



**Planning Commission
Regular Meeting**

**Tuesday, November 15, 2022, 7:00 P.M.
AGENDA**

Participate In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901
or**

Participate Virtually:

**Watch on Webinar: <https://tinyurl.com/pc-2022-11-15>
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>
Telephone: 1 (669) 444-9171
Meeting ID: 897 4566 6511#
One Tap Mobile: US: +16694449171,,89745666511#**

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held in-person, virtually using Zoom and is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to PlanningPublicComment@cityofsanrafael.org.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

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

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to three minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

CONSENT CALENDAR

The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Commission members who wish to discuss.

1. Approval of the Planning Commission Meeting Minutes of September 13, 2022

Recommended Action – Approve minutes as submitted

ACTION ITEMS

2. Aldersly Retirement Community Phased Development, 326 and 308 Mission Avenue.

PLAN21-041, ZC20-001, UP20-022, ED 20-051

State Clearinghouse #2021110398

Recommendations to City Council for Certification of Environmental Impact Report (EIR), Planned Development (PD) Zoning Amendment, Master Use Permit, and Environmental and Design Review Permit for the Aldersly Retirement Community Project; APNs: 014-054-31 and -32; Planned Development (PD-1775) Zoning District; Applicant: Peter Lin, Greenbriar Development; Peter Schakow, Owner.

Project Planner: Jayni Allsep, Contract Planner, jayni.allsep@cityofsanrafael.org

Recommended Action – Adopt resolutions recommending City Council certify the Final EIR, adopt the Zoning Amendment, and Approve the Use Permit, Environmental and Design Review Permit, and Mitigation Monitoring and reporting Program for the project.

3. Public Meeting on the San Rafael 2023-2031 HCD Draft Housing Element

GPA22-002 & P21-006

Staff will provide a presentation on the Draft 2023-2031 Housing Element. An opportunity for Planning Commission and public comment will be provided. The Planning Commission is being asked to recommend that the City Council approve submittal of this Draft to the State Department of Housing and Community Development (HCD) for review.

Project Planner: Ali Giudice, CDD Director (415) 485-3092, and, Barry Miller, Consultant

Liz Darby, Consultant

Alexis Captanian, Housing Programs Analyst

Recommended Action – Make recommendation that the City Council approve submittal of the Working Draft Housing Element to the State Department of Housing and Community Development for their initial 90-day review.

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

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

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



**Planning Commission
Regular Meeting**

**Tuesday, September 13, 2022, 7:00 P.M.
AGENDA**

In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901**

Participate Virtually:

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CALL TO ORDER

Chair Previtali called meeting to order at 7:00 PM. He then invited Planning Manager Leslie Mendez to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

PRESENT: CAMILLE HARRIS, COMMISSIONER (In-person)
JON HAVEMAN, COMMISSIONER (In-person)
SHINGAI SAMUDZI, COMMISSIONER (In-person)
SAMINA SAUDE, VICE-CHAIR (In-person)
KELLY SHALK, COMMISSIONER (In-person)
JON PREVITALI, CHAIR (In-person)

ABSENT ALDO MERCADO, COMMISSIONER

ALSO PRESENT: LESLIE MENDEZ, PLANNING MANAGER (In-person)
JAYNI ALLSEP, CONTRACT PLANNER (In-person)

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

No changes were made to the order of the agenda.

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Previtali invited Planning Manager Leslie Mendez, who informed the community the meeting is being streamed live to YouTube and members of the public could provide public comment either on the telephone, through Zoom, or in person. She explained the process for community participation in-person, on the telephone and Zoom.

ORAL COMMUNICATIONS FROM THE PUBLIC

There was one communication from community member, Grace Geraghty, which was read aloud by staff due to technical difficulties with audio inside Chambers.

CONSENT CALENDAR

1. Approval of the Planning Commission Meeting Minutes of August 9, 2022

Chair Previtali invited public comment and there was none.

Commissioner Samudzi moved, and Vice-Chair Saude seconded to approve the Consent Calendar.

Chair Previtali then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Harris, Haveman, Samudzi, Vice-Chair Saude, Commissioner Shalk and Chair Previtali

NOES: None

ABSENT: Commissioner Mercado

ABSTAIN: None

Motion carried 6 – 0

ACTION ITEMS

2. 326 and 308 Mission Avenue

PLAN21-041, ZC20-001, UP20-022, ED 20-051

State Clearinghouse #2021110398

Notice of Availability of a Draft Environmental Impact Report (EIR) to assess impacts of the Aldersly Retirement Community Development Plan Amendment Project, 326 and 308 Mission Avenue APNs: 014-054-31 and -32; Planned Development (PD-1775) Zoning District; Applicant: Peter Lin, Greenbriar Development; Property Owner: Peter Schakow, Aldersly Retirement Community.

Project Planner: Jayni Allsep, Contract Planner, jayni.allsep@cityofsanrafael.org

Chair Previtali invited Staff to present the project. Project Planner, Jayni Allsep, presented the Staff Report.

Chair Previtali asked for questions from the Planning Commission. Staff responded. Commissioner Samudzi recused himself.

Chair Previtali opened public hearing and asked Staff to open public comment. Staff did so and reviewed the procedures on public comment via zoom, telephone, and in person.

Four public comments were provided and heard by the Commission and Staff.

There being no further public commentary, Chair Previtali closed the public hearing portion and requested responses from Staff to the questions raised in public comment.

Chair Previtali then asked, in turn, for final comments from Commissioners. Commissioners provided final comments. Commissioner Samudzi recused himself.

There being no vote or further discussion on this item, Chair Previtali turned to the next item on the Agenda.

3. Text Amendments for Streetaries Ordinance

ZO22-004

Proposed edits to the Zoning Ordinance and Downtown Precise Plan to conform with the proposed adoption of an ordinance of the City of San Rafael adding Chapter 11.70 ("STREETARIES" OUTDOOR EATING AREAS) to Title 11 (PUBLIC WORKS) of the San Rafael Municipal Code; amending Section 14.16.277 of Chapter 14.16 (SITE USE AND REGULATIONS), Section 14.17.110 of Chapter 14.17 (PERFORMANCE STANDARDS), Section 14.05.020 of Chapter 14.05 (COMMERCIAL AND OFFICE DISTRICTS), Section 14.06.020 of Chapter 14.06 (INDUSTRIAL DISTRICTS) and Section 14.08.020 of Chapter 14.08 (MARINE DISTRICT) of Title 14 (ZONING) of the San Rafael Municipal Code; and amending Table 2.3.070.A (USE TABLE) of Chapter 9 (DOWNTOWN FORM-BASED CODE) of the Downtown San Rafael Precise Plan relating to outdoor eating areas in the public right-of-way.

Project Planner: Leslie Mendez, Planning Manager,
leslie.mendez@cityofsanrafael.org

Chair Previtali invited Staff to present the project. Planning Manager, Leslie Mendez, presented the Staff Report.

Chair Previtali asked for questions from the Planning Commission. Staff responded.

Chair Previtali opened public hearing and asked Staff to open public comment. Staff did so and reviewed the procedures on public comment via zoom, telephone, and in person.

Two public comments were provided and heard by the Commission and Staff.

There being no further public commentary, Chair Previtali closed the public hearing portion and requested responses from Staff to the questions raised in public comment.

Chair Previtali then asked, in turn, for final comments from Commissioners. Commissioners provided final comments, and Chair Previtali subsequently called for a motion.

Commissioner Samudzi moved to approve the proposed edits to the Zoning Ordinance and Downtown Precise Plan in front of them, and Commissioner Haveman seconded.

Chair Previtali invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Harris, Haveman, Samudzi, Vice-Chair Saude, Commissioner Shalk and Chair Previtali

NOES: None

ABSENT: Commissioner Mercado

ABSTAIN: None

Motion carried 6 – 0

DIRECTOR'S REPORT

Planning Manager reported on the following items:

- The first reading of the Streetaries Ordinance is scheduled to be heard Monday, September 19th, 2022.

- Planning Commission meeting set for September 27, 2022, is cancelled.
- Study session on the current Northgate Mall project has been postponed.
- The Housing Element is coming to Commission October/November 2022.
- Master Fee Schedule Update is underway.
- Update on Objective Development Standards.

COMMISSION COMMUNICATION

Chair Previtali requested a report on the changes to the Planning Commission by City Council.

ADJOURNMENT

There being no further business, Chair Previtali adjourned the meeting at 9:04 PM.

LESLIE MENDEZ, Planning Manager

APPROVED BY PLANNING COMMISSION ON _____, 2022



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: November 15, 2022
Agenda Item: 2
Case Numbers: ZC20-001, UP20-022
ED 20-051 & IS20-003
Project Planner: Jayni Allsep
(415) 706-0443

REPORT TO PLANNING COMMISSION

SUBJECT: Aldersly Retirement Community Phased Development, 326 and 308 Mission Avenue. Recommendations to City Council for Certification of Environmental Impact Report (EIR), Planned Development (PD) Zoning Amendment, Master Use Permit, and Environmental and Design Review Permit for the Aldersly Retirement Community Project; APNs: 014-054-31 and -32; Planned Development (PD-1775) Zoning District; Applicant: Peter Lin, Greenbriar Development; Peter Schakow, Owner.

EXECUTIVE SUMMARY

The Aldersly Retirement Community and Greenbriar Development have filed applications for a project that proposes phased improvements over the next ten years on the Aldersly Campus. The project includes demolition and alterations of existing buildings, and construction of new buildings on the Campus. An EIR has been prepared to address significant environmental impacts that could result from the proposed project. Since multiple entitlements are being requested, including a Zoning Amendment, the Planning Commission action on the project permit applications and the EIR will be in the form of a recommendation to the City Council.

REQUESTED ENTITLEMENTS

The proposed project is subject to review and approval of the following:

- **Certification of Environmental Impact Report (EIR) (IS20-003).** An EIR was prepared to address significant environmental effects that could result from the project. The Planning Commission will make a recommendation to the City Council regarding certification of the Final EIR, which includes responses to comments on the Draft EIR.
- **Zoning Amendment (ZC20-001)** to amend the previously approved Planned Development (PD) Ordinance No. 1775, including revised Aldersly PD Development Standards.
- **Amendment to Master Use Permit (UP20-022).** San Rafael Municipal Code (SRMC) §14.07.020.B requires a master use permit for nonresidential, phased and/or multi-tenant development in a Planned Development District. Use Permits are typically acted on by the Planning Commission. However, where a single development project seeks multiple approvals, the highest decision-making body is responsible for review of all requested entitlements. This project includes a Zoning Amendment request, which must be acted on by the City Council.
- **Environmental and Design Review Permit (ED20-051).** San Rafael Municipal Code (SRMC) §14.25.040.A.2 and 3 require an Environmental and Design Review Permit for modifications to existing structures and major site design improvements. As noted above, since multiple approvals are being requested, including a Zoning Amendment, the Planning Commission action on this permit will be a recommendation to the City Council.

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Adopt the attached Draft Resolution (Exhibit 1) recommending certification of Final EIR
2. Adopt the attached Draft Resolution (Exhibit 2) recommending adoption of Zoning Amendment (ZC20-001)
3. Adopt the attached Draft Resolution (Exhibit 3) recommending approval Use Permit (UP20-022), Environmental and Design Review Permit (ED20-051), and Mitigation Monitoring and Reporting Program (MMRP).

PROPERTY FACTS

Table 1: Land Use Information			
Address/ Location: 308/ 326 Mission Ave.		Parcel Numbers: 014-054-31 & -32	
Property Size: 2.9 acres		Neighborhood: Montecito/Happy Valley	
Site Characteristics:			
	General Plan Designation	Zoning Designation	Existing Land Use
Project Site	HDR	Planned Development PD 1775	Retirement Community <ul style="list-style-type: none"> • Assisted Living/Memory Care (35 beds) • Extended Care/Convalescent/ Skilled Nursing (20 beds) • Residential/ Independent Living Units (55 units)
North:	LDR	R10; R5	Single family Residential
South:	Downtown Mixed Use	T4N 40/50; PD(1439) PD(1335)	Office/Retail (Salvation Army) Multifamily Residential (San Rafael Commons Senior Apts. @302 Mission Ave)
East:	LDR	R5	Single Family Residential
West:	MDR	MR3; DR	Multifamily/Duplex Residential

Site Description/Setting:

The Aldersly Retirement Community occupies 2.88 acres on the north side of Mission Avenue and extending to Belle Avenue to the north. The property slopes uphill from Mission Avenue to Belle Avenue (Figure 1). The campus is fully developed with residential, administrative, and healthcare buildings connected by an extensive network of landscaped pedestrian paths and gardens (Figure 2). The area surrounding the Aldersly campus contains a mix of residential, retail, and community services.

Figure 1: Vicinity Map

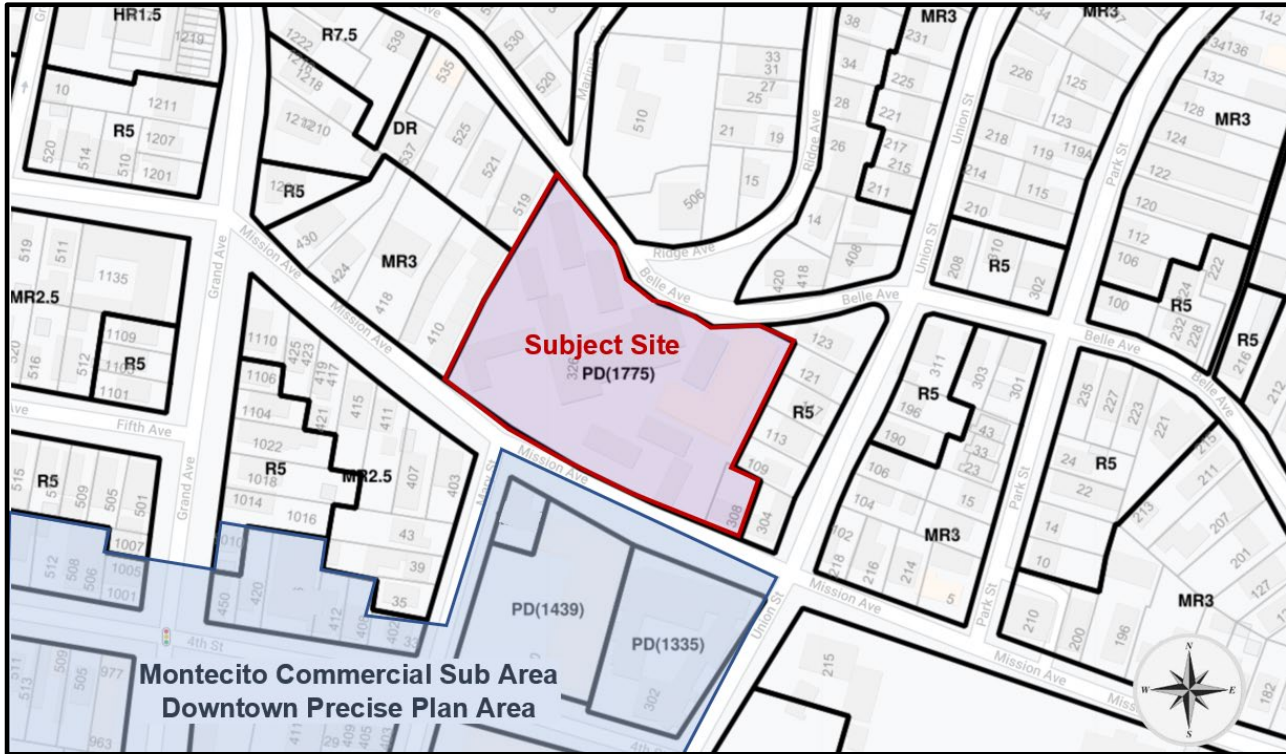
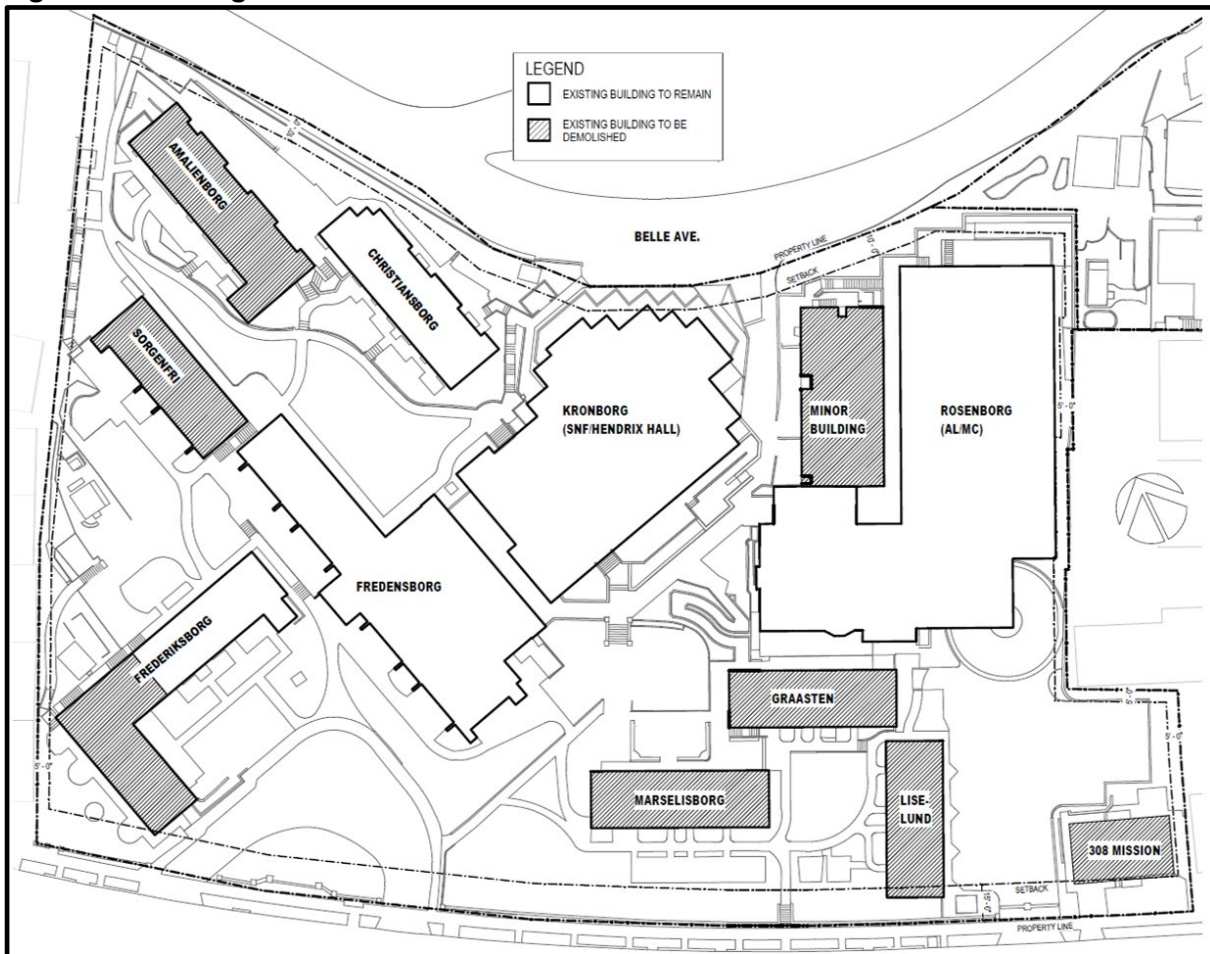


Figure 2: Existing Site Conditions



BACKGROUND

Founded in 1921 as a retirement community for Danish immigrants, the Aldersly campus has been transformed numerous times over its 100 years to meet the changing needs of residents and new concepts of community care. None of the original buildings of the Aldersly campus remain, and the existing buildings on the campus represent a variety of styles reflecting the four periods of redevelopment in the 1940s, 1960s, 1990s and early 2000s. The most recent major development on the campus is the 30-unit Memory Care/Assisted Living facility and parking garage (Rosenborg) on the east side of the property, completed in 2004 under the approved PD1775.

