



## 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