve Stafford  
**Cc:** Eric Holm; Steve Gould  
**Subject:** 800 Mission Ave. (Aegis Living San Rafael - Amendment to Use Permit and an Environmental and Design Review Permit

Dear Steve,

We are owners of [REDACTED] Directly next door to the proposed Aegis Living project. We received a notice for the hearing Tuesday, May 4, 2021 at 7:00 PM to discuss Aegis Living amending their use permit to allow an additional 11feet height increase from 36' to 47' (yet an additional story) with a Unit increase from 77 suites to 106 suites.

The notice also gave your address for information. It is our opinion that this increase in height and volume of the proposed building would create detrimental overshadowing to our building, causing severe environmental, adjacent light and support issues, noise, traffic, parking, detrimental financial impact, and diminution in quality of life to us and our fellow homeowners at 820 Mission Ave..

We strongly oppose this egregious action by Aegis Living, particularly in that Aegis Living was already granted a previous variant to raise their height and unit specifications from the allowed zoning. Please express our concerns to the Design Review Board, Planning Commission and City Council in the hopes of avoiding further action.

We will do our best to attend the Zoom meeting, Tuesday, May 4, 2021 at 7:00 PM, but wanted to get our opinion on the record in writing.

Thank You and Best Regards,

Doug Holm  
[REDACTED]  
[REDACTED]

San Rafael, CA 94901

**Douglas E. Holm**

Lockton Insurance Brokers, LLC  
California license number 0F15767

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UNCOMMONLY INDEPENDENT