PROJECT DESCRIPTION

Proposed Use

No changes in use are proposed. The use of the property is a retirement community (per PD1775) and would remain the same. Aldersly would continue to provide a mix of Assisted Living/Memory Care, Skilled Nursing, and Residential/ Independent Living units for older adults. The project would result in a net increase of +14 Independent Living units (an increase from 55 units to 69 units) and new construction, renovations, and demolition of existing buildings (discussed below) to modernize and meet the changing needs of existing and future residents. As noted in the proposed PD Zoning and Development Standards, the overall goal of the master plan is “to keep Aldersly a boutique residential community for older people looking for a home with *hygge* (pronounced “*hoo-gah*”) - Danish for the experience of coziness and comfortable conviviality that engenders feelings of contentment and well-being.”

Proposed Site Plan

The project proposes improvements in three phases that include demolition and renovation of existing buildings, and construction of new buildings on the Aldersly Campus. Buildout of the proposed Development Plan would result in a new four-level Independent Living (IL) building along Mission Avenue, a new Independent Living building on the western portion of the site, a new service building on the north portion along Belle Avenue, three renovated/reconfigured buildings, and new outdoor spaces including a memory care garden, activity lawn, and rose terrace.

Figure 3: Illustrative Proposed Site Plan (all phases)



Diagrams for each phase of the project are included on revised [Sheet A-2.1](#) of project plans. It is noted that the applicant modified the phasing plan in May 2022 in response to neighbor comments regarding construction access from Belle and the construction staging required for each phase of development. The original plan was to develop in four phases. After reviewing the required construction staging and site access issues, the phasing plan was modified and consolidated into three phases instead of the original four. Each phase of the Aldersly Development Plan is outlined below:

PHASE 1 MISSION AVENUE INDEPENDENT LIVING

Phase 1A: New Mission Ave Independent Living (IL) Building:

- Demolition of Marselisborg (4,500 sq. ft.), Graasten (4,320 sq. ft.), Lieslund (1,800 sq. ft.) Independent Living buildings and the single-family residence at 308 Mission Avenue
- Construction of new independent living apartments along Mission Avenue (net gain of 21 residential units and 9 parking spaces)
- Redesign the parking spaces (6 net new spaces) located near the new east driveway (308 Mission property)
- Redesign of the site entry (1 net new parking space)
- Expansion of community space and improve central courtyard

Phase 1B: Frederiksborg Independent Living (Interior Remodel/Addition):

- Interior renovation of 15,000 sq. ft. Fredensborg (no discretionary review required; consistent with approved Development Plan)
- Partial rebuild of 5,000 sq. ft. Frederiksborg with a 1,200 sq. ft. addition for a total of 7,200 sq. ft. (4 new parking spaces)

Phase 1C: Fredensborg Terrace

- Improve outdoor space

PHASE 2 – SERVICE BUILDING ADDITION & KRONBORG RENOVATION

- Renovate existing 14,250 sq. ft. Kronborg (no net increase in 20 Skilled Nursing beds)
- Renovate interior of lower level to provide Wellness (yoga, meditation, salon, massage) and additional amenities
- Demolish the 6,510 sq. ft. Minor Building currently used for Independent Living (loss of 8 residential units)
- Add a new service connector building with service elevator connections to Rosenberg and Kronborg to improve service access for delivery, refuse and maintenance back-of-house spaces for increased efficiency.
- Expand outdoor garden for Memory Care

PHASE 3 - WEST CAMPUS INDEPENDENT LIVING ADDITION

- Replace Amalienborg (5,500 sq. ft.) and Sorgenfri (3,800 sq. ft.) with a new 15-unit Independent Living building (+1 unit net)
- Partial rebuild of Frederiksborg to increase floor area (no net change in number of IL units). Add four new parking spaces. Interior renovation of Fredensborg (-2 net change in number of IL units)

Elevations

As noted above, the project proposes the construction of new buildings on the Aldersly Campus, including a new four-level Independent Living (IL) building along Mission Avenue, a new Independent Living building on the western portion of the site, and a new service building on the north portion along Belle Avenue. Elevations and section drawings depicting the proposed new buildings are provided on Sheets A5.1 and A5.2 of the [project plans](#).

ANALYSIS

Consistency with City Council Goals and Objectives:

In 2021 the City Council adopted a list of goals and objectives. One of the key policy areas included in the goals and objectives is focused on creating new housing. For fiscal year 2022/2023, the City Council continued the goals and objectives from the 2021/2022 fiscal year as these key policy areas remain relevant. For fiscal year 2022/2023 the Community Development Department will keep track of progress in this policy area by tracking the number of Housing units entitled and housing units produced by unit, income level, and the contribution that these units make toward meeting the City's regional housing allocation (RHNA). The Aldersly project would contribute toward meeting the goal of producing more housing by adding 14 senior housing units to the City's housing inventory. Since all of the proposed 14 independent living units would include a kitchen and a bathroom, they meet the definition of a dwelling unit and have been included in the anticipated number of units to be completed during the 2023-2031 timeframe.

Housing Accountability Act:

The project is considered a housing development and is therefore protected under the housing accountability act (Government Code section 65589). A local agency cannot deny a housing development project that is consistent with general plan and zoning standards, unless the local agency finds that the proposed housing development project would have a specific, adverse impact upon the public health or safety and that such impacts cannot be mitigated. Staff has conducted analysis and no public health or safety impacts have been identified.

San Rafael General Plan 2040 Consistency:

The site is designated as High Density Residential on the General Plan 2040 Land Use Map, which allows for the mix of independent living, assisted living and convalescent care. A complete analysis of the project's consistency with General Plan 2040 policies is provided in the Exhibit 5 - General Plan Consistency Table. Below is a discussion of some of the key General Plan policies applicable to the project.

Housing and Land Use. There are a number of policies in the City's General Plan (Land Use and Housing Element) that support the creation of additional housing, including housing for San Rafael's aging population. One of the four stated goals of the Housing Element (GOAL 4) is to assure that we have an adequate housing supply and mix that matches the needs of people of all ages, income levels, and special requirements. San Rafael has a wide range of housing types. People who work in San Rafael should be able to live here and there should be adequate housing for seniors and very low-income households.

Housing Element Policy H-1. Housing Distribution. Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.

Sub-policy H-1.a identifies the need to make progress towards the Regional Housing Needs Allocation since the start of the planning period.

H-13. Senior Housing. Encourage housing that meets the needs of San Rafael's older population, particularly affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase.

Policy LU-2.8: Senior and Disabled Care Facilities. Encourage facilities and services to meet the needs of older and disabled residents, including senior housing, assisted living, and convalescent care facilities; and facilities providing adult day care and social services, and health care for older adults and people with disabilities. See Goal EDI-6 for additional policies and programs addressing the needs of older adults.

The property was developed in 1921 as a retirement community for Danish immigrants and has evolved over the last 100 years to meet the needs of older adults. One of the overarching goals of the project is to allow the Aldersly Retirement Community to continue to evolve to meet the needs of current and future residents. The proposed project would result in a net increase of fourteen (14) independent living units for seniors (from 55 units to 69 units) and would continue to provide 35 Assisted Living/Memory Care beds and 20 Skilled Nursing beds, which is similar to convalescent care. The project would allow Aldersly to continue to provide options for older adults seeking to “age in community” and/or relocate to suitable housing for persons with mobility limitations and those suffering from dementia-related illnesses, and allows for Aldersly to adapt to changing tastes, styles, technology, and needs as they evolve. (Policy LU-2.8: Senior and Disabled Care Facilities; Policy LU-3.2: New Development in Residential Neighborhoods; EDI-6.2: Aging in Community; Policy H-13: Senior Housing).

Neighborhood Compatibility. Proposed new buildings have been located and designed to minimize impacts on adjacent residential properties and maintain existing view corridors and not interfere with scenic vistas as viewed from adjacent public areas. The proposed four-story Mission Avenue Independent Living Building includes design features that break up the mass of the building. The top floor is recessed from the street-side and a lighter exterior color is proposed to visually reduce the height. Variations in form, material, and colors are utilized to break up mass and roof line; vertical elements are used to break up the south façade along Mission Avenue. This building would be approximately 48 feet from adjacent residential properties along Union Street, and 65-95 feet from the residential property at 304 Mission Avenue (corner of Mission and Union). While this building setback is substantial, it is acknowledged that solar access to neighboring properties to the east may be reduced during certain times of the year. It is also noted that the residential properties east of the project site are zoned R-5 and have a building height limit of 30 feet. Properties west of the project site are zoned Duplex Residential (DR) and Multifamily Residential (MR3) with height limits of 30 feet and 36 feet, respectively (Policy CDP-4.8: Scale Transitions). All proposed parking areas, loading areas, and trash facilities will be appropriately screened. The proposed project includes a wooden fence along the north, east and west sides of the property, and proposes landscape screening in the new parking area (east driveway) that will provide a buffer between the Aldersly campus and residential neighbors to the west at 304 Mission and along Union Street. In addition, improvements proposed for the north side of the campus adjacent to Belle Avenue include a new service building and enclosed delivery area, as well as a new enclosure for solid waste/recyclables/compost (Policy LU-3.6: Transitions Between Uses).

Parking, Loading and Delivery Areas. As conditioned, the project would be consistent with General Plan policies related to parking and loading (truck deliveries). One of Aldersly’s project objectives is to provide additional on-site parking. Parking is an issue in the Montecito/Happy Valley Neighborhood and other residential areas in the City, as reflected in policies contained in General Plan 2040 (Policy LU-3.7: On-Street Parking, Policy NH-2.20: Parking, Policy CDP-4.9: Parking and Driveways). The General Plan also includes policies that recognize the need to periodically adjust off-street parking requirements and allow reduced parking when it can be demonstrated that project will have lower vehicle ownership rates; for example, for senior housing or housing in the downtown area (Policy M-7.6: Off-Street Parking Standards). The project would provide eight (8) additional on-site parking spaces over what exists today. In addition, proposed Condition 8 of the Master Use Permit (UP20-022) would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood.

Managing truck traffic and deliveries in residential areas is also addressed in the General Plan (General Plan Policy M-5.6: Truck Impacts). The number and type of trucks used for deliveries to the Aldersly campus is not expected to change as a result of the Proposed Project. The existing loading and delivery area on Belle Avenue would remain and would continue to accommodate all deliveries through Phase 1. After completion of Phase 2, a new delivery area for medium-size trucks would be available in the new Service Building. The project application and plans have been reviewed and accepted by the City Traffic Engineer subject to conditions included in the attached resolution approving the Master Use Permit and

Environmental and Design Review Permit (Exhibit 3). In addition, to further minimize potential conflicts, Condition 7 of the Master Use Permit (UP20-022) would require that the timing of deliveries to the Aldersly campus be coordinated with drop-off and pick-up times at child daycare and schools in the neighborhood.

Based on the above and the analysis provided in Exhibit 5 - General Plan Consistency Table, it is staff's opinion that the project as conditioned is consistent with General Plan 2040. Although the project would have an impact on the eligibility of a historic resource (discussed below under Environmental Review), all other significant environmental impacts would be mitigated to less than significant, and as outlined above, the project would further the City's goals regarding senior care, housing, and economic development of the City.

Zoning Ordinance Consistency:

PD Zoning Amendment

As noted above, the applicant is requesting an amendment to the previously approved Planned Development (PD) Ordinance (PD1775), which includes [amended PD Development Standards](#). The amended development standards are essentially the same as those approved with PD1775 (same setbacks, building height limit, lot coverage, etc.) but with text changes to reflect the proposed development including the additional eight parking spaces (56 spaces total) that are proposed, and the 14 additional independent living units (total of 69 independent living units) proposed. The table below demonstrates the project's consistency with the proposed PD Development Standards for the Aldersly Planned Development.

Table 2: Aldersly PD Development Standards Consistency Table			
Lot Size		Maximum Lot Coverage	
Required:	2.5 acres	Required:	60%
Proposed:	2.9 acres (no change)	Proposed:	53%
Height		Maximum Density*	
Allowed:	36 feet	Allowed:	125 (1,000 s.f./unit)
Proposed:	36 feet (Mission Ave. IL Building)	Existing:	55 Independent Living Units
		Proposed:	69 Independent Living Units
		* only Independent Living units count toward density calculations	
On-Site Parking		Minimum Lot Width (New lots)	
Required:	Flexible based on net new parking demand	Required:	None Required
Proposed:	56 spaces at buildout		
Minimum Landscape Area		Setbacks	
No minimum area specified in PD Development Standards			
		<i>Required</i>	<i>Proposed</i>
		Front - Mission Ave.	15'
		Side - East	5'
		Side - West	5'
		Rear - Belle Ave.	10'

Parking

Parking requirements were determined based on specific land use classifications identified in the San Rafael Municipal Code, Chapter 14.18: Parking Standards. There are currently 48 parking spaces on the Aldersly campus. The proposed project includes redesign of on-site parking areas, and the number of parking spaces would increase from 48 to 56 spaces, a net increase of eight on-site parking spaces, which exceeds the number of spaces required to accommodate 14 additional independent living units and staff (2.4 FTE). Therefore, the proposed off-street parking supply was determined to meet the City's Zoning Code requirements for the proposed project.

It is also noted that the the Aldersly campus is located approximately 0.4 miles southwest of the SMART Downtown San Rafael Station. Per recent State legislation (AB 2097), minimum parking requirements cannot be imposed or enforced in any residential, commercial, or other development project located within ½ mile of public transit after January 1, 2023. Nevertheless, the project would voluntarily provide eight (8) additional on-site parking spaces over what exists today. In addition, as noted above, Condition 8 of the Master Use Permit (Exhibit 3) would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood.

Master Use Permit Amendment

As noted above, a master use permit is required for nonresidential, phased and/or multi-tenant development in a Planned Development District. Staff’s analysis of the project’s consistency with the Use Permit findings set forth in Section 14.22.080 of the SRMC is provided in in the Draft Resolution, Exhibit 3.

Environmental and Design Review Permit

As noted above, San Rafael Municipal Code (SRMC) §14.25.040.A.2 and A.3 require approval of an Environmental and Design Review Permit for modifications to existing structures and major site design improvements. The Environmental and Design Review Permit for the proposed development on the Aldersly campus was reviewed by the Design Review Board (DRB) and on October 5 and December 7, 2021. At the October 2021 meeting, the DRB continued the item to allow the applicant time to respond to address the following consensus items reached by the Board:

- Find ways to reduce imposing façade of building along Mission Avenue through architectural setbacks, other features, or an increased setback.
- Make an effort to reduce bioswales along mission to allow increased tree screening of buildings and parking.

The applicant responded with the following revisions to project plans, which were presented to the DRB on December 7, 2021:

Revisions to Mission Avenue Independent Living building include:

- Utilizing more vertical elements to break up the south façade
- Changing the form and material to break the roof line; and
- Changing the color and material (Stucco Color 4 - Scanda Blue) in center portion to provide more of a separate the building into east and west parts.

Revisions to Bioretention Areas and Landscape Plan:

- Redistribution of bioretention areas on the site that allow for additional trees to be planted between the Mission Avenue IL building and Mission Avenue Right of way (ROW). These revisions are shown on Sheets 2.0-R and L6.1-R of the [project plans](#).

The Board voted to recommend approval of ED20-051 that incorporated the revisions noted above. The Planning Commission’s action on ED20-051 is a recommendation to the City Council. Staff’s analysis of the project’s consistency with the Environmental and Design Review Findings set forth in Section 14.25.090 of the SRMC is provided in the Draft Resolution, Exhibit 3.

ENVIRONMENTAL REVIEW

A Final Environmental Impact Report (Final EIR) has been prepared in compliance with the California Environmental Quality Act (CEQA). The Final EIR is comprised of the [Draft EIR](#) together with the Response to Comments document that contains the following: (1) a list of persons, organizations, and public agencies commenting on the Draft EIR; (2) copies of comments received on the Draft EIR; (3) the

City of San Rafael's responses to those comments; and (4) revisions to the Draft EIR to clarify or correct information.

This Final EIR is presented to Planning Commission for a recommendation to the City Council regarding certification. The Final EIR must be certified by the City Council before the project can be approved. CEQA also requires the adoption of findings prior to project approval in cases where the certified EIR identifies significant environmental effects (CEQA Guidelines §§15091 and 15092) and a MMRP (§15097). The findings must include a statement of overriding considerations for any impact identified in the EIR as a significant adverse impact that cannot be mitigated to a less-than-significant level (CEQA Guidelines §15093[b]). Draft CEQA findings are included in Draft Resolution recommending certification of Final EIR (Exhibit 1).

The Final EIR identifies one significant and unavoidable adverse impact on Historic Resources that would result from the Project. This impact can be reduced, although not to a less-than-significant level, through implementation of Mitigation Measure CUL-1 identified in the Final EIR. That would require Aldersly to undertake measures to document and provide interpretation, commemoration, and salvage of the historic resources prior to any demolition. This would reduce the impact on historic resources, but not to a less-than-significant level. Therefore, the impact would remain significant and unavoidable. All other environmental impacts would be avoided or less than significant with implementation of mitigation measures, including impacts related to air quality, biological resources, cultural resources (archeology), tribal cultural resources, geologic/paleontological resources, and noise. All adopted mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) to ensure CEQA compliance during Project implementation.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of this hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was published in the Marin Independent Journal and mailed to all property owners and occupants within a 300-foot radius of the subject site and to all other interested parties 15 calendar days prior to the date of this hearing. A Public Hearing notice was also posted on the subject site 15 calendar days prior to the date of this hearing. Public comments received prior to the posting of the staff report packet are included as Exhibit 8. Correspondence received before the Planning Commission meeting will be forwarded to Commission members under separate cover. Comments received during the Draft EIR 45-day public review period are contained in the Response to Comments document along with responses to these comments. It is noted that many of the comments submitted during the Draft EIR review period pertain to the merits of the project and should be considered by the Planning Commission prior to making its recommendation to the City Council on the merits of the project. Public comments express a range of opinions – from support for the proposed project to concerns about losing the special charm of the existing Aldersly campus, adequacy of on-site parking, and construction noise and dust.

OPTIONS

The Planning Commission has the following options:

1. Adopt the Resolutions recommending to the City Council: a) certification of the Final EIR; b) adopt MMRP; and c) project applications as presented, subject to conditions of approval (staff recommendation); or
2. Recommend certification of the Final EIR as presented, and recommend approval of project applications with certain modifications, changes, or additional conditions of approval; or
3. Continue the hearing (to a date certain or an undefined date) to allow the applicant to address any of the Commission's comments or concerns; or

4. Recommend that the project be denied.

EXHIBITS

1. Draft Resolution recommending City Council certification of Final EIR (MMRP attached)
2. Draft Resolution recommending City Council adoption of Zoning Amendment (ZC20-001)
3. Draft Resolution recommending City Council approval of Use Permit (UP20-022) and Environmental and Design Review Permit ED20-051
4. Project Plans, revised 5/16/22: available on the [Aldersly Project webpage](#)
5. General Plan Consistency Table
6. Proposed [PD Development Standards](#)
7. Response to Comments on Draft EIR (Final EIR) : available on the [Aldersly Project webpage](#)
8. Correspondence

Plans/documents and supportive studies provided on website:

<https://www.cityofsanrafael.org/aldersly/>

RESOLUTION NO. 22-XX**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN RAFAEL RECOMMENDING CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE ALDERSLY PLANNED DEVELOPMENT AMENDMENT PROJECT**

WHEREAS, on November 12, 2020, Peter Schakow, President of the Aldersly Board of Directors (applicant), submitted applications for a Planned Development (PD) Zoning Amendment, Master Use Permit Amendment, and Environmental and Design Review Permit for the Aldersly Retirement Community Project, which collectively constitute a “project” under the California Environmental Quality Act (“CEQA”); and

WHEREAS, CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) require an analysis and determination regarding a project’s potential environmental impacts. It was determined that the project has the potential to result in potentially significant environmental effects, and the preparation of an Environmental Impact Report (“EIR”) was recommended; and

WHEREAS, the City released a Notice of Preparation (“NOP”) for the Project to the Office of Planning and Research (“OPR”) State Clearinghouse and interested agencies and persons on November 25, 2021 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City held a public scoping meeting on December 14, 2021. Comments on the NOP were received and considered during preparation of the Draft EIR; and

WHEREAS, a Notice of Availability (“NOA”) was issued and the Draft EIR was made available for public review on the City’s website on August 16, 2022 for a 45-day public review period through September 30, 2022; and

WHEREAS, the Draft EIR was filed with the California Office of Planning and Research on August 17, 2022; and

WHEREAS, the San Rafael Planning Commission held a public comment hearing on the Draft EIR on September 13, 2022; and

WHEREAS, on November 10, 2022, the City published a Response to Comments Document that contains all of the comments received on the Draft EIR during the public comment period, including those received at the public hearing, and prepared written responses to those comments in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document, together with the errata, constitute the Final EIR; and

WHEREAS, all required public notices and public hearings were duly given and

held according to law; and

WHEREAS, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on November 15, 2022, at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council regarding the Final EIR and the merits of the Project; and

WHEREAS, pursuant to Public Resources Code Section 21082.1(c)(3), the City finds that the Final EIR reflects the City's independent judgment as the lead agency for the Project and is supported by substantial evidence; and

WHEREAS, the Final EIR identified certain potentially significant adverse effects on the environment caused by the Project; and

WHEREAS, the Planning Commission specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, it would have made its decision on the basis of any one of those reasons; and

WHEREAS, the Planning Commission desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that justify the occurrence of those impacts; and

WHEREAS, the Planning Commission fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter and determined that a Statement of Overriding Considerations is warranted.

NOW, THEREFORE, BE IT RESOLVED that the San Rafael Planning Commission recommends that the City Council of the City of San Rafael certify the Final Project EIR, makes the following findings with respect to the Proposed Project's significant effects on the environment as identified in the Final Project EIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopt the Statement of Overriding Considerations and the MMRP as follows:

I. PROJECT DESCRIPTION

As fully described in Chapter 2 of the Draft EIR, the Project includes phased construction on the Aldersly campus, including the construction of three new buildings and additions/renovations to existing buildings as outlined below:

PHASE 1: Build new Independent Living (IL) Building, Relocate the Campus Reception/Entry to street level, Expand Community Space, and Improve Central Courtyard.

Phase 1A:

- Demolish three small buildings (Liselund, Marselisborg and Graasten) containing a total of 12 independent living, studio units.
- Demolish building at 308 Mission (currently used as office space)

Phase 1B: Add new independent living building.

- Construct new independent living 35-unit building. Includes the redesign of site entry and parking for better accessibility for residents and visitors. (An elevator and an interior connection to Fredensborg will enable sheltered ADA access to upper levels on the hillside site).
- Provide nine (9) parking spaces in the new Mission Avenue IL building, five guest parking spaces at the new main entrance, and eight surface parking spaces along the East driveway to Rosenberg.
- Expand community space with a café, rooftop lounge, arts & crafts/activity room, and a conference room/pre-function room.
- Improve central courtyard. Improve outdoor spaces with new gathering spaces and landscaping, including historic elements.

PHASE 2: Service Building Addition

- Demolish the Minor Building (8 independent living units)
- Construct a new service connector building with service elevator connections to Rosenberg and Kronborg to improve service access for delivery, refuse and maintenance back-of-house spaces for increased efficiency.
- Expand outdoor garden for Memory Care (Rosenborg)

PHASE 3: West Campus Independent Living

- Demolish Amalienborg and Sorgenfri (14 independent living units)
- Construct new 15 independent living units in new West Campus IL building (net +1).
- Partial rebuild of Frederiksborg to increase floor area (no net change in number of IL units). Add four new parking spaces. Interior renovation of Fredensborg (-2 net change in number of IL units)

At buildout of the proposed PD Development Plan, (estimated to be 10 years from Project approval, or approximately the year 2032) the Project would result in fourteen (14) net new additional independent living units, an increase from 55 units to 69 units. The number of Assisted Living/Memory Care beds (35 beds) and Skilled Nursing beds (20 beds) would remain unchanged. The number of parking on-site parking spaces would increase from 48 spaces to 56 spaces at buildout of the Development Plan.

The anticipated entitlements and permits that would be needed for the Project are the following:

- A zoning amendment to amend the previously approved Ordinance No. 1775, including revised Aldersly PD Development Standards. (ZC20-001);
- An amendment to a master use permit (UP20-022); and
- An environmental and design review permit for Phases 1-3 (ED20-051)

A. PROJECT OBJECTIVES

The Project Sponsor has identified the following goals and objectives of the Project:
Goals:

- To keep Aldersly a boutique residential community for older people looking for a home with *hygge* - Danish for the experience of coziness and comfortable conviviality that engenders feelings of contentment and well-being.
- To allow the Aldersly Retirement Community to evolve to meet the needs of current and future residents for the next 20 years.

Project objectives originating from these overarching goals include:

- Create a financially sustainable community that will last another 100 years
- Add a second dining venue and resident lounge/gathering spaces
- Create a dedicated Memory Care Center with an accessible outdoor garden area
- Update Independent Living units to attract new residents. Increase number of larger, more marketable units (average unit size in square feet)
- Improve site accessibility and access to campus amenities for staff and residents with various levels of mobility
- Improve entry experience to create a positive first impression
- Define a core active space for residents that promotes social interaction and movement between different parts of the campus
- Provide outdoor spaces with lush landscaping to maintain Aldersly's long-time connections to nature and outdoor living, in keeping with the original hygge spirit of the community
- Provide additional parking
- Improve delivery area and back of house spaces to increase efficiency and ease access from Belle Avenue
- Maximize Aldersly's footprint, within the limits of the land use and design controls established by the City's planning documents

II. ENVIRONMENTAL REVIEW PROCESS

A. ENVIRONMENTAL IMPACT REPORT

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. An NOP for an EIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on November 25, 2021 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City also held a public scoping meeting on December 14, 2021. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

A Notice of Availability (NOA) of the Draft EIR was issued on August 16, 2022, and the Draft EIR was made available for public review for a 45-day public review period through September 30, 2022. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR.

The Responses to Comments Document provides responses to the comments received during the comment period on the Draft EIR. The Draft EIR and the Responses to Comments Document comprise the Final EIR. The Planning Commission was presented with the Final EIR for consideration at a public hearing on November 15, 2022. The Planning Commission, however, does not take final action on the Final EIR or the Project, but provides recommendations. The City Council then considers the Planning Commission's recommendations on the Final EIR and the Project during a noticed public hearing and takes the final action on the Project. The City Council is currently scheduled to consider certification of the Final EIR at a regularly scheduled public hearing on December 5, 2022.

III. CERTIFICATION OF THE FINAL EIR

Upon receiving the recommendation of the Planning Commission, in accordance with CEQA Guidelines Section 15090, the City of San Rafael, acting by and through its City Council will certify that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines. The City will further certify that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to approving the Project. The City will further certify that the Final EIR reflects its independent judgment and analysis.

IV. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP and all other public notices issued by the City in conjunction with the project;
- (c) The Draft EIR for the Project, dated August 2022;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- (e) The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the technical appendices, dated November 2022;
- (f) The MMRP for the Project;
- (h) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City, with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- (i) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project;
- (j) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- (k) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
 - (i) City's General Plan and other applicable policies;
 - (ii) City's Zoning Ordinance and other applicable ordinances;
 - (iii) Information regarding the City's fiscal status;
 - (iv) Applicable City policies and regulations; and
 - (v) Federal, state and local laws and regulations.
- (l) Any other materials required for the record of proceedings by CEQA

Section 21167.6(e).

The documents described above comprising the record of proceedings are located on the City's webpage at: <https://www.cityofsanrafael.org/aldersly/>. The custodian of these documents is the City's Community Development Director or his/her designee.

III. FINDINGS

The findings, recommendations, and statement of overriding considerations set forth below ("Findings") are to be made and adopted by the City Council of the City of San Rafael as the City's findings under CEQA and the CEQA Guidelines relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.

These findings summarize the environmental determinations of the Final EIR with regard to Project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR. Instead, the findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of the environmental findings and conclusions can be found in the Final EIR; the discussion and analysis in the Final EIR regarding mitigation measures and the Project's impacts is adopted by reference.

The City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections IV and V, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

IV. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACT

The Final EIR identifies one significant and unavoidable adverse impact associated with the approval of the Project, which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR: As explained below, this impact will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. The City Council finds there are no additional feasible mitigation measures or alternatives that could be adopted at this time that would reduce these significant and unavoidable impacts to a less than significant level. For reasons set forth below, however, the City Council has determined that overriding economic, social, and other considerations outweigh the Project's significant and

unavoidable effects. The findings in this section are based on the Project EIR, the discussion and analysis of which is hereby incorporated in full by this reference.

A. IMPACT CUL-1: The Proposed Project would result in the demolition of six of the nine contributing buildings and landscape features that are contributing features of an historic resource.

The Final EIR finds that the Aldersly property is potentially eligible for listing as a historic district in the California Register of Historic Resources (California Register) and is therefore considered a historic resource. The Proposed Project would demolish six contributing buildings, partially demolish one contributing building, and alter an additional contributing building, leaving only one contributing building intact. The construction of the three new buildings would require the removal and relocation of some landscape features – including the Rose Garden and fountain – and would infill some of the green space of the existing campus, including a corner of the central lawn. All landscape features of the Aldersly campus that are contributing features of the historic resource would be altered in some way, either through relocation, removal, or alteration.

Implementation of Mitigation Measure CUL-1 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Therefore, the impact would be significant and unavoidable.

Mitigation Measure CUL-1: Interpretation and Commemoration of Historic Resources. Prior to issuance of demolition permit(s), the project sponsor shall undertake the following measures to document and provide interpretation, commemoration, and salvage of the historic resources to be demolished, as outlined below:

CUL-1a: Documentation. Prior to issuance of demolition permits, the project sponsor shall undertake Historic American Building Survey (HABS)/Historic American Landscape Survey (HALS)–style documentation of the property. The documentation shall be funded by the project sponsor and undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth in the Secretary of the Interior’s Professional Qualification Standards (Code of Federal Regulations title 36, part 61). The documentation package created shall consist of the items listed below:

- CUL-1a-1: HABS-style Photographs
- CUL-1a-2: HABS/HALS-style Historical Report
- CUL-1a-3: HALS-style Site Plan
- CUL-1a-4: Video Documentation

The documentation materials shall be offered to state, regional, and local repositories, including but not limited to, the Northwest Information Center (NWIC)-California Historical Resource Information System, San Rafael Public Library, the Marin County Free Library’s Anne T. Kent California Room, and the Marin History Museum. Materials will either be provided in digital or hard copy formats depending on the capacity and preference of the repository.

CUL-1a-1: HABS-style Photographs

Digital photographs will be taken of the contributing buildings and landscape

elements and the overall character and setting of the historic resource. All digital photography shall be conducted according to current National Park Service standards as specified in the National Register Photo Policy Factsheet (updated May 2013). The photography shall be undertaken by a qualified professional with demonstrated experience in documentation photography. Large format negatives are not required. The scope of the digital photographs shall be reviewed and approved by the Planning Division's staff for concurrence.

Photograph views for the data set shall include contextual views of the site and each contributing landscape element and building; elevations of each façade of each building; and detail views of character-defining features. All photographs shall be referenced on a photographic key map or site plan. The photographic key shall show the photograph number with an arrow to indicate the direction of the view.

CUL-1a-2: HABS/HALS-style Historical Report

A written historical narrative and report will be produced that meets the HABS/HALS Historical Report Guidelines. This HABS/HALS-style Historical Report may be based on the documentation provided in the 2017 Historic Resource Evaluation for the site and will include historic photographs and drawings, if available. The written history shall follow the standard outline format that begins with a statement of significance for the historic district, describes the architectural and historical context of the district, and includes descriptions of each contributing building and landscape feature.

CUL-1a-3: HALS-style Site Plan

A HALS-style site plan shall be prepared that depicts the existing sizes, scale, dimensions, and relative locations of the contributing landscape elements and buildings related to the historic resource. Particular attention will be paid to the arrangement and plantings of landscape features that are contributing resources to the historic resource. Documentation of all plantings is not required, but depiction of the locations and types of mature trees, and designed hardscape and landscape features shall be included.

CUL-1a-4: Video Recordation. Video recordation shall be undertaken prior to the issuance of demolition permits. The project sponsor shall undertake a video documenting the historic resource and its setting. The documentation shall be conducted by a professional videographer, preferably one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards for history, architectural history, or architecture (as appropriate). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, historic context, and historic significance of the historic resource. The video documentation shall be reviewed and approved by the Planning Division's staff prior to issuance of demolition permits.

CUL-1b: Interpretation. The project sponsor shall provide a permanent display (or multiple displays) of interpretive materials concerning the history of Aldersly in the

Northern California Danish-American community and the architectural features of the Aldersly Retirement Community campus as designed in the 1961-1968 master plan by master architect Rex Whitaker Allen. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards. The high-quality interpretive display(s) shall be installed within the project site boundaries, made of durable, all-weather materials, and positioned to allow for high public visibility and interactivity. In addition to narrative text, the interpretive display(s) may include, but are not limited to, a display of photographs, news articles, memorabilia, drawings, and/or video. A proposal describing the general parameters of the interpretive program shall be approved by the Planning Division's staff prior to issuance of building permits. The content, media, and other characteristics of the interpretive display shall be approved by the Planning Division's staff prior to issuance of a Temporary Certificate of Occupancy.

CUL-1c: Salvage. Prior to any demolition or construction activities that would remove character-defining features of a resource that is a contributor to the historic resource on the project site, the project sponsor shall consult with a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards as to whether any such features may be salvaged, in whole or in part, during demolition/alteration. The project sponsor shall submit a list of materials that will be salvaged and reused either on the site or within the interpretive program to the Planning Division for review prior to the beginning of demolition on the site. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretive program. No materials shall be salvaged or removed until HABS/HALS-style recordation and documentation are completed.

Significance with Mitigation: Significant and Unavoidable. While the Project proposes to relocate some of the character-defining features and contributing elements of the landscape, and Mitigation Measure CUL-1 would lessen the impact associated with the proposed project; it would not reduce the impact to a less-than- significant level. The historic resource would lose its integrity and ability to convey its significance. Therefore, the impact on the historic resource would be significant and unavoidable.

V. FINDINGS FOR SIGNIFICANT IMPACTS REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The Final EIR identifies the following significant impacts associated with the Project. It is hereby determined that the impacts addressed through the corresponding mitigation measures will be reduced to a less than significant level or avoided by adopting and incorporating these mitigation measures into the Project. As explained in Section VII, below, the findings in Section V are based on the Final EIR, including the discussion and analysis contained in Appendix B of which is incorporated in full by this reference, and as identified in the Summary Chapter, Table S-1, Summary of Impacts and Mitigation Measures of the Final EIR and supported by evidence contained within the entirety of the record of proceedings.

- A. IMPACT CUL-2: Implementation of the Proposed Project has the potential to cause a significant impact to a previously unidentified archaeological resource pursuant to CEQA Guidelines Section 15064.5.**
- B. IMPACT CUL-3: Ground-disturbing activities during Project construction could encounter human remains, the disturbance of which could result in a significant impact under CEQA. (*Less than Significant with Mitigation*)**
- C. IMPACT TCR-1: Ground-disturbing activities as a result of the Proposed Project could encounter Tribal Cultural Resources, the disturbance of which could result in a significant impact under CEQA.**

As discussed in Chapter 3 and summarized in Table S-1 in the Summary Chapter of the Final EIR, although construction of the proposed project would have no impact on known tribal cultural resources, there is a possibility that previously unidentified resources and subsurface deposits are present within the Project area. Implementation of Mitigation Measure TCR-1, which requires a survey of the site by trained Human Remains Detection Dogs, would avoid or reduce this impact to a less-than- significant level.

- D. IMPACT AQ-1. The project could result in a cumulatively considerable net increase a criteria pollutant for which the project region is non – attainment under an applicable federal or state ambient air quality standard (Appendix B - Checklist Item III.b.).**

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, the project could result in a cumulatively considerable net increase a criteria pollutant for which the project region is non – attainment under an applicable federal or state ambient air quality standard. Implementation of **Mitigation Measure AQ-1**, which requires BAAQMD Best Management Practices (BMPs) be implemented during construction would avoid or reduce this impact to a less-than-significant level.

E. IMPACT AQ-2. The project could expose sensitive receptors to substantial pollutant concentrations (Appendix B - Checklist Item III.c.)

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, the project could expose sensitive receptors to substantial pollutant concentrations. Implementation of **Mitigation Measure AQ-2**, which requires construction equipment to minimize exhaust emissions would avoid or reduce this impact to a less-than- significant level.

F. IMPACT BIO-1. The project has the potential to disturb active bird nests on the Project site. (Checklist Item IV.a.)

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, the project has the potential to disturb active bird nests during construction. Implementation of Mitigation Measure BIO-1, which requires avoidance of nesting birds in compliance with State and federal regulations, would avoid or reduce this impact to a less-than- significant level.

As discussed in the Final EIR Response to Comments from California Department of Fish and Wildlife (CDFW), no bats or indicators of on-site roosting (e.g., guano/staining) were observed by the biologist during their site visit. For these reasons, bats (including special-status species) are unlikely to roost on the project site. Though not required, the following measures recommended by CDFW are adopted and included in the MMRP:

Mitigation Measure BIO-2 (Roosting Bat Habitat Assessment and Surveys): Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-3 shall be implemented.

Mitigation Measure BIO-3 (Roosting Bat Tree Protections): If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step

tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

G. IMPACT GEO-1. The project site is subject to earthquakes that have the potential to induce strong to very strong ground shaking. Strong shaking during an earthquake can result in ground failure such as that associated with soil liquefaction, lateral spreading, cyclic densification, and landsliding. (Checklist Item VII.a.ii)

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, the project could. Implementation of **Mitigation Measure GEO-1**, which requires that seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Geotechnical Investigation prepared by Rockridge Geotechnical, August 31, 2020, and that a final geotechnical investigation be prepared by a qualified and licensed geotechnical engineer would avoid or reduce this impact to a less-than- significant level.

H. IMPACT GEO-2. The project has the potential to destroy a unique paleontological resource during construction and earthmoving activities (Checklist Item VII.f.)

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, the project **project** has the potential to destroy a unique paleontological resource during construction and earthmoving activities. Implementation of **Mitigation Measure GEO-2**, which establishes protocols in the event that fossils or other paleontological resources are encountered during project subsurface construction, would avoid or reduce this impact to a less-than- significant level.

I. IMPACT NOI-1. Noise generated by construction activities, including demolition, could exceed the 90 dBA L_{eq} noise level established in SRMC Section 8.13.050

As discussed in Appendix B, Topics Not Requiring Detailed Environmental Analysis and summarized in Table S-1 in the Summary Chapter of the Final EIR, noise generated by project construction activities, including demolition, could exceed the 90 dBA L_{eq} noise level established in the San Rafael Municipal Code. Implementation of **Mitigation Measure NOI-1**, which requires that a Construction Noise Management Plan (CNMP) prepared by a qualified acoustical consultant to identify noise attenuation measures, including but not limited to installing

temporary noise barriers, would reduce this impact to a less-than- significant level.

VI. ALTERNATIVES

The Final EIR analyzed three alternatives to the Project. The Project objectives are listed in Chapter 2 (Project Description) of the Draft EIR; the potentially significant environmental effects of the Project, including feasible mitigation measures identified to avoid these impacts, are analyzed in Chapter 3 of the Draft EIR; and the alternatives are described in detail in Chapter 5 (Alternatives to the Proposed Project) of the Draft EIR.

Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. As explained in Section VII, below, the findings in this Section VI are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

1. Alternative 1: No Project Alternative:

Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Project Alternative is required as part of the “reasonable range of alternatives” to allow decision makers to compare the impacts of approving the proposed project with the impacts of taking no action or not approving the proposed project. Consistent with CEQA Guidelines Section 15126.6(e)(3)(B), when the project is a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed.

Under Alternative 1, the Aldersly campus would remain in its existing condition and would not be subject to redevelopment. Aldersly would continue to operate as it currently exists and no new construction would occur within the Project site, except for repairs and interior renovations to existing buildings. The number of Independent Living units, assisted living/memory care beds and skilled nursing beds would be essentially unchanged (55 Independent Living units, 35 Assisted Living/Memory Care beds, and 20 Skilled Nursing beds).

A. Comparison of Environmental Impacts: There would be no redevelopment of Aldersly’s campus under Alternative 1. Aldersly would continue to operate as is which would include ongoing minor repairs and renovations of existing buildings. The Aldersly campus would remain eligible for listing in the California Register and there would be no other environmental impacts under this alternative.

B. Facts in Support of Finding: Alternative 1 would not meet the Project’s overarching goals or objectives. Under this alternative, Aldersly would not add or update existing independent living units, construct a dedicated outdoor garden for the Memory Care Center or other outdoor spaces for connecting with nature, create a core active space to promote social interaction, or add a second dining venue and resident lounge/gathering spaces. These objectives

are necessary for meeting the Project's overarching goals of maintaining Aldersly as a boutique residential community for older adults while providing the flexibility to evolve to meet the current and future needs of residents. These objectives would also ensure that Aldersly remains a financially sustainable community for the foreseeable future. The new and updated independent living units responds to changing market demand for older adult independent living and is therefore needed to attract new residents. The dedicated outdoor garden would enhance Aldersly's new and innovative Memory Care Center. The improved outdoor spaces, new core active space, and second dining venue and resident lounge/gathering spaces provide additional amenities to retain and attract new residents.

Alternative 1 would also not meet the objectives of improving site accessibility for staff and residents, providing additional parking, or maximizing Aldersly's development footprint within established land use and design controls for the Project site. Overall, under Alternative 1, there would be uncertainty as to whether Aldersly may be redeveloped and modernized to ensure its ongoing and future viability as a non-profit community for older adults.

- C. Finding:** Accordingly, City Council hereby finds Alternative 1 to be infeasible for the preceding policy, social, and economic reasons and because it would not satisfy the Project's objectives. Each of these reasons would separately and independently provide sufficient justification for rejecting Alternative 1

2. Alternative 2: On-Site Preservation Alternative:

Alternative 2 would limit redevelopment to the southern edge of the Aldersly campus. Marselisborg, Graasten, and Liselund, all of which are contributing buildings to the historic resource, would be demolished and replaced with a new building fronting Mission Avenue that would include a parking garage, administrative space, and 35 independent living units. Frederiksborg would also be demolished and replaced with a two-story building containing ground floor indoor parking and six independent living units. As with the Project, many of the contributing landscape features of the historic resource would be relocated, altered, or removed to accommodate the independent living building along Mission Avenue. The Minor Building would be demolished and replaced with the outdoor garden for the Memory Care Center. The new service connector building would not be constructed between Rosenberg and Kronborg. Alternative 2 would also not construct the independent living building in the northwest portion of the campus thereby preserving contributing buildings Amalienborg and Sorgenfri. In total, four of the nine contributing buildings would be demolished. The net increase of residential and administrative space under Alternative 2 would be 53,390 sq. ft. and the average size of the independent living units would be 830 sq. ft.

- A. Comparison of Environmental Impacts:** Since Alternative 2 proposes less development than the Project, net increase of 53,390 sq. ft. versus the Project's net increase of 64,260 sq. ft., this smaller project would generally reduce the Project's environmental effects to some degree. For example, air

quality, greenhouse gas emissions, noise, and biological resource impacts would be reduced due to there being less construction (although these impacts are less than significant for both the Project and Alternative 2). Alternative 2 would also reduce the impact to the historic resource but the impact would remain significant and unavoidable. Even though an additional two contributing buildings would be preserved, the Project site would still lose its historic integrity and ability to convey its significance due to demolition of four of the nine contributing buildings and relocating, altering, or removing most of the contributing landscape features.

B. Facts in Support of Finding: Alternative 2 meets some but not all of the Project's objectives. For instance, the alternative would add a second dining venue, create a dedicated outdoor garden for the Memory Care center, and define a core active space for residents to promote social interaction. The alternative would add independent living units and increase their overall size, but not to the extent the Project would (830 sq. ft. in Alternative 2 compared to 968 sq. ft. in the Project). These smaller independent living units would be less attractive to potential new residents and so the alternative falls short of the objective to ensure Aldersly can operate in a financially sustainably manner for the foreseeable future. The alternative also would not maximize Aldersly's development footprint within existing land use controls. Furthermore, Alternative 2 would not meet the objectives of improving site accessibility as construction would be focused solely in the southern portion of campus. The desired improvements to the delivery area and back of house spaces with a connector building between Rosenborg and Kronborg would not be constructed.

Although Alternative 2 would further reduce the Project's less than significant impacts, the impact to the historic resource would remain significant and unavoidable as four of the nine contributing buildings would be demolished and the majority of contributing landscape features would be relocated, altered, or removed.

C. Finding: Accordingly, the City Council hereby finds Alternative 2 to be infeasible for the preceding policy, social, and economic reasons and because it would not satisfy the Project's objectives. Each of these reasons would separately and independently provide sufficient justification for rejecting Alternative 2.

3. Alternative 3: Off-Site Alternative

Alternative 3 would locate all new development on the eastern end of the Aldersly campus and on two parcels owned by Aldersly (121 and 123 Union Street) adjacent to the northeast corner of campus at Belle Avenue and Union Street. The only contributing buildings that would be demolished under Alternative 3 are the Minor Building and Liselund. Seven contributing buildings and seven contributing landscape features would remain intact. Rosenborg, a non-contributing building constructed in 2004 that currently houses assisted living and memory care facilities

and Liselund would be demolished and replaced with a new building with two to four stories spanning from the two adjacent parcels on Union Street down to Mission Avenue. This new building would accommodate 41 parking spaces, 15 assisted living units, 15 memory care units, and 42 independent living units. The Minor Building would be replaced with an outdoor landscaped area. As Rosenberg contains a parking garage with 30 spaces, the majority of on-site parking spaces would be temporarily eliminated during the construction process. The net increase of residential and administrative space under Alternative 3 would be 46,730 sq. ft. and the average size of the independent living units would be 764 sq. ft.

A. Comparison of Environmental Impacts: Alternative 3 would retain the majority of the buildings and landscaping elements that contribute to the historic district thereby reducing the significant impact to less than significant. Accordingly, the campus would retain its eligibility for the California Register. Alternative 3 would result in a net increase of 46,730 sq. ft. of residential and administrative space whereas the Project would increase residential and administrative space by 64,260 sq. ft. As such, construction related environmental impacts under Alternative 3 may be somewhat reduced. However, some construction impacts will be increased. In particular, development on the two adjacent parcels will be in closer proximity to existing single family homes on Belle Avenue and Union Street, as compared to the Project, which could increase air quality and noise impacts. Alternative 3 would also require more earthwork than the Project, although with implementation of BMPs, a construction management plan, and compliance with the noise ordinance, impacts would remain less than significant.

B. Facts in Support of Finding: Alternative 3 meets some but not all of the Project objectives. The new building replacing Rosenberg would include a second dining venue and gathering/lounge spaces and the Minor Building would be replaced with the outdoor garden for the Memory Care Center. The alternative would provide larger independent units than exist today, but the average unit size would be even smaller than the independent living units under Alternative 2 and therefore be less marketable to potential residents. This would impact Aldersly's ability to remain a financially sustainable community.

Alternative 3 would also require demolishing Rosenberg which is a relatively new building constructed in 2004 and was remodeled in the past year to house Aldersly's state-of-the art Memory Care Center and assisted living facilities. Rosenberg, as recently upgraded, was a major investment by Aldersly and demolishing it well before the end of its useful life would add significant costs not accounted for and is likely a financially infeasible option. Demolishing Rosenberg would be impractical and may not be an option that the California Department of Social Services ("CDSS") would approve. As a licensed Residential Care Facility for the Elderly, Aldersly is required to obtain approval from CDSS for major modifications to its facilities. Since Rosenberg houses both the Memory Care Center and assisted living

facilities, demolishing it would require displacing and temporarily relocating up to 35 residents across both programs. Relocating these residents on campus would be extremely challenging given the constraints of existing facilities combined with construction of the project and the special requirements and needs of these residents. It would also be very disruptive since these residents have medical conditions requiring stable, routine, and consistent care. As such, Alternative 3 may be infeasible because it would be impractical and disruptive to temporarily relocate up to 35 assisted living and memory care residents and may not receive approval from CDSS.

Alternative 3 also would not improve site accessibility and access to campus amenities, define a core active space for residents, or provide additional parking spaces, all of which are Project objectives. In fact, the number of overall parking spaces would be reduced by three. The alternative would also not make the most of Aldersly's development footprint, opting to instead expand onto the adjacent parcels which would require rezoning. Development on the two parcels would result in additional impacts to the adjacent neighbors on Belle Avenue and Union Street. The new building replacing Rosenberg would be taller and have greater massing and would therefore further impact the views and shadows of the single-family homes situated on Union Street and directly east of the campus.

- C. Finding:** Accordingly, the City Council hereby finds Alternative 3 to be infeasible for the preceding legal, social, economic, and other considerations and because it would not satisfy the Project's objectives. Each of the reasons described above would separately and independently provide sufficient justification for rejecting Alternative 3.

4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines (Section 15126.6(e)) require the identification of an environmentally superior alternative to the Proposed Project. If it is determined that the "no project" alternative would be the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other project alternatives (Section 15126.6[e][2]). To determine the environmentally superior alternative, the impacts of all the alternatives were compared to determine which alternative would have the least adverse effects. Alternative 1, the "no project" alternative, is the environmentally superior alternative to the Proposed Project because it would avoid all of the significant impacts associated with the Proposed Project.

Alternative 3 would retain the majority of the buildings and landscaping elements that contribute to the historic resource thereby reducing the significant impact to the historic resource to less than significant. However, as noted above, Alternative 3 would meet fewer of the project sponsor's objectives. The new building replacing Rosenberg would include a second dining venue and gathering/lounge spaces and the Minor Building would be replaced with the outdoor garden for the Memory Care Center. The alternative would provide larger independent units than exist today, but

the average unit size would be even smaller than the independent living units under Alternative 2 and therefore be less marketable to potential residents. This would impact Aldersly's ability to remain a financially sustainable community.

Alternative 3 would also require demolishing Rosenberg which is a relatively new building constructed in 2004 and was remodeled in the past year to house Aldersly's state-of-the art Memory Care Center and assisted living facilities. Rosenberg, as recently upgraded, was a major investment by Aldersly and demolishing it well before the end of its useful life would add significant costs not accounted for and is likely a financially infeasible option. As noted above, demolishing Rosenberg may not be an option that the California Department of Social Services ("CDSS") would approve. As a licensed Residential Care Facility for the Elderly, Aldersly is required to obtain approval from CDSS for major modifications to its facilities. Since Rosenberg houses both the Memory Care Center and assisted living facilities, demolishing it would require displacing and temporarily relocating up to 35 residents across both programs. Relocating these residents on campus would be extremely challenging given the constraints of existing facilities combined with construction of the project and the special requirements and needs of these residents. It would also be very disruptive since these residents have medical conditions requiring stable, routine, and consistent care. As such, Alternative 3 may be infeasible because it would be impractical and disruptive to temporarily relocate up to 35 assisted living and memory care residents and may not receive approval from CDSS. Alternative 3 also would not improve site accessibility and access to campus amenities, define a core active space for residents, or provide additional parking spaces, all of which are Project objectives.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As stated above and determined in the foregoing findings, the City has determined that the Project would result in a significant and unavoidable impact to an historic resource and there is no feasible mitigation or alternative to reduce the impact to less than significant. The City has determined all other impacts to be less than significant.

Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions (see also Public Resources Code Section 21081(b)). Accordingly, the City Council specifically adopts and makes this Statement of Overriding Considerations. The Project has mitigated the significant impacts on the historic resource to the extent feasible and finds that the remaining significant and unavoidable impact is acceptable in light of the economic, legal, environmental, social, technological, or other considerations described below because the benefits of the Project outweigh its significant adverse environmental effect, and that the adverse environmental effect is therefore acceptable.

The City Council finds that each of the overriding considerations set forth below is a separate and independent basis for finding that the benefits of the Project outweigh its significant and unavoidable impact and warrants approval of the Project. Based

on the substantial evidence in the record, including the public record of proceedings as well as oral and written testimony at all public hearings on the Project to date, the City Council hereby determines that implementation of the Project would result in the following substantial benefits:

1. Promote City Goals and Policies: The Project promotes the following goals and policies of the City's General Plan:

- a. Goal EDI-6: An Age-Friendly Community. Enhance the quality of life for older adults in San Rafael.

The Project supports the City's goal of serving older adults and enhancing their quality of life. The new and expanded independent living units and other improvements would attract new residents and enhance the living experience of existing residents. The second dining venue, lounge and gathering spaces, and core active space would provide additional areas for residents to meet and socialize. The outdoor garden for the Memory Care Center and other outdoor experiences would elevate the campus' outdoor living experience. The site accessibility improvements would make it easier for residents to move about the campus.

- b. Policy H-13: Senior Housing. Encourage housing that meets the needs of San Rafael's older population, particularly affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase.

The Project would result in a net increase of fourteen (14) independent living units for seniors (from 55 units to 69 units) and would continue to provide 35 assisted living/memory care beds and 20 skilled nursing beds. In response to market demand, the new and remodeled Independent Living units would be larger than Aldersly's existing independent living units and include amenities such as a full kitchen and in-unit washer and dryer. Independent living units provide older adults the option to live in a supported community with the experience of living on their own. These independent living units are also an option for older adults seeking to downsize from their single-family homes.

- c. Policy LU-1.3: Land Use and Climate Change. Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the greenhouse gas emissions associated with motor vehicle trips and support the City's climate action goals.

Policy M-3.8: Land Use and VMT: Encourage higher-density employment and residential uses near major transit hubs such as Downtown San Rafael, recognizing the potential for VMT reduction in

areas where there are attractive alternatives to driving, concentrations of complementary activities, and opportunities for shorter trips between different uses

The Project would increase the overall density of the Aldersly campus with 35 modernized and larger independent living units and other amenities such as the second dining venue and lounge/gathering spaces. The Project is within one half mile of the San Rafael Transit Center which is served by SMART, Marin Transit, Golden Gate Transit, and Sonoma County Transit, and is near commercial and retail uses in Montecito Plaza downtown San Rafael.

- d. Policy EV-3.3: Economically Productive Use of Land. Encourage the use of the City's commercial and industrial land supply in a way that creates positive fiscal impacts, economic opportunities for local businesses and property owners, employment growth, and services for San Rafael residents.

The Project makes the most of the development potential of the Aldersly campus. The modernized and larger independent living units and other improvements would ensure that Aldersly can operate sustainably as a non-profit into the future and continue to provide a home for older adults and retain its employees.

- 2. Increase Opportunities for Older Adults to Remain in the Community:** The Project would provide a total of 35 modernized and larger independent living units designed to meet the current and future needs of older adults in the City and the region. Marin County has the highest median age of any County in the Bay Area and it is projected that persons over 65 will be the fastest growing population during the time horizon of the City's 2040 General Plan. Overall trends show that more people are growing into their 80s and beyond thereby increasing demand for community and assisted living. A significant benefit of the Project is to expand opportunities for older adults to remain in the community.
- 3. Ensure Financial Stability for Aldersly in the Long-Term:** The Project would ensure that Aldersly remains a financially sustainable non-profit community for the foreseeable future. Older adults are not looking for housing that met their parents' needs. To meet the market demand of today's older adults, Aldersly needs to increase the overall size of its independent living units and offer amenities such as full kitchens, in-unit laundry, open floor plans, and larger windows that allow in more natural light. These upgrades are needed to ensure that Aldersly can remain competitive and operate at financially sustainably. Not pursuing these improvements would threaten the long-term viability Aldersly. Aldersly is an important part of the San Rafael community, so a key benefit of the Project is ensuring its long-term financial stability.

- 4. Maintain and Enhance the Aldersly Experience:** The Project would maintain and enhance Aldersly as a boutique residential community for older people with an over 100-year history as a contributing and valued member of the San Rafael community. Aldersly is known for its long-time connection to nature and outdoor living in keeping with the original *hygee* (Danish for the experience of coziness and comfortable conviviality that engenders feelings of contentment and well-being) spirit of its community. The Project would enhance the outdoor living experience for residents by establishing an accessible dedicated outdoor garden area for the Memory Care Center, improving the other outdoor spaces on campus with lush landscaping, and creating a core active space for residents that promotes social interaction and movement around the campus. The second dining venue and resident lounge/gathering spaces would provide additional space for residents to gather and socialize in an inviting and comfortable setting. The campus is also difficult to traverse due to its hillside location. The Project would address this issue by improving overall site accessibility including ADA improvements. Given Aldersly's long history within the San Rafael community, a key benefit of the Project is maintaining and enhancing the unique and special Aldersly experience.
- 5. Efficient Development that Respects the Existing Neighborhood:** The Project would provide much needed senior housing within Aldersly's existing development footprint. The Aldersly campus is located within the Montecito/Happy Valley Neighborhood which is one of San Rafael's oldest neighborhoods and is adjacent to downtown San Rafael. The neighborhood consists of a mixture of residential, retail, and community services. Aldersly is situated in a transitional area from retail and community services uses to single family homes. The Project efficiently uses existing developed land to redevelop Aldersly while maintaining the balance of land uses and layout of development in this established neighborhood. For instance, the Project's largest building, the independent living building fronting Mission Avenue is oriented towards existing commercial and multi-family land uses and away from, to the extent possible, nearby single-family homes.
- 6. Development of an Existing and Transit-Adjacent Site:** The Project would redevelop portions of Aldersly's campus which is located in an urbanized area of the City directly adjacent to downtown San Rafael and within a half a mile of the San Rafael Transit Center. Development near transit provides a number of environmental benefits particularly by reducing air quality and greenhouse gas emissions by reducing overall vehicle trips. Transit oriented development can also lead better to social and health outcomes, encouraging people to walk, ride their bikes, and/or use public transit. Projects located near transit can also contribute to reducing vehicle traffic congestion. Transit oriented development also naturally encourages more connected communities by concentrating development around transit locations. As such, a key benefit of the Project is its proximity to transit which provides the additional benefits discussed above.

VIII. ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The Planning Commission recommends that the City Council adopt the mitigation measures set forth for the Project in the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP) attached hereto as Exhibit A and incorporated herein by this reference.

IX. SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the ___ day of November 2022.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ATTEST: _____
Leslie Mendez, Secretary

BY: _____
Jon Previtali, Chair

Attachment A – Mitigation Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM
ALDERSLY PLANNED DEVELOPMENT
 ZC20-001, UP20-022, ED 20-051

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District' s phone number shall also be visible to ensure compliance with applicable regulations.</p>	Require as a condition of approval	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	Deny issuance of grading/demolition/ building permit	
<p>Mitigation Measure AQ-2: Selection of equipment during construction to minimize emissions.</p> <p>The project sponsor shall achieve a fleet-wide average reduction in DPM exhaust emissions from the onsite, off-road construction equipment by 65-percent or greater in order to stay below BAAQMD thresholds. One feasible way to achieve this reduction would include the following:</p> <ul style="list-style-type: none"> • All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines. Where Tier 4 equipment is not available, exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement. • All aerial lifts shall be compressed natural gas (CNG) powered. 					

MITIGATION MONITORING AND REPORTING PROGRAM
ALDERSLY PLANNED DEVELOPMENT
 ZC20-001, UP20-022, ED 20-051

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>Alternatively, the applicant can develop a different plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 65-percent reduction in diesel particulate matter (DPM) exhaust emissions or greater.</p> <p>BIOLOGICAL RESOURCES</p> <p>Mitigation Measure BIO-1: Avoidance of Nesting Birds. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. Vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist within a minimum of 300 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered (i.e., one containing eggs or young), a work-exclusion buffer shall be implemented around the nest commensurate with the nest location and species. In some cases, buffers may be as small as 25 feet for hidden nests (e.g., in tree or building cavities) and/or for urban adapted species; buffers may also extend up to 300 feet for raptors or more sensitive species. No construction activity shall occur within the established buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) or the nest has become otherwise inactive (e.g. due to predation). At that time the buffer may be removed and work within the buffer resume.</p> <p>Mitigation Measure BIO-2 Roosting Bat Habitat Assessment and Surveys: Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	

MITIGATION MONITORING AND REPORTING PROGRAM
ALDERSLY PLANNED DEVELOPMENT
 ZC20-001, UP20-022, ED 20-051

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-3 shall be implemented.</p>					
<p>Mitigation Measure BIO-3 Roosting Bat Tree Protections: If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	
<p>CULTURAL AND TRIBAL CULTURAL RESOURCES Mitigation Measure CUL-1: Interpretation and Commemoration of Historic Resources. Prior to issuance of demolition permit(s), the project sponsor shall undertake the following measures to document and provide interpretation,</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate</p>	<p>Deny issuance of grading/demolition/building permit</p>	

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<p>commemoration, and salvage of the historic resources to be demolished, as outlined below:</p> <p>CUL-1a: Documentation. Prior to issuance of demolition permits, the project sponsor shall undertake Historic American Building Survey (HABS)/Historic American Landscape Survey (HALS)-style documentation of the property. The documentation shall be funded by the project sponsor and undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth in the Secretary of the Interior’s Professional Qualification Standards (Code of Federal Regulations title 36, part 61). The documentation package created shall consist of the items listed below:</p> <ul style="list-style-type: none"> • CUL-1a-1: HABS-style Photographs • CUL-1a-2: HABS/HALS-style Historical Report • CUL-1a-3: HALS-style Site Plan • CUL-1a-4: Video Documentation <p>The documentation materials shall be offered to state, regional, and local repositories, including but not limited to, the Northwest Information Center (NWIC)-California Historical Resource Information System, San Rafael Public Library, the Marin County Free Library’s Anne T. Kent California Room, and the Marin History Museum. Materials will either be provided in digital or hard copy formats depending on the capacity and preference of the repository.</p> <p>CUL-1a-1: HABS-style Photographs</p> <p>Digital photographs will be taken of the contributing buildings and landscape elements and the overall character and setting of the historic resource. All digital photography shall be conducted according to current National Park</p>			<p>approvals obtained prior to issuance of building permit</p>		

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<p>Service standards as specified in the National Register Photo Policy Factsheet (updated May 2013). The photography shall be undertaken by a qualified professional with demonstrated experience in documentation photography. Large format negatives are not required. The scope of the digital photographs shall be reviewed and approved by the Planning Division’s staff for concurrence.</p> <p>Photograph views for the data set shall include contextual views of the site and each contributing landscape element and building; elevations of each façade of each building; and detail views of character-defining features. All photographs shall be referenced on a photographic key map or site plan. The photographic key shall show the photograph number with an arrow to indicate the direction of the view.</p> <p>CUL-1a-2: HABS/HALS-style Historical Report</p> <p>A written historical narrative and report will be produced that meets the HABS/HALS Historical Report Guidelines. This HABS/HALS-style Historical Report may be based on the documentation provided in the 2017 Historic Resource Evaluation for the site and will include historic photographs and drawings, if available. The written history shall follow the standard outline format that begins with a statement of significance for the historic district, describes the architectural and historical context of the district, and includes descriptions of each contributing building and landscape feature.</p> <p>CUL-1a-3: HALS-style Site Plan</p> <p>A HALS-style site plan shall be prepared that depicts the existing sizes, scale, dimensions, and relative locations of the contributing landscape elements and buildings related to the historic resource. Particular attention will be paid to the</p>					

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<p>arrangement and plantings of landscape features that are contributing resources to the historic resource. Documentation of all plantings is not required, but depiction of the locations and types of mature trees, and designed hardscape and landscape features shall be included.</p> <p>CUL-1a-4: Video Recordation. Video recordation shall be undertaken prior to the issuance of demolition permits. The project sponsor shall undertake a video documenting the historic resource and its setting. The documentation shall be conducted by a professional videographer, preferably one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the Secretary of the Interior’s Professional Qualification Standards for history, architectural history, or architecture (as appropriate). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, historic context, and historic significance of the historic resource. The video documentation shall be reviewed and approved by the Planning Division’s staff prior to issuance of demolition permits.</p> <p>CUL-1b: Interpretation. The project sponsor shall provide a permanent display (or multiple displays) of interpretive materials concerning the history of Aldersly in the Northern California Danish-American community and the architectural features of the Aldersly Retirement Community campus as designed in the 1961-1968 master plan by master architect Rex Whitaker Allen. Interpretation of the site’s history shall be supervised by an architectural historian or historian who meets the Secretary of the</p>					

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<p>Interior’s Professional Qualification Standards. The high-quality interpretive display(s) shall be installed within the project site boundaries, made of durable, all-weather materials, and positioned to allow for high public visibility and interactivity. In addition to narrative text, the interpretative display(s) may include, but are not limited to, a display of photographs, news articles, memorabilia, drawings, and/or video. A proposal describing the general parameters of the interpretive program shall be approved by the Planning Division’s staff prior to issuance of building permits. The content, media, and other characteristics of the interpretive display shall be approved by the Planning Division’s staff prior to issuance of a Temporary Certificate of Occupancy.</p> <p>CUL-1c: Salvage. Prior to any demolition or construction activities that would remove character-defining features of a resource that is a contributor to the historic resource on the project site, the project sponsor shall consult with a qualified architectural historian or historian who meets the Secretary of the Interior’s Professional Qualification Standards as to whether any such features may be salvaged, in whole or in part, during demolition/alteration. The project sponsor shall submit a list of materials that will be salvaged and reused either on the site or within the interpretive program to the Planning Division for review prior to the beginning of demolition on the site. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. No materials shall be salvaged or removed until HABS/HALS-style recordation and documentation are completed.</p>					

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<p>Mitigation Measure CUL-2: Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Prior to Ground-Disturbing Activities. Prior to issuance of a building permit, grading permit, or demolition permit involving any potential ground disturbing activity, all construction contractor(s) responsible for overseeing and operating ground-disturbing mechanical equipment (e.g., onsite construction managers and backhoe operators) shall be required to participate in a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in Project construction, including field consultants and construction workers. The WEAP shall be developed by an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in archaeology, and by culturally affiliated Native American tribes.</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	

The WEAP training shall be conducted by an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in archaeology. A representative from the Federated Indians of Graton Rancheria (FIGR) shall be invited to participate in the training.

The WEAP training shall be conducted before any Project-related construction activities begin at the Project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The

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<p>WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the Project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.</p> <p>The project sponsor shall maintain a record of all construction personnel that have received this training and provide the record to the City. These records shall be submitted to the City prior to issuance of a building permit involving any ground disturbing activity and shall be maintained by the applicant throughout the duration of the construction period. A final record shall be submitted to the City prior to issuance of a certificate of occupancy.</p> <p>Mitigation Measure CUL-3: Protect Archaeological Resources Identified during Construction. The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist and FIGR Tribal Monitor can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	

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<p>within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.</p> <p>Mitigation Measure TCR-1: Survey of Site by Trained Human Remains Detection Dogs. Prior to the issuance of a grading or building permit, the project sponsor shall provide written evidence to the City’s Community Development Department that a qualified consultant has been retained to conduct a survey of the site using trained human remains detection dogs. The survey shall be performed after the demolition of structures but prior to when trenching, grading, or earthwork on the site commences. If the survey results in the identification of an area potentially containing human remains, the area should be avoided. If avoidance is not feasible, then the City shall require that a professional archaeologist be retained to conduct subsurface testing, in the presence of a tribal representative from FIGR, to verify the presence or absence of remains. If human remains are confirmed, then the procedures in the PRC and Mitigation Measure CUL-3 shall be followed.</p>	Require as a condition of approval	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of grading/demolition/building permit	
<p>Mitigation Measure TCR-2: Archaeological and Native American Monitoring and the Discovery of Cultural Materials and/or Human Remains.</p> <p>Prior to issuance of a grading permit or building permit, the project sponsor shall retain a Secretary of the Interior-qualified archaeologist, with input from the Federated Indians of Graton Rancheria (FIGR), to prepare a Cultural Resources Monitoring Plan. Monitoring shall be required during initial ground-disturbing activities and may be extended should the area be determined to require</p>	Require as a condition of approval	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of grading/demolition/building permit	

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<p>monitoring of deeper sediments, according to a schedule outlined in the Cultural Resources Monitoring Plan. The plan shall include (but not be limited to) the following components:</p> <ul style="list-style-type: none"> ▪ Person(s) responsible for conducting monitoring activities, including an archaeological monitor and an appropriate number of FIGR Tribal monitors (number and kind of appropriate monitors to be determined in consultation with FIGR); ▪ Person(s) responsible for overseeing and directing the monitors; ▪ How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports; ▪ Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, appropriate documentation, repatriation); and ▪ Methods to ensure security of cultural resources sites, including protective fencing, security, and protocol for notifying local authorities (i.e. Sheriff, Police) should site looting or other resource damaging or illegal activities occur during construction. <p>During the course of the monitoring, the archaeologist, in consultation with FIGR Tribal monitor, may adjust the frequency—from continuous to intermittent—based on the</p>					

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<p>conditions and professional judgment regarding the potential to impact cultural and tribal cultural resources. If significant tribal cultural resources are identified onsite, all work shall stop immediately within 100 feet of the resource(s).</p> <p>GEOLOGY AND SOILS</p> <p>Mitigation Measure GE0-1: Prior to a grading or building permit submittal, the project sponsor shall prepare a final geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Geotechnical Investigation prepared by Rockridge Geotechnical, August 31, 2020.</p> <p>Mitigation Measure GE0-2: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	
	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p>	

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<p>biostratigraphy; and 5) experience collecting vertebrate fossils in the field.</p> <p>If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.</p> <p>The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:</p> <p>"The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such</p>					

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<p>trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."</p> <p>NOISE</p> <p>Mitigation Measure NOI-1: Construction Noise. Prior to the issuance of a grading permit or building permit, the project sponsor shall submit a Construction Noise Management Plan (CNMP) prepared by a qualified acoustical consultant. The CNMP shall identify noise attenuation measures to further reduce potential impacts related to construction noise. Noise attenuation measures include, but are not limited to, the following:</p> <p>a. Installation of a temporary noise barrier along the east and west property lines of the site. The barrier can be constructed with plywood or another appropriate material with cracks or no gaps. The purpose of the barrier is to provide a noticeable reduction of the noise and meet 90 dBA at residential receivers on neighboring properties along the common east and west property lines, where reasonably feasible. The height of the noise barrier, which may be up to 12 feet at certain locations, shall take into account the height of the construction noise sources and site grading and shall be specified in the Construction Noise Management Plan.</p> <p>b. All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise</p>	<p>Require as a condition of approval</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of grading/demolition/building permit</p> <p>Stop Work Order on construction activities until compliance with Construction noise thresholds can be met.</p>	

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<p>shrouds) that are in good condition and appropriate for the equipment.</p> <p>c. Maintain all construction equipment to minimize noise emissions.</p> <p>d. Stationary equipment shall be located on the site to maintain the greatest possible distance to the existing residences, where feasible.</p> <p>e. Unnecessary idling of internal combustion engines shall be strictly prohibited.</p> <p>f. Provide advance notification to surrounding land uses disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.</p> <p>g. The construction contractor shall provide the name and telephone number of an on-site construction liaison. If construction noise is found to be intrusive to the community (complaints are received), the construction liaison shall investigate the source of the noise and require that reasonable measures be implemented to correct the problem.</p> <p>h. Schedule high noise-producing activities during times when they would be least likely to interfere with the noise sensitive activities of the neighboring land use, when possible.</p> <p>i. Use noise control blankets on temporary fencing that are used to separate construction areas from occupied on-site areas.</p> <p>j. Temporarily relocate residents of on-site dwelling units that are very close to the construction activities.</p> <p>k. Consider upgrading windows to reduce construction noise at on-site dwelling units closest to the construction activities.</p>					

RESOLUTION NO. 2022-XX**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL RESCIND PD1775 AND ADOPT AN ORDINANCE AMENDING THE ZONING MAP (ZC20-001) TO RECLASSIFY CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT PD 1775 DISTRICT TO A REVISED PD DISTRICT WITH AN ADOPTED DEVELOPMENT PLAN FOR THE ALDERSLY RETIREMENT COMMUNITY AT 308 AND 326 MISSION AVENUE (APN 014-054-31 and 32)**

WHEREAS, on November 12, 2020, Peter Schakow, President of the Aldersly Board of Directors (applicant), submitted applications to the City of San Rafael including a request for an amendment to the approved Planned Development (PD1775) District for the Aldersly Retirement Community; and

WHEREAS, the Rezoning request was accompanied by related project applications which are being processed concurrently; and the project applications were deemed complete on March 19, 2021; and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the proposed project consistent with the requirements of the California Environmental Quality Act; and

WHEREAS, the Planning Commission has recommended certification of the Final EIR by adoption of a separate resolution; and

WHEREAS, the application for Rezoning to the PD District includes a Development Plan consisting of project plans submitted for approval with the development standards, which contain the information required pursuant to Zoning Ordinance Section 14.07.060; and

WHEREAS, the proposed Planned Development (PD) District contains development standards for building setbacks, maximum building height, area for future expansion, lot coverage, and landscaped areas, parking requirements and architectural standards, as outlined in Attachment "A"; and

WHEREAS, on November 15, 2022, the San Rafael Planning Commission held a duly-noticed public hearing on the proposed Rezoning and related project applications including a Master Use Permit and Environmental and Design Review Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, the Planning Commission made the following findings as required under Zoning Ordinance Section 14.07.090 in approving the revised PD District for the Aldersly Retirement Community:

Findings (ZC20-001)

1. The Development Plan and Planned Development (PD) District amendment are consistent with General Plan 2040, adopted Montecito/Happy Valley Neighborhood Plan and other applicable City plans and policies in that:
 - a) The project is consistent with the High-Density Residential designation on the General Plan 2040 Land use Map, and it supports the City's goal of serving older adults and enhancing their quality of life as called for in **General Plan Goal EDI-6: An Age-Friendly Community**. Enhance the quality of life for older adults in San Rafael. The new and expanded independent living units and other improvements would attract new residents and enhance the living experience of existing residents. The second dining venue, lounge and gathering spaces, and core active space would provide additional areas for residents to meet and socialize. The outdoor garden for the Memory Care Center and other outdoor experiences would elevate the campus' outdoor living experience. The site accessibility improvements would make it easier for residents to move about the campus.
 - b) The project would implement **Housing Policy H-13: Senior Housing** providing housing options that meet the needs of San Rafael's older population. The Project would increase the City's supply of independent living units in a residential facility that provides additional services for older adults. Independent living units provide older adults the option to live in a supported community with the experience of living on their own. These independent living units are also an option for older adults seeking to downsize from their single-family homes.
 - c) The Project would implement **General Plan Policy EV-3.3: Economically Productive Use of Land**. by making the most of the development potential of the Aldersly campus. The modernized and larger independent living units and other improvements would ensure that Aldersly can operate sustainably as a non-profit into the future and continue to provide a home for older adults and retain its employees.
 - d) **Policy LU-1.3: Land Use and Climate Change**. Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the greenhouse gas emissions associated with motor vehicle trips and support the City's climate action goals and
 - e) **Policy M-3.8: Land Use and VMT**: Encourage higher-density employment and residential uses near major transit hubs such as Downtown San Rafael, recognizing the potential for VMT reduction in areas where there are attractive alternatives to driving, concentrations of complementary activities, and opportunities for shorter trips between different uses. The Project would

- increase the overall density of the Aldersly campus with 35 modernized and larger independent living units and other amenities such as the second dining venue and lounge/gathering spaces. The Project is within one half mile of the San Rafael Transit Center which is served by SMART, Marin Transit, Golden Gate Transit, and Sonoma County Transit, and is near commercial and retail uses in Montecito Plaza downtown San Rafael.
- f) A Parking Management Strategy will be implemented as part of the project to increase the on-site parking capacity in a way that meets residents and business needs. **(Policy LU-3.7: On-Street Parking).**
 - g) The project would comply with Policy **CDP-4.8: Scale Transitions** and **Residential Neighborhood Policy RES-1**, which requires that new developments be harmoniously integrated into existing neighborhoods in terms of density, intensity and design. The project would be consistent with the applicable policies of the Montecito/Happy Valley Neighborhood Plan in that proposed new buildings have been located and designed to minimize impacts on adjacent residential properties and maintain existing view corridors and not interfere with scenic vistas as viewed from adjacent public areas. The proposed four-story Mission Avenue Independent Living Building includes design features that break up the mass of the building. The top floor is recessed from the street-side and a lighter exterior color is proposed to visually reduce the height. Variations in form, material, and colors are utilized to break up mass and roof line; vertical elements are used to break up the south façade along Mission Avenue. All proposed parking areas, loading areas, and trash facilities will be appropriately screened. The proposed project includes a wooden fence along the north, east and west sides of the property, and proposes landscape screening in the new parking area (east driveway) that will provide a buffer between the Aldersly campus and residential neighbors to the west at 304 Mission and along Union Street. In addition, improvements proposed for the north side of the campus adjacent to Belle Avenue include a new service building and enclosed delivery area, as well as a new enclosure for solid waste/recyclables/compost **(Policy LU-3.6: Transitions Between Uses)**. Furthermore, on December 7, 2021, the Design Review Board recommended approval of the project with the changes made to address the Board's concerns regarding the bioretention areas and the scale of the Mission Avenue Independent Living building.
 - h) The project design has been evaluated in a variety of technical reports, including air quality, geotechnical, greenhouse gas, hydrology, and noise; and through implementation of conditions of approval and mitigation measures would be consistent with Health and Safety Policies contained in General Plan 2040 and the San Rafael Municipal Code.
2. The applicant has demonstrated that public facilities are provided to serve the anticipated population in that the project development is well within the density limits anticipated by the General Plan 2040, the site is served by San Rafael Sanitation District and Marin Municipal Water District, and the City's Police, Fire and Public Works Departments have reviewed the project and determined that services are available. The accompanying project applications are proposed to be conditioned accordingly.

3. The development is improved by deviations from typical Zoning Ordinance property development and parking standards by increasing the number of on-site parking spaces; and providing improved loading facilities on Belle Avenue.
4. The auto, bicycle and pedestrian traffic system is adequately designed for circulation needs and public safety in that internal access and circulation meet city standards and walkways are provided from parking areas with handicap parking available in the appropriate locations. Emergency vehicle access is provided to serve the proposed development, in compliance with City Public Works and Fire Department standards.
5. The public health, safety and general welfare are served by the adoption of the proposed amendment in that it implements the General Plan and the Development Plan conforms with City standards as discussed in Findings 1 through 4 above.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Rafael recommends that the City Council rescind PD1775 and adopt an ordinance amending the Zoning Map (ZC20-001) to reclassify certain real property from Planned Development PD 1775 district to a revised PD District with an adopted Development Plan for the Aldersly Retirement Community located at 326 and 308 Mission Avenue subject to the Development Standards outlined in Exhibit "B" of the ordinance, attached hereto and incorporated herein by reference.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 15th day of November 2022.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ATTEST: _____

BY: _____

Leslie Mendez, Secretary

Jon Previtali, Chair

ATTACHMENT A: Draft PD Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT DISTRICT (PD 1775) TO PLANNED DEVELOPMENT DISTRICT (PD XXXX) AND DEVELOPMENT PLAN INCLUDING 14 NET NEW INDEPENDENT LIVING UNITS FOR THE 2.9-ACRE SENIOR RETIREMENT COMMUNITY SITE LOCATED AT 308 AND 326 MISSION AVENUE

**(ALDERSLY RETIREMENT COMMUNITY)
(APNS: APN 014-054-31 AND 014-054-32)**

WHEREAS, on November 12, 2020, the applicant submitted applications for a Zone Change (ZC 20-001) to amend Planned Development District (PD 1775) to PD XXXX; Master Use Permit (UP20-022); and Environmental and Design Review (ED 20-051) for the phased construction of new buildings, and demolition and alterations/additions to existing buildings, and including 14 net new Independent Living units for the 2.9-acre senior retirement community site located at 308 And 326 Mission Avenue; and

WHEREAS, the proposed PD District land use and development regulations for the property are presented in Exhibit B, the new PD proposes to:

- a) Allow the Aldersly Retirement Community to evolve to meet the needs of current and future residents;
- b) Provide flexibility to meet future needs of its residents with facilities providing best design and practices in services and environments, including a combination of improvements to campus connectivity, renovations to current facilities, expansion of some buildings, and new construction;
- c) Establish the permitted land uses for the new PD district; and
- d) Establish development standards appropriate for the new District and Development Plan.

WHEREAS, on December 7, 2021, the project was considered by the Design Review Board (DRB), and after considering the revisions made to the design of the Mission Avenue Independent Living building and the bioretention areas and landscape screening, the Board recommended approval of the project; and

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) an analysis and determination regarding a project's potential environmental impacts is required, and it was determined that the project has the potential to result in potentially significant environmental effects, and the preparation of an Environmental Impact Report ("EIR") was recommended; and

WHEREAS, a Draft EIR was prepared and made available for a 45-day public review period beginning on August 16, 2022 and ending on September 30, 2022; and

WHEREAS, the San Rafael Planning Commission held a public comment hearing on the Draft EIR on September 13, 2022; and

WHEREAS, the San Rafael Planning Commission has recommended certification of the Final EIR by adoption of a separate resolution; and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure implementation of, and compliance with, all measures required to mitigate any environmental impact; and all of the identified mitigation measures have also been included as conditions of the project approval; and

WHEREAS, notice of the Planning Commission public hearing was provided through the following means: 1) the subject site was posted; 2) publishing a legal ad in the Marin Independent Journal, a local newspaper of general circulation in the area, on October 29, 2022; and 3) notices were mailed to surrounding property owners within 300 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups in conformance with the CEQA Guidelines; and

WHEREAS, on November 15, 2022, following a public hearing and deliberation on the project, the Planning Commission voted X-X-X and adopted Planning Commission Resolutions 22-XXX, 22-XXX and 22-XXX recommending that the City Council 1) Certify the Final EIR and adopt a Mitigation Monitoring and Reporting Program for the project; 2) approve Zone Change application ZC 20-001; and 3) conditionally approve the Master Use Permit (UP20-022) and Environmental and Design Review Permit 20-051; and

WHEREAS, on December 5, 2022, the City Council held a duly noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, on December 5, 2022, by adoption of separate resolution, the City Council certified the Final EIR and adopted an MMRP for the project; and

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

WHEREAS, as required by San Rafael Municipal Code Sections 14.07.090 and 14.27.060, the City Council makes the following findings in support of an ordinance to rezone the property from Planned Development District PD 1775 to a new Planned Development District (PD), as shown on the map contained in **Exhibit A** and further described in **Exhibit C**, and to establish a new PD Development Standards as outlined in **Exhibit B**:

1. The Development Plan is consistent in principle with the San Rafael General Plan 2040 and other applicable City plans or policies in that the project includes appropriate development standards, and is subject to an Environmental and Design Review Permit implementing the intent of Chapter 14.25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance (Title 14 of the San Rafael Municipal Code), Subdivision Ordinance (Title 15 of San Rafael Municipal Code), and the applicable General Plan land use policies, as described in the General Plan Consistency Analysis included herein by reference as **Exhibit D**.
2. The applicant proposes to add 14 net new Independent Living units, which will help serve to accommodate the projected need for 3,220 additional housing units in the City by the year 2031. The proposed new buildings create a reasonable transition between the existing residential properties in the neighborhood and the multi-family and commercial properties to the south. Further, the development plan has been reviewed and recommended for approval by the Design Review Board.
3. The local utility agencies have reviewed the plans and confirmed that the proposed development can be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development adjacent to the site.
4. The applicant has developed property development standards for the new PD zoning, that are consistent with the proposed property development standards of the underlying base district. The proposed new development has been designed to comply with the applicable PD development standards, and the proposed project is not requesting any deviations

(Variances) from land use regulations.

5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan are adequately designed for circulation needs and public safety in that: a) the Development Plan proposes sidewalks throughout the development for pedestrian access; b) emergency vehicle ingress and egress from the development would be provided from adjacent public streets (Mission and Belle Avenue); and c) the access and site layout have been reviewed by the appropriate City departments and have been found to be adequate by the City of San Rafael Fire and Police Departments.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement housing and environmental goals and policies adopted for this site in the San Rafael General Plan 2040; b) would conform to City standards for safety; c) as proposed, and conditioned, it would be consistent with the recommended mitigation measures presented in the Final EIR and the MMRP prepared for this project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 1.

The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code is amended by reclassifying the following real property from Planned Development District PD 1775 to a new Planned Development District (PD) -- Ordinance No. XXXX. Said property so reclassified is located at 308 and 326 Mission Avenue, San Rafael, and further identified as County Assessor's Parcel No's: APN 014-054-31 and 014-054-32, as shown on the map attached as Exhibit "A" and described in Exhibit "C", which are incorporated by reference.

DIVISION 2.

Any development of this property shall be subject to the conditions outlined in Exhibit "B", *PD Zoning and Planned Development Standards for Aldersly*, which is attached hereto and made a part hereof, and consistent with all submitted materials that constitute the Development Plan, as required by Section 14.07.060 of the San Rafael Municipal Code.

DIVISION 3.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

DIVISION 4.

A summary of this ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper

of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this ordinance along with the names of those Councilmembers voting for or against the ordinance.

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. XXXX was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 5th day of December 2022 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 19th day of December 2022.

LINDSAY LARA, City Clerk

- Exhibit A: Zone Change Map
- Exhibit B: Planned Development District Standards
- Exhibit C: Legal Property Description
- Exhibit D: General Plan Consistency Analysis

RESOLUTION NO. 22-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MASTER USE PERMIT AMENDMENT (UP20-022) AND ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED20-051) FOR THE ALDERSLY RETIREMENT COMMUNITY AT 308 AND 326 MISSION AVENUE (APN 014-054-31 and 32)

WHEREAS, on November 12, 2020, Peter Schakow, President of the Aldersly Board of Directors (applicant), submitted applications to the City of San Rafael requesting approval of a Zoning Amendment to revise the Planned Development for the Aldersly Retirement Community that would allow for the phased improvements on the campus that include demolition and renovation of existing buildings, and construction of new buildings; and

WHEREAS, the applications included concurrent requests for a Planned Development (PD) District Rezoning (ZC20-001), Master Use Permit (UP20-022) and Environmental and Design Review Permit (ED20-051); and said project applications were deemed complete on March 19, 2021; and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the proposed project consistent with the requirements of the California Environmental Quality Act; and

WHEREAS, the Planning Commission has recommended certification of the Final EIR by adoption of a separate resolution; and

WHEREAS, on November 15, 2020, the City of San Rafael Planning Commission held a duly-noticed public hearing on the proposed Master Use Permit and Environmental and Design Review Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby conditionally approves Master Use Permit UP20-022 and Environmental and Design Review Permit ED20-051 based on the following findings required by San Rafael Municipal Code (SRMC) Title 14-Zoning:

**Findings for Master Use Permit
(UP20-022)**

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

The proposed use is consistent with General Plan 2040, adopted Montecito/Happy Valley Neighborhood Plan and other applicable City plans and policies in that:

- a) The proposed use is consistent with the objectives of the Zoning Ordinance, and the purposes of the PD District in which the site is located in that the General

Plan High Density Residential land use designation and the Planned Development zoning district regulations permit the proposed expansion of the Aldersly campus.

- b) The proposed use is a continuation of the existing use as a non-profit retirement community that supports the City's goal of serving older adults and enhancing their quality of life as called for in **General Plan Goal EDI-6: An Age-Friendly Community**. The new and expanded independent living units and other improvements would attract new residents and enhance the living experience of existing residents. The second dining venue, lounge and gathering spaces, and core active space would provide additional areas for residents to meet and socialize. The outdoor garden for the Memory Care Center and other outdoor experiences would elevate the campus' outdoor living experience. The site accessibility improvements would make it easier for residents to move about the campus.
- c) The project would implement **Housing Policy H-13: Senior Housing** providing housing options that meet the needs of San Rafael's older population. The Project would increase the City's supply of independent living units in a residential facility that provides additional services for older adults. Independent living units provide older adults the option to live in a supported community with the experience of living on their own. The 14 net new independent living units are also an option for older adults seeking to downsize from their single-family homes, and would contribute toward meeting the City's regional housing needs allocation (RHNA) by adding to the City's housing inventory.
- d) The Project would implement **General Plan Policy EV-3.3: Economically Productive Use of Land** by making the most of the development potential of the Aldersly campus. The project would provide modernized and larger independent living units and other improvements within the footprint of the existing campus that would ensure that Aldersly can remain competitive and operate sustainably as a non-profit into the future and continue to provide a home for older adults and retain its employees.
- e) **Policy LU-1.3: Land Use and Climate Change**. The project site is located north and east of the Downtown San Rafael, 0.4 miles from the SMART Downtown San Rafael Station in an area where alternatives to driving are most viable and shorter trip lengths are possible.
- f) **Policy M-3.8: Land Use and VMT**: Encourage higher-density employment and residential uses near major transit hubs such as Downtown San Rafael, recognizing the potential for VMT reduction in areas where there are attractive alternatives to driving, concentrations of complementary activities, and opportunities for shorter trips between different uses. The Project would increase the overall density of the Aldersly campus with 35 modernized and larger independent living units and other amenities such as the second dining venue and lounge/gathering spaces. The Project is within one half mile of the San Rafael Transit Center which is served by SMART, Marin Transit, Golden Gate Transit, and Sonoma County Transit, and is near commercial and retail uses in Montecito Plaza downtown San Rafael.
- g) **Policy M-7.6: Off-Street Parking Standards**. Maintain off-street parking standards that adequately respond to demand, minimize adverse effects on neighborhoods, avoid future parking problems, and sustain local businesses.

Per recent State legislation (AB 2097), minimum parking requirements cannot be imposed or enforced in any residential, commercial, or other development

project located within ½ mile of public transit after January 1, 2023. Since construction will not commence until after that date, Policy M-7.6 is not applicable to this project. Nevertheless, the project would voluntarily provide eight (8) additional on-site parking spaces over what exists today. In addition, a condition of the Use Permit would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood.

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

The proposed use, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City. The proposed use and the overall project has been reviewed by all appropriate City Departments and permitting agencies and has been conditioned accordingly to avoid such detriment. Furthermore, mitigation measures identified in the Final EIR and included in MMRP include measures to protect the public health, safety, and welfare.

- 3. The proposed use complies with each of the applicable provisions of the zoning ordinance:**

The proposed mix of residential dwelling units and communal facilities comply with the applicable provisions of the Planned Development (PD) District contained in the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance, as discussed in Use Permit Finding 1 above, as well as discussed in the PD District and Environmental and Design Review Permit findings made for the project.

Findings for Environmental and Design Review Permit (ED20-051)

- 1. The project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:**

The phased development, as conditioned, is in accord with the General Plan, the Neighborhood Plan, objectives of the Zoning Ordinance in that the Design Review Board has reviewed the project for compliance with the General Plan Policies and Montecito/Happy Valley Neighborhood Plan Policies as further described in Master Use Permit Findings above, and the Landscape, Parking, Building and Site Design Criteria in the Zoning Ordinance, and has recommended that the project meet the established criteria by providing a high quality design and materials that are appropriate for the site and neighborhood.

- 2. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:**

The project is consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance, including site, architecture and landscaping design criteria established in the PD development standards which is in compliance with General Plan 2040 and the Planned Development zoning regulations. The project sufficiently screens buildings and parking areas with landscaping.

3. The project design minimizes adverse environmental impacts:

The project is consistent with the following policies in General Plan 2040, which aim at reducing impacts on the environment:

- Policy CDP-5.13: Protection of Archaeological Resources
- Policy CDP-5.14: Tribal Cultural Resources
- Policy C-1.13: Special Status Species
- Policy C-2.4: Particulate Matter Pollution Reduction
- Policy C-3.2: Reduce Pollution from Urban Runoff
- Policy C-3.3: Low Impact Development
- Policy C-3.9: Water-Efficient Landscaping
- Policy C-5.2: Consider Climate Change Impacts
- Policy N-1.2: Maintaining Acceptable Noise
- Policy N-1.9: Maintaining Peace and Quiet
- Policy M-3.2: Using VMT in Environmental Review

4. The project design would not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity:

The project has been reviewed by all appropriate City Departments and permitting agencies and conditioned accordingly, and the potential environmental impacts of the project were assessed pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (EIR) was prepared for the project and mitigation measures included in the MMRP would further protect health and safety.

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

**MASTER USE PERMIT CONDITIONS OF APPROVAL
(UP20-022)**

Planning Division Conditions of Approval

1. Approved Use. This Use Permit authorizes development of the 2.9-acre Aldersly campus at 326 Mission Avenue in accordance with the Planned Development (PD) District approval (ZC20-001), which lists the permitted uses including +14 net new Independent Living units, Assisted Living and Skilled Nursing uses. The Community Development Director may review and approve amendments to the Master Use Permit, which are within the limits of the approved PD District (ZC20-001) and the PD zoning regulations.
2. Permit Validity. This Permit shall become effective on _____, **2022** and shall be valid for a period of two (2) years from the date of final approval, or _____, **2024**, and shall become null and void if a building permit is not issued or a time extension granted by _____,

2024. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.

3. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.
4. Revocation. The City reserves the right to bring this application up for revocation per SRMC 14.21.150 and as provided in Chapter 14.29 of the San Rafael Zoning Ordinance for any use that is found to be in violation of any of these conditions of approval.
5. Building Permit Required. The applicant shall obtain a building permit prior to any building improvements to meet the requirements per the California Building Code (CBC). Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
6. Development of the site (i.e., the building design and location, scale, architecture, landscaping and similar improvements) shall be completed in accordance with a valid (i.e. not expired) Environmental and Design Review Permit approval.
7. The Master Use Permit shall be subject to the Environmental and Design Review Permit (ED20-051) conditions of approval. Truck delivery schedules to the Aldersly campus shall be coordinated with drop-off and pick-up times at child daycare and schools in the neighborhood to reduce the potential for conflicts on Belle Avenue.
8. Prior to the issuance of an occupancy permit for any new building on the Aldersly campus, a Parking Management Strategy shall be submitted for review and approval by the Director of Public Works and the Director of Community Development. The Parking Management Strategy shall identify strategies and methods to increase on-site parking capacity and reduce the overall demand for parking, particularly during peak parking demand at 2:30 pm on weekdays during the staff shift change. The Parking Management Strategy may include, but is not limited to, the following strategies:
 - a) **Support transit use by employees and visitors:** Aldersly employees currently have the option of purchasing transit passes before taxes are taken out of their wages, which provides a savings for users. The site is served by a number of transit options as it is less than one-half mile from the San Rafael SMART station and Transit Center. While for most people this is a walkable distance, Aldersly could further encourage transit use by providing van service as needed to transport people to and from these connections. To make transit use a viable option for employees, this may require providing some flexibility in shift times to allow them to make convenient connections.
 - b) **Provide public transportation information:** As some staff and residents may be unaware of the available public transportation options, providing information about train and bus schedules, accommodations for bicycles on transit vehicles, and the availability of the Marin Emergency Ride Home (ERH) program would support increased transit use. The ERH program, operated by the Transportation Authority of Marin, reimburses rides home in case of an emergency for workers in Marin County who use an alternative transportation option, such as carpooling, vanpooling, public

transit, bicycling, or walking. For many people, the availability of this program can make non-vehicle transportation a viable option as it addresses unforeseen circumstances when vehicle transportation may be necessary.

- c) **Offer Car Sharing and Driver Services:** The average age of residents in the independent living units is 88 years old and those with cars tend to drive infrequently. By offering car sharing or driver services for errands, appointments, or other trips, these residents may be more inclined to not bring a vehicle and/or relinquish their vehicles and parking spaces.
- d) **Prepare a Valet Parking Plan:** Aldersly currently provides valet parking during events. The purpose of the Valet Parking Plan would be to increase on-site parking by up to 13 spaces, as needed during non-event scenarios. The Valet Parking Plan would be approved by the Director of Public Works and the Director of Community Development.
- e) **Install lift system:** A parking lift system would enable vehicles to be stacked vertically and expand the on-site parking supply. Given the minimal use of vehicles by most residents, the Aldersly could maneuver vehicles as needed.

The Parking Management Strategy shall be implemented prior to occupancy of the Mission Avenue Independent Living building.

- 9. All biohazardous waste generated on the Aldersly campus, including but not limited to used bandages/dressings, out-of-date prescription medication and sharps/needles shall be stored in appropriate containers until they are picked up and shall be disposed of by a service that is licensed to handle such materials
- 10. The applicant or permittee shall defend, indemnify, and hold harmless the City or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

ENVIRONMENTAL AND DESIGN REVIEW PERMIT CONDITIONS OF APPROVAL (ED20-051)

Community Development Department, Planning Division

- 1. This Environmental and Design Review Permit approves Phases 1, 2 and 3 of the Aldersly Development Plan, including the demolition of existing buildings and the construction of new buildings and landscaping, parking lot, and other improvements on the 2.9-acre Aldersly campus at 326 Mission Avenue in accordance with the Planned Development (PD) District approval ZC20-001) and Use Permit approval UP20-022, and subject to Mitigation Measures contained in the Final EIR and MMRP adopted for the project.
- 2. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated May 16, 2022 and

on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval.

3. Minor Modifications. Substantially consistent and minor modifications to building exteriors and locations, fence styles and locations, signage, and significant landscape features may be approved in writing by the Community Development Director or designee, based on the determination that the proposed modification is consistent with other building and design elements of the approved architectural control permit and will not have an adverse impact on the character and aesthetics of the site. The Director may refer any request for revisions to the plans to the Planning Commission. Further environmental review and analysis may be required if such changes necessitate further review and analysis pursuant to the California Environmental Quality Act.
4. Permit Validity. This Permit shall become effective on ____, **2022** and shall be valid for a period of two (2) years from the date of final approval, or ____, **2024**, and shall become null and void if a building permit is not issued or a time extension granted by ____, **2024**. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
5. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.
6. Building Permit Required. The applicant shall obtain a building permit prior to any tenant improvement to meet the requirements per the California Building Code (CBC).
7. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division prior to issuance of a building permit.
8. Prior to issuance of a building permit, the applicant is to comply with conditions of the Marin Municipal Water District for the landscaping improvements and other water conservation measures as outlined in letter regarding Water Availability, dated December 10, 2020.
9. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions. Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
10. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, paying of radios and other noises caused by equipment and/or

construction workers arriving at, or working on, the site.

11. Landscaping. Prior to issuance of a building permit, the applicant shall receive approval from the Marin Municipal Water District for proposed landscaping. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. All existing landscaping damaged during construction shall be replaced. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion. No part of the existing landscaping shall be removed, unless their removal has been reviewed and approved by the Planning Division
12. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property. The project shall be subject to a 90-day post installation lighting inspection to evaluate the need for adjustment and assure compliance with SRMC Section 14.16.227.
13. Fees. Prior to Issuance of Building Permits, the applicant shall pay all outstanding Planning Division application processing fees, including a \$10,000 fee deposit for mitigation monitoring.
14. Except as conditioned herein, building techniques, materials, elevations, landscaping and appearance of this project, as presented for approval, shall be the same as required for the issuance of a building permit. Any future additions, expansions, remodeling, etc. shall be subject to the review and approval of the Planning Division.
15. This Environmental and Design Review Permit shall be subject to the adopted PD zoning regulations (ZC20-001).
16. City review and approval of a Sign Permit shall be required for any new entry signage, consistent with the Sign Ordinance regulations.
17. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view as indicated on project plans.
18. Any materials containing asbestos, lead-based paints or other potentially hazardous building materials shall be removed in compliance with all applicable federal, state and local regulations and the requirements of any agency having jurisdiction. Before removal of any materials suspected to contain asbestos, the BAAQMD's Enforcement Division shall be notified to determine proper handling procedures and permit requirements.
19. Prior to the issuance of a building permit, the applicant shall submit an application for a Lot Line Adjustment (LLA) to merge the two lots that comprise the Aldersly Planned Development District area. Written evidence that the LLA or other instrument has been recorded with the Marin County Clerk shall be submitted to the San Rafael Community Development Department prior to issuance of a building permit for Mission Avenue Independent Living building.
20. Plans submitted for a building permit shall include details regarding the location, distribution and planting of on-site bioretention areas, consistent with revised Sheets C2.0-R and L6.1-R of plans submitted for Design Review dated November 10, 2021.
21. Prior to issuance of building permit the applicant shall pay an in-lieu Affordable Housing Fee in accordance with SRMC Section 14.16.030. The fee amount will be calculated at the time of building permit issuance.
22. Prior to the issuance of a building permit, the applicant shall submit a design level noise

study for review and approval by the Community Development Department. The noise study shall identify the required noise control measures (window and door sound ratings) that will reduce interior noise levels to the City and State requirement of Ldn 40 in bedrooms and Ldn 45 in other rooms. The study shall also identify locations where windows must remain in the closed position to meet the required interior sound level. If the Mechanical Engineer determines that these rooms require outdoor air, then natural ventilation via open windows should not be relied upon and an alternate means of supplying outdoor air should be provided (e.g. mechanical ventilation). The alternate means for supplying outdoor air must be reviewed by the Acoustical Consultant to confirm that it does not compromise the noise reduction provided by the exterior window and wall assembly.

23. Prior to issuance of a building permit, the final landscaping and irrigation plans shall be submitted to the Planning Division for review and approval.
24. All landscaping shall be installed prior to the occupancy of the new buildings during each phase of development. The City may agree to accept a bond for a portion of landscaping improvements not completed. In the event that a bond is posted for a portion of the site landscaping, it shall cover the amount estimated for completing the landscaping. All areas proposed for landscaping must be covered with bark or a substitute material approved by the Community Development Department prior to occupancy.
25. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Prior to final occupancy, the applicants shall submit a two-year maintenance contract for landscaping or post a two-year maintenance bond.
26. The landscaping plan shall be reviewed and approved by the Marin Municipal Water District prior to issuance of building permits.

Police Department

27. The street numbers shall be displayed in a prominent location on the street side of the property in such a position that the number is easily visible to approaching emergency vehicles. The numbers shall be no less than four inches (4") in height and shall be of contrasting color to the background to which they are attached. The address numbers shall be illuminated during darkness.
28. The address shall be in a sequence with the numerical order of the rest of the street/building.
29. Exposed roof vents and ducts shall be grated or constructed of an impact resistant material to the satisfaction of the police department. Skylights shall be secured and hatch openings shall be burglary resistant. Glazing shall be of a burglary resistant glass or glass-like material.
30. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the Police Department.
31. All exterior doors shall be of solid core construction with a minimum thickness of one and three fourths inches (1-3/4") or with panels not less than nine sixteenth inches (9/16") thick. Side garage doors and doors leading from these garage areas to private residences or multiple dwelling residences are included in this requirement.
32. Metal-framed glass doors shall be set in metal door jambs.
33. Glass sliding doors shall have a secondary type locking device to the satisfaction of the police department. The secondary lock shall be a dead bolt and shall be no less than 1/8

inch in thickness and shall have a minimum hardened steel throw of 1/2 inch.

34. Exterior man doors and doors leading from the garage areas into the private residences or multiple dwelling residences, shall have a dead bolt locking device with a minimum throw of 1/2 inch. A secondary lock is required and shall be a dead bolt lock with a cylinder guard and a hardened steel throw that is a minimum of 1 inch long. Both locking mechanisms shall be keyed the same.
35. Metal framed glass doors shall have a dead bolt lock with a cylinder guard and a hardened steel throw that is a minimum of one inch long.
36. Exterior jambs for doors shall be so constructed or protected so as to prevent violation of the function of the strike plate from the outside. The strike plate shall be secured to the jamb by a minimum of two screws which must penetrate at least two inches into the solid backing beyond the jamb.
37. Front doors shall have a front door viewer that provides a minimum of 180 degrees peripheral vision.
38. Exterior doors that swing outward shall have non-removal hinge pins.
39. In-swinging exterior doors shall have rabbeted jambs.
40. Glass on exterior doors or within 40 inches of an exterior door shall be break resistant glass or glass-like material to the satisfaction of the Police Department.
41. All windows within 12 feet of the ground level shall have a secondary lock mounted to the frame of the window. The secondary lock shall be a bolt lock and shall be no less than 1/8 inch in thickness. The lock shall have a hardened steel throw of 1/2 inch minimum length.
42. Any window within 40 inches of an exterior door shall be stationary and non-removable.
43. Landscaping shall not block or obstruct the view of any door, window, or lighting fixture.
44. Any alternate materials or methods of construction shall be reviewed with the Crime Prevention Officer before installation.
45. The new construction shall be pre-wired for the installation of an intrusion alarm system.

Fire Department

46. Addresses shall be posted conforming to Fire Prevention Standard 205.
47. Based on Uniform Building Code or Fire Code requirements, an automatic fire sprinkler system shall be installed throughout conforming to NFPA Std.13D.
48. A permit application shall be submitted to the Fire Prevention Bureau with two sets of plans for review prior to the installation of all automatic and fixed fire extinguishing and detection systems. Specification sheets for each type of device shall also be submitted for review.
49. Due to the wildland fire interface area, fire retardant roof covering is required with a minimum Class "A" listing.
50. Spark arrestors shall be installed conforming to the UBC.
51. A minimum 30-foot wide break (brush cleaning) shall be maintained around the structure.
52. UL/SFM smoke detectors and openable bedroom windows shall be installed conforming to the Uniform Building Code.
53. An engineered site plan showing all existing and proposed site conditions shall be submitted with the application for a building permit.

Community Development Department, Building Division

54. A level "B" soils report shall be submitted with the application for a building permit.
55. The project soils engineer shall review and approve the plans submitted for a building permit for compliance with the recommendations of the project soils report.
56. A construction soils certification letter shall be submitted by the project soils engineer prior to approval of the building final inspection
57. An erosion control plan using "best management practices" shall be submitted with the application for a building permit. The plan shall show methods of controlling erosion during and after construction.
58. Drainage shall not be concentrated and diverted onto adjacent properties. Drainage from developed areas shall be dispersed across the project site.
59. The improvement plans shall show all existing and proposed sanitary sewer facilities.
60. A sewer main extension may be required and if required shall be completed prior to occupancy of the residence. An engineered plan for the sewer main extension shall be submitted with the application for a building permit. The sewer main extension shall meet all the requirements and standards of the San Rafael Sanitation District. The plans shall be reviewed and approved by the San Rafael Sanitation District.
61. All sewer related work shall be performed in accordance with the San Rafael Sanitation District (SRSD) Standards. If a new/separate sewer lateral is proposed, Civil/Utility Plans prepared by a registered civil engineer will be required prior issuance of the building permit.
62. If the existing sewer lateral(s) will be used for new/renovated facilities, the existing laterals shall be televised and inspected, and a copy of the video submitted to SRSD with the building permit application.
63. Prior to SRSD plan approval, sewer connection fees shall be imposed for all additional drainage fixtures and living units.
64. An encroachment permit shall be required for any work in the public right-of-way.
65. The improvement plans shall show all existing and proposed utilities.
66. Prior to issuance of a building permit a letter shall be submitted from the Marin Municipal Water District stating that adequate water pressure is available to serve this residence.
67. Prior to issuance of a building permit a copy of the access easement across the adjacent property shall be submitted.
68. The existing driveway shall be surfaced with a 2-inch overlay of asphalt concrete throughout the project frontage.

Department of Public Works Conditions

69. Prior to issuance of a building permit, the applicant shall pay a traffic mitigation fee for 1 net new AM trip and 2 net new PM trips for a total of 3 peak-hour trips at the current fee of \$4,246/trip for the amount of \$12,738.
70. All improvements on Mission Avenue, including storm drain, grading and utilities to support all 3 phases of work shall be completed as part of Phase 1.
71. All backflow preventers, fire department connections (FDC), and other above ground utility structures shall be placed on private property.
72. A hydrology study shall be submitted prior to issuance of a building permit. The study

shall include hydraulic calculations for the 10-year storm frequency for pre- and post-construction conditions to verify no increase in runoff due to the proposed development. Engineering solutions to mitigate any increase in runoff shall be provided.

73. The following frontage improvements along Mission Avenue shall be required:
- a. Pavement restoration per a paving plan reviewed and approved by the DPW prior to issuance of building permit. All pavement restoration shall consist of minimum 2-inch-thick asphalt grind and overlay.
Please note, paving shall be kept in good repair at all times during site improvements and construction to the satisfaction of the DPW. Interim repaving during construction may be requested by the DPW.
 - b. Replace the sidewalk along the property frontage on Mission Ave. extending to Union Street.
 - c. Construct a new ADA compliant curb ramp at the northwest corner of the Mission Ave. and Union St. intersection, including a new concrete curb return and truncated dome warning stripes. This is the terminus of the new sidewalk requested above. Upgrade/modify the three remaining curb ramps at the Mission Ave. and Union St. intersection to be ADA compliant.
 - d. The four (4) crosswalks at the Mission Ave. and Union St. intersection shall be restriped.
 - e. The existing curb ramp on Mission Ave. frontage, across from Mary St., shall be replaced/upgraded to be ADA compliant.
74. A construction management plan shall be provided for review and approval by the City prior to issuance of building permit or grading permit. The plan shall be consistent with the Preliminary Construction Staging & Management Plan, dated 3/22/22, and include the following:
- a. All materials and equipment shall be staged on-site, unless otherwise approved.
 - b. Traffic control plan to address on-site and off-site construction traffic.
 - c. Proposed construction phasing and approximate timeline.
 - d. All public streets and sidewalks that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times.
75. This project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project. The project also proposes to use non-LID facilities and will need to show equivalent effectiveness to bioretention areas in accordance with Bay Area Stormwater Management Agencies Association (BASMAA) requirements. The following documents are required to be provided in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) and the BASMAA requirements:
- a. Stormwater Control Plan.
 - i. A written document to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. (Needed to obtain a grading or building permit.)
 - b. Stormwater Facilities Operations and Maintenance (O&M) plan.
 - i. A written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. (Provide prior to occupancy)
 - c. Operations and Maintenance Agreement.
 - i. A formal agreement between the property owner and the city that shall be recorded

with the property deed. (Provide prior to occupancy)

76. A grading permit shall be required from Department of Public Works (DPW) prior to start of construction and shall include phase-specific grading, drainage, and erosion control plans.
77. Prior to commencing work within the public right-of-way (ROW), the applicant shall obtain an encroachment permit from DPW.
78. 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.

MITIGATION MEASURES FROM CERTIFIED FINAL EIR AND ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

79. (Mitigation Measure AQ-1): *Best Management Practices*. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following BMPs:
 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day
 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District' s phone number shall also be visible to ensure compliance with applicable regulations.
80. (Mitigation Measure AQ-2) *Selection of equipment during construction to minimize emissions*. The project sponsor shall achieve a fleet-wide average reduction in DPM exhaust emissions from the onsite, off-road construction equipment by 65-percent or greater in order to stay below BAAQMD thresholds. One feasible way to achieve this reduction would include the following:

1. All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines. Where Tier 4 equipment is not available, exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

2. All aerial lifts shall be compressed natural gas (CNG) powered.

Alternatively, the applicant can develop a different plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 65-percent reduction in diesel particulate matter (DPM) exhaust emissions or greater

81. (Mitigation Measure BIO-1) *Avoidance of Nesting Birds*. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. Vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist within a minimum of 300 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered (i.e., one containing eggs or young), a work-exclusion buffer shall be implemented around the nest commensurate with the nest location and species. In some cases, buffers may be as small as 25 feet for hidden nests (e.g., in tree or building cavities) and/or for urban adapted species; buffers may also extend up to 300 feet for raptors or more sensitive species. No construction activity shall occur within the established buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) or the nest has become otherwise inactive (e.g. due to predation). At that time the buffer may be removed and work within the buffer resume.
82. (Mitigation Measure BIO-2) *Roosting Bat Habitat Assessment and Surveys*: Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-3 shall be implemented
83. (Mitigation Measure BIO-3) *Roosting Bat Tree Protections*: If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.
84. (Mitigation Measure CUL-1) *Interpretation and Commemoration of Historic Resources*. Prior to issuance of demolition permit(s), the project sponsor shall undertake the

following measures to document and provide interpretation, commemoration, and salvage of the historic resources to be demolished, as outlined below:

CUL-1a: Documentation. Prior to issuance of demolition permits, the project sponsor shall undertake Historic American Building Survey (HABS)/Historic American Landscape Survey (HALS)–style documentation of the property. The documentation shall be funded by the project sponsor and undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth in the Secretary of the Interior’s Professional Qualification Standards (Code of Federal Regulations title 36, part 61). The documentation package created shall consist of the items listed below:

- CUL-1a-1: HABS-style Photographs
- CUL-1a-2: HABS/HALS-style Historical Report
- CUL-1a-3: HALS-style Site Plan
- CUL-1a-4: Video Documentation

The documentation materials shall be offered to state, regional, and local repositories, including but not limited to, the Northwest Information Center (NWIC)-California Historical Resource Information System, San Rafael Public Library, the Marin County Free Library’s Anne T. Kent California Room, and the Marin History Museum. Materials will either be provided in digital or hard copy formats depending on the capacity and preference of the repository.

CUL-1a-1: HABS-style Photographs. Digital photographs will be taken of the contributing buildings and landscape elements and the overall character and setting of the historic resource. All digital photography shall be conducted according to current National Park Service standards as specified in the National Register Photo Policy Factsheet (updated May 2013). The photography shall be undertaken by a qualified professional with demonstrated experience in documentation photography. Large format negatives are not required. The scope of the digital photographs shall be reviewed and approved by the Planning Division’s staff for concurrence.

Photograph views for the data set shall include contextual views of the site and each contributing landscape element and building; elevations of each façade of each building; and detail views of character-defining features. All photographs shall be referenced on a photographic key map or site plan. The photographic key shall show the photograph number with an arrow to indicate the direction of the view.

CUL-1a-2: HABS/HALS-style Historical Report. A written historical narrative and report will be produced that meets the HABS/HALS Historical Report Guidelines. This HABS/HALS-style Historical Report may be based on the documentation provided in the 2017 Historic Resource Evaluation for the site and will include historic photographs and drawings, if available. The written history shall follow the standard outline format that begins with a statement of significance for the historic district, describes the architectural and historical context of the district, and includes descriptions of each contributing building and landscape feature.

CUL-1a-3: HALS-style Site Plan. A HALS-style site plan shall be prepared that depicts the existing sizes, scale, dimensions, and relative locations of the contributing landscape elements and buildings related to the historic resource. Particular attention will be paid to the arrangement and plantings of landscape features that are contributing resources to the historic resource. Documentation of all plantings is not required, but depiction of the locations and types of mature trees, and designed hardscape and landscape features shall be included.

CUL-1a-4: Video Recordation. Video recordation shall be undertaken prior to the

issuance of demolition permits. The project sponsor shall undertake a video documenting the historic resource and its setting. The documentation shall be conducted by a professional videographer, preferably one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards for history, architectural history, or architecture (as appropriate). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, historic context, and historic significance of the historic resource. The video documentation shall be reviewed and approved by the Planning Division's staff prior to issuance of demolition permits.

CUL-1b: Interpretation. The project sponsor shall provide a permanent display (or multiple displays) of interpretive materials concerning the history of Aldersly in the Northern California Danish-American community and the architectural features of the Aldersly Retirement Community campus as designed in the 1961-1968 master plan by master architect Rex Whitaker Allen. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards. The high-quality interpretive display(s) shall be installed within the project site boundaries, made of durable, all-weather materials, and positioned to allow for high public visibility and interactivity. In addition to narrative text, the interpretative display(s) may include, but are not limited to, a display of photographs, news articles, memorabilia, drawings, and/or video. A proposal describing the general parameters of the interpretive program shall be approved by the Planning Division's staff prior to issuance of building permits. The content, media, and other characteristics of the interpretive display shall be approved by the Planning Division's staff prior to issuance of a Temporary Certificate of Occupancy.

CUL-1c: Salvage. Prior to any demolition or construction activities that would remove character-defining features of a resource that is a contributor to the historic resource on the project site, the project sponsor shall consult with a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards as to whether any such features may be salvaged, in whole or in part, during demolition/alteration. The project sponsor shall submit a list of materials that will be salvaged and reused either on the site or within the interpretive program to the Planning Division for review prior to the beginning of demolition on the site. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. No materials shall be salvaged or removed until HABS/HALS-style recordation and documentation are completed.

85. (Mitigation Measure CUL-2) Conduct Cultural Resources and Tribal Cultural Resources Sensitivity and Awareness Training Program Prior to Ground-Disturbing Activities. Prior to issuance of a building permit, grading permit, or demolition permit involving any potential ground disturbing activity, all construction contractor(s) responsible for overseeing and operating ground-disturbing mechanical equipment (e.g., onsite construction managers and backhoe operators) shall be required to participate in a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in Project construction, including field consultants and construction workers. The WEAP shall be developed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology, and by culturally affiliated Native American tribes.

The WEAP training shall be conducted by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology. A representative

from the Federated Indians of Graton Rancheria (FIGR) shall be invited to participate in the training.

The WEAP training shall be conducted before any Project-related construction activities begin at the Project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the Project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

The project sponsor shall maintain a record of all construction personnel that have received this training and provide the record to the City. These records shall be submitted to the City prior to issuance of a building permit involving any ground disturbing activity and shall be maintained by the applicant throughout the duration of the construction period. A final record shall be submitted to the City prior to issuance of a certificate of occupancy.

86. (Mitigation Measure CUL-3) *Protect Archaeological Resources Identified during Construction.* The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist and FIGR Tribal Monitor can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).
87. (Mitigation Measure CUL-4) *Protect Human Remains Identified During Construction.* In accordance with the California Health and Safety Code, if the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Marin County Coroner (per § 7050.5 of the Health and Safety Code) and the provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 shall be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner shall rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This shall also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate,

determine that the treatment measures have been completed to their satisfaction.

88. (Mitigation Measure TCR-1) *Survey of Site by Trained Human Remains Detection Dogs.* Prior to the issuance of a grading or building permit, the project sponsor shall provide written evidence to the City's Community Development Department that a qualified consultant has been retained to conduct a survey of the site using trained human remains detection dogs. The survey shall be performed after the demolition of structures but prior to when trenching, grading, or earthwork on the site commences. If the survey results in the identification of an area potentially containing human remains, the area should be avoided. If avoidance is not feasible, then the City shall require that a professional archaeologist be retained to conduct subsurface testing, in the presence of a tribal representative from FIGR, to verify the presence or absence of remains. If human remains are confirmed, then the procedures in the PRC and Mitigation Measure CUL-3 shall be followed.

89. (Mitigation Measure TCR-2) *Archaeological and Native American Monitoring and the Discovery of Cultural Materials and/or Human Remains.* Prior to issuance of a grading permit or building permit, the project sponsor shall retain a Secretary of the Interior-qualified archaeologist, with input from the Federated Indians of Graton Rancheria (FIGR), to prepare a Cultural Resources Monitoring Plan. Monitoring shall be required during initial ground-disturbing activities and may be extended should the area be determined to require monitoring of deeper sediments, according to a schedule outlined in the Cultural Resources Monitoring Plan. The plan shall include (but not be limited to) the following components:

- Person(s) responsible for conducting monitoring activities, including an archaeological monitor and an appropriate number of FIGR Tribal monitors (number and kind of appropriate monitors to be determined in consultation with FIGR);
- Person(s) responsible for overseeing and directing the monitors;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, appropriate documentation, repatriation); and
- Methods to ensure security of cultural resources sites, including protective fencing, security, and protocol for notifying local authorities (i.e. Sheriff, Police) should site looting or other resource damaging or illegal activities occur during construction.

During the course of the monitoring, the archaeologist, in consultation with FIGR Tribal monitor, may adjust the frequency—from continuous to intermittent—based on the conditions and professional judgment regarding the potential to impact cultural and tribal cultural resources. If significant tribal cultural resources are identified onsite, all work shall stop immediately within 100 feet of the resource(s).

90. (Mitigation Measure GE0-1) Prior to a grading or building permit submittal, the project sponsor shall prepare a final geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Geotechnical Investigation prepared by Rockridge Geotechnical, August 31, 2020.

91. (Mitigation Measure GE0-2) Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified

paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

"The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

92. (Mitigation Measure NOI-1) *Construction Noise*. Prior to the issuance of a grading permit or building permit, the project sponsor shall submit a Construction Noise Management Plan (CNMP) prepared by a qualified acoustical consultant. The CNMP shall identify noise attenuation measures to further reduce potential impacts related to construction noise. Noise attenuation measures include, but are not limited to, the following:
- a. Installation of a temporary noise barrier along the east and west property lines of the site. The barrier can be constructed with plywood or another appropriate material with cracks or no gaps. The purpose of the barrier is to provide a noticeable reduction of the noise and meet 90 dBA at residential receivers on neighboring properties along the common east and west property lines, where reasonably feasible. The height of the noise barrier, which may be up to 12 feet at certain locations, shall take into account the height of the construction noise sources and site grading and shall be specified in the Construction Noise Management Plan.
 - b. All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) that are in good condition and

- appropriate for the equipment.
- c. Maintain all construction equipment to minimize noise emissions.
 - d. Stationary equipment shall be located on the site to maintain the greatest possible distance to the existing residences, where feasible.
 - e. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - f. Provide advance notification to surrounding land uses disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period
 - g. The construction contractor shall provide the name and telephone number of an on-site construction liaison. If construction noise is found to be intrusive to the community (complaints are received), the construction liaison shall investigate the source of the noise and require that reasonable measures be implemented to correct the problem.
 - h. Schedule high noise-producing activities during times when they would be least likely to interfere with the noise sensitive activities of the neighboring land use, when possible.
 - i. Use noise control blankets on temporary fencing that are used to separate construction areas from occupied on-site areas.
 - j. Temporarily relocate residents of on-site dwelling units that are very close to the construction activities.
 - k. Consider upgrading windows to reduce construction noise at on-site dwelling units closest to the construction activities.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the ___ day of November 2022.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Leslie Mendez, Secretary

BY: _____
Jon Previtali, Chair

LAND USE ELEMENT	
<p>Land Use: High Density Residential (21.8-43.6 units/net acre)</p>	<p><i>Consistent</i> The site is designated as High Density Residential on the General Plan 2040 Land Use Map which allows for the proposed residential/institutional use.</p>
<p>Policy LU-1.10: Intensity of Non-Residential Development Use the Floor Area Ratio limits on Figure 3-2 to determine the square footage of building space allowed on properties with non-residential General Plan designations. The following provisions apply:</p> <ul style="list-style-type: none"> a) As with density, FAR is calculated on a “net” basis, and is based on the area of each parcel excluding streets and easements. b) The maximum FAR stated by the General Plan is not guaranteed. The square footage permitted on a given parcel may be affected by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, and City design policies. c) The maximum FARs shown in Figure 3-2 exclude any residential development on the property. In the event that residential uses or mixed use projects are proposed on these sites, the maximum area is the sum of the FAR allowance plus the residential density allowance for the property. This Clause does not apply to Downtown San Rafael, which is regulated by the Downtown Precise Plan. 	<p><i>Consistent</i> FAR limits are not applicable to properties within a residential land use designation of the General Plan. This property is designated as High Density Residential on General Plan 2040; therefore, this policy regarding FAR is not applicable to the proposed project.</p>
<p>Policy LU-2.8: Senior and Disabled Care Facilities Encourage facilities and services to meet the needs of older and disabled residents, including senior housing, assisted living, and convalescent care facilities; and facilities providing adult day care and social services, and health care for older adults and people with disabilities. <i>See Goal EDI-6 for additional policies and programs addressing the needs of older adults</i></p>	<p><i>Consistent</i> The site was developed in 1921 as a retirement community for Danish immigrants and has evolved over the last 100 years to meet the needs of older adults. One of the overarching goals of the project is to allow the Aldersly Retirement Community to continue to evolve to meet the needs of current and future residents. The proposed Project would result in a net increase of fourteen (14) independent living units for seniors (from 55 units to 69 units) and would continue to provide 35 Assisted Living/Memory Care beds and 20 Skilled Nursing beds, which is similar to convalescent care.</p>
<p>Policy LU-3.2: New Development in Residential Neighborhoods Preserve, enhance, and maintain the residential character of neighborhoods to keep them safe, desirable places to live. New development, redevelopment</p>	<p><i>Consistent</i> Overall, the proposed project is consistent with this policy in that it allows for Aldersly to evolve to meet the needs of its existing and future residents and minimizes the change to the neighborhood. The policy recognizes that</p>

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<p>of existing buildings, and land use changes within and adjacent to residential areas should:</p> <ul style="list-style-type: none"> • Enhance neighborhood image and design quality • Incorporate sensitive transitions in height and setbacks from adjacent properties • Preserve historic, unique, and architecturally significant structures • Respect and enhance natural features and terrain • Reduce exposure to hazards, including limited emergency vehicle access • Include amenities such as sidewalks, pathways, trees, and other landscape improvements • Maintain or enhance infrastructure service levels • Meet expected parking demand • Minimize reduction of views, privacy, and solar access for neighboring properties <p>While these principles are fundamental, they do not preclude neighborhood change. Neighborhoods are dynamic places, and should adapt to changing tastes, styles, technology, and needs as they evolve.</p>	<p>neighborhoods are dynamic places, and should adapt to changing tastes, styles, technology, and needs as they evolve. As noted above, the project site was developed in 1921 as a retirement community for Danish immigrants and has evolved over the last 100 years to meet the needs of older adults. The existing PD 1775 zoning established for Aldersly in 2002 was intended to allow flexibility to meet the future needs of their older residents with facilities designed to support evolving best practices in services and environments, which was acknowledged to include a combination of facilities renovation, expansion, and new construction. PD 1775 is also intended to maintain Aldersly's role as a community asset by maintaining the campus as a quiet, landscaped buffer between the single-family areas and the multifamily/commercial zone. Although no change in the overall use of the site is proposed, fourteen (14) net new independent living units would result from the proposed project, and new buildings are proposed that would require the removal of existing buildings on the site, some of which have historic significance as defined by CEQA.</p> <p>The proposed Mission Independent Living Building (Phase 1) includes the following design features that break up the mass of the building:</p> <ul style="list-style-type: none"> ▪ 3rd floor is recessed and a lighter exterior color is proposed to reduce height visually: ▪ Vertical elements used to break up the south façade ▪ Changes in form, material, and colors to break up mass and roof line. <p>Use of Belle Avenue continues to be limited to service and deliveries, and the existing delivery area is proposed to be improved with the construction of a new service building and delivery area. The project retains some of the existing gardens and greenspace and includes extensive new landscaping, pathways and other outdoor amenities including an outdoor garden that is accessible from the Memory Care Center. The proposed landscape plan includes the planting of trees and other landscaping that will retain the pleasant streetscape along Mission Avenue.</p> <p>The project would meet the parking requirements contained in the City's Zoning Code and the expected parking demand for residents and staff. However, it is acknowledged that some employees may choose to use street parking, which is a neighborhood concern. A condition of the Use Permit (UP20-022) would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood. See Policy LU-3.7: On-Street Parking, below.</p> <p>The proposed design and location of the Mission Avenue IL building was selected largely because it would minimize reduction of views, privacy, and solar access for</p>
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	neighboring properties on Mission Avenue and Union Street; however, it is acknowledged that the project could reduce views and solar access to neighboring properties.
Policy LU-3.6: Transitions Between Uses. Outside of mixed-use developments, maintain buffers between residential uses and adjacent commercial and institutional uses. Parking lots, loading areas, trash facilities, and similar activities associated with non-residential uses should be appropriately screened.	<i>Consistent</i> All proposed new parking areas, loading areas, and trash facilities will be appropriately screened. The proposed project includes a wooden fence along the north, east and west sides of the property, and proposes landscape screening in the new parking area (east driveway) that will provide a buffer between the Aldersly campus and residential neighbors to the west at 304 Mission and along Union Street. In addition, improvements proposed for the north side of the campus adjacent to Belle Avenue include a new service building and enclosed delivery area, as well as a new enclosure for solid waste/recyclables/compost.
Policy LU-3.7: On-Street Parking Manage on-street parking in a way that meets resident and business needs, minimizes potential conflicts with emergency vehicles, and avoids future conflicts, safety issues, and shortages.	<i>Consistent</i> As noted above, a condition of the Use Permit (UP20-022) would require Aldersly to implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood.
Policy LU-3.10: Relationships with Local Institutions Support collaborations and partnerships among neighborhoods, schools, religious uses, and other institutions to enhance mutual understanding and resolve operational issues such as parking, noise, traffic, and privacy.	<i>Consistent</i> Prior to submitting applications to the City, Aldersly met with the Montecito Area Residents Association (MARA) to share their preliminary plans and seek input from the surrounding community. In addition, Aldersly held in-person meetings early on to reach the Montecito/Happy Valley neighbors and solicit input on the Project. Since project applications were filed with the City, the following neighborhood outreach has occurred: <ul style="list-style-type: none"> • Neighborhood meeting hosted by Aldersly held via Zoom on June 9, 2021 • MARA special meeting held via Zoom on January 27, 2022 • MARA special meeting held via Zoom on May 16, 2022
NEIGHBORHOODS ELEMENT	
MONTECITO/HAPPY VALLEY NEIGHBORHOOD	
Policy NH-2.16: Montecito Residential Densities Preserve the existing mix of single family, duplex, medium-, and high-density housing in Montecito/Happy Valley's residential areas.	<i>Consistent</i> The proposed use and density are consistent with the mix of single family, duplex, medium-, and high-density housing in Montecito/Happy Valley's residential areas.
Policy NH-2.19: Traffic Circulation Continue to develop solutions to neighborhood traffic congestion and safety. Local residential streets should be designed for low volumes with appropriate traffic control. Continued efforts should be made to improve circulation on streets in the adjacent	<i>Consistent</i> The proposed project is consistent with this policy because it would not add significantly to the traffic congestion in the area. The project will be required to adhere to all City traffic safety measures including but not limited to on-street parking restrictions on Belle Avenue, Union Street, and Mission Avenue.

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<p>commercial area and to improve pedestrian and bicycle safety through this area.</p>	
<p>Policy NH-2.20: Parking Provide street parking that is convenient and does not dominate the neighborhood. New residential development should provide attractive and adequate off-street parking.</p>	<p><i>Consistent</i> As noted above under Policy LU-3.7: On-Street Parking, a condition of the Use Permit (UP20-022) would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood. Also see Policy M-7.6: Off-Street Parking Standards below.</p>
<p>COMMUNITY DESIGN AND PRESERVATION ELEMENT</p>	
<p>Policy CDP-1.1: City Image Reinforce San Rafael's image by respecting the city's natural features, protecting its historic resources, and strengthening its focal points, gateways, corridors, and neighborhoods.</p>	<p><i>Consistent</i> The project would preserve one of the most prominent buildings on the site (Building D – Fredensborg), which is a focal point of the Aldersly campus, and many of the landscape features (arched metal entry sign, stone wall, mile-marker to Denmark, lanterns, flagpole, rose garden) would be preserved but moved to another location on the campus. New buildings are proposed that would require the removal of existing buildings and landscape features on the site, most of which have historic significance as defined by CEQA. Implementation of Mitigation Measure CUL-1 identified in the Final EIR would require Aldersly to undertake measures to document and provide interpretation, commemoration, and salvage of the historic resources prior to any demolition.</p>
<p>Policy CDP-1.5: Views Respect and enhance to the greatest extent possible, views to the Bay and its islands; wetlands, marinas, and canal waterfront; hillsides and ridgelines; Mt. Tamalpais; Marin Civic Center; and St. Raphael's bell tower; as seen from streets, parks, and public pathways.</p>	<p><i>Consistent</i> New buildings proposed on the Aldersly campus have been designed and located so as to maintain existing view corridors and not block or interfere with scenic vistas from adjacent public areas.</p> <p>The proposed Mission Avenue Independent Living building, proposed at the southeast corner of the project site, would be the largest and most visible building from surrounding neighborhood. Views from private property near the project site may be affected; however, the focus of the policy is views from streets, parks, and public pathways.</p> <p>Based on a review of the project plans, site visits, and a windshield survey of sight lines from different vantage points, staff did not identify any significant view obstructions that would result from the proposed project. Views from the west portico of San Rafael High School and from along Highway 101 were also considered, and while it may be possible to see the proposed building from certain locations – no view significant view obstruction would result.</p>
<p>Policy CDP-2.3: Neighborhood Identity and Character Recognize, preserve, and enhance the positive qualities that shape neighborhood identity. Development standards</p>	<p><i>Consistent</i> Existing and proposed Aldersly PD development standards are substantially consistent with the adopted development standards for the underlying High Density</p>

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<p>should respect neighborhood context and scale and preserve design elements that contribute to neighborhood livability. Standards should also provide the flexibility for innovative design and new types of construction. Code enforcement and City programs should maintain community standards and the integrity of buildings and landscapes.</p>	<p>Residential HR-1 District with regard to building setbacks, building height limits and lot coverage.</p>
<p>Policy CDP-3.5: Street Trees Encourage the planting and maintenance of street trees to reduce urban heat island effects, sequester carbon, improve air quality, absorb runoff and wind, define neighborhoods, and improve the appearance and character of city streets.</p>	<p><i>Consistent</i> Project would retain the existing street trees along Mission Ave and includes the planting of new trees on the site. PW condition requiring replacement of street trees if any removal is required for sidewalk/ frontage improvements</p>
<p>Policy CDP-4.1: Design Guidelines and Standards Use design guidelines and standards to strengthen the visual and functional qualities of San Rafael’s neighborhoods, districts, and centers. Guidelines and standards should ensure that new construction, additions, and alterations are compatible with the surrounding neighborhoods while still allowing for innovative, affordable design.</p>	<p><i>Consistent</i> The City’s adopted Design Guidelines and other standards were used as a guide by staff and the Design Review Board (DRB) to assess the project’s compatibility with the surrounding neighborhood. When considering the design and scale of the proposed project, especially the proposed Mission Avenue Independent Living building, the DRB made suggestions on how to reduce the perceived mass of the structure, such as architectural setbacks, other features, or an increased setback, consistent with the City’s Design Guidelines.</p>
<p>Policy CDP-4.2: Public Involvement in Design Review Provide for public involvement in design review through effective noticing, adequate comment timelines, and clear project review opportunities, while still achieving development streamlining objectives.</p>	<p><i>Consistent</i> Notices regarding the DRB meetings were sent to property owners and occupants within 300 feet of the project site. A Notice of Public Hearing was also published in the <i>Marin Independent Journal</i>.</p>
<p>Policy CDP-4.6: Open Space in Multi-Family Housing Require private outdoor areas such as decks and patios, as well as common open space areas, in new multi-family development and mixed use housing. Common open space may include recreation facilities, gathering places, and site amenities such as picnic and play areas.</p>	<p><i>Consistent</i> The proposed PD Development Standards include a provision that each resident has access to a private usable outdoor area of variable size (for independent living units) and/or to communal outdoor areas (for assisted living/memory care and skilled nursing residents). Because of the extensive outdoor areas provided for all residents, no minimum is established for usable outdoor area per dwelling unit.</p>
<p>Policy CDP-4.7: Larger-Scale Buildings Design larger scale buildings to reduce their perceived mass. Encourage the incorporation of architectural elements such as towers, arcades, courtyards, and awnings to create visual interest, provide protection from the elements, and enhance orientation.</p>	<p><i>Consistent</i> The proposed project includes larger scale buildings that have been designed to reduce their perceived mass. As noted above, vertical elements were used to break up the south façade of the proposed Mission Independent Living Building and the top floor is recessed to reduce the perceived height and mass of the building.</p>
<p>Policy CDP-4.8: Scale Transitions Require sensitive scale and height transitions between larger and smaller structures. In areas where taller buildings are allowed, they should be</p>	<p><i>Consistent</i> The project includes larger scale buildings that have been located and designed to minimize impacts on adjacent residential properties that are currently developed</p>

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<p>designed to minimize shadows, loss of privacy, and dramatic contrasts with adjacent low-scale structures. Exceptions may be made where taller buildings are also permitted on the adjoining site.</p>	<p>with single story structures. The proposed Mission Avenue Independent Living Building, which has four levels and a measured height of 36 feet, would be at least 48 feet from adjacent residences along Union Street, and it would be 65-95 feet from the residential property at 304 Mission Avenue (corner of Mission and Union). It is noted that these adjacent residential properties east of the project site are zoned R-5 and have a building height limit of 30 feet. Properties west of the project site are zoned Duplex Residential (DR) and Multifamily Residential (MR3) with height limits of 30 feet and 36 feet, respectively.</p>
<p>Policy CDP-4.9: Parking and Driveways Encourage parking and circulation design that supports pedestrian movement and ensures the safety of all travelers, including locating parking to the side or rear of buildings, limiting driveway cuts and widths, and minimizing large expanses of pavement. Parking should be screened from the street by landscaping and should provide easy access to building entrances.</p>	<p><i>Consistent</i> The project the same number of driveway cuts and widths as what currently exists on the property, in approximately the same locations. The existing driveway to Rosenberg (east driveway) would shift approximately 30 feet to the east toward Union Street. A new parking area is proposed along this driveway that would be screened by landscaping and solid wood fence along the east property line. On the north side of the property along Belle Avenue, new service building would improve the functionality and appearance of the loading area.</p>
<p>Policy CDP-4.10: Landscape Design Encourage—and where appropriate require—privately owned and maintained landscaping that conserves water, contributes to neighborhood quality, complements building forms and materials, improves stormwater management and drainage, and enhances the streetscape. Natural elements such as plants should be an integral part of site development and should enhance the built environment while supporting water conservation goals.</p>	<p><i>Consistent</i> The project includes extensive drought tolerant landscaping, including several trees, along Mission Avenue that would provide an attractive streetscape. Bioretention areas proposed throughout the site to improve stormwater management. As stated in the proposed PD Development Standards “[T]he campus pattern of tightly landscaped pathways, terraces, open courtyards and decks, and garden areas will be replicated to the extent feasible.”</p>
<p>Policy CDP-4.11: Lighting Encourage lighting for safety and security while preventing excessive light spillover and glare. Lighting should complement building and landscape design.</p>	<p><i>Consistent</i> The project plans include exterior lighting specifications and site photometrics that indicate lighting levels would roughly approximate the existing condition and be similar to the urbanized development surrounding the project site; therefore, lighting levels would not be excessive and would meet the City of San Rafael minimum illumination standards for safety at all exterior doorways, parking areas and ground level walkways. Specific lighting levels would be subject to review as part of a required post-installation lighting review by Planning staff, pursuant to SRMC Section 14.16.227. The potential for glare from auto headlights to reach adjacent properties is minimal. Adjacent properties would be blocked by potential headlight glare based on the orientation and grade difference between the proposed driveway and the adjacent</p>

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	properties, the existing and proposed fences and walls, and existing and proposed landscaping.
<p>Policy CDP-5.1 Historic Buildings and Areas Preserve buildings and areas with special and recognized historic, architectural or aesthetic value, including but not limited to those on the San Rafael Historical/Architectural Survey. New development and redevelopment should respect architecturally and historically significant buildings and areas.</p>	<p><i>Consistent</i> The site is not on the San Rafael Historic Properties List or within an existing, registered historic district; however, the property has been determined to be eligible to be listed in the California Register of Historic Resources. The Proposed Project would result in the demolition of six of the nine buildings and landscape features that contribute to the property's eligibility for listing in the California Register. Implementation of Mitigation Measure CUL-1 identified in the Final EIR would require Aldersly to undertake measures to document and provide interpretation, commemoration, and salvage of the historic resources prior to any demolition. This would reduce the impact on historic resources, but not to a less-than- significant level. Therefore, the impact would remain significant and unavoidable. The CEQA Findings adopted by the City Council provide the written analysis and conclusions regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.</p>
<p>Policy CDP-5.6: Protecting the Integrity of Historic Properties Ensure that modifications to designated historic properties, including additions, alterations, and new structures, are visually compatible with the property's contributing features, as defined by the San Rafael Municipal Code.</p>	<p><i>Consistent</i> The site is not currently designated on the San Rafael Historic Properties List or within an existing, registered historic district. However, the property has been determined to be eligible for listing in the California Register of Historic Resources. As noted above, implementation of Mitigation Measure CUL-1 identified in the Final EIR would require Aldersly to undertake measures to document and provide interpretation, commemoration, and salvage of the historic resources prior to any demolition. This would reduce the impact on historic resources, but not to a less-than-significant level. Even though the property would no longer be considered a historic resource, the new buildings have been designed to be visually compatible with the buildings that will remain on the campus. The exterior materials used for new buildings include brick and wood cladding, large expanses of glass, and rectilinear massing, consistent with the existing buildings on the campus. In addition, the proposed landscape plan and site design is consistent with the historic emphasis on the indoor-outdoor experience.</p>
<p>Policy CDP-5.13: Protection of Archaeological Resources. Protect significant archaeological resources by:</p> <ul style="list-style-type: none"> a) Consulting the City's archaeological resource data base prior to issuing demolition or construction permits in known sensitive areas. b) Providing information and direction to property owners to make them aware of these resources and the procedures to be followed if they are discovered on-site. 	<p><i>Consistent</i> According to the City's archaeological resource data base, there is a low potential for the presence of archaeological sites within the Project area. Although construction of the Proposed Project would have no impact on known archaeological resources, there is a possibility that previously unidentified archaeological resources and subsurface deposits are present within the Project area. Mitigation Measures CUL-2 and CUL-3 included in the Final EIR and MMRP</p>

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<p>c) Identifying, when possible, archaeological resources and potential impacts on such resources. d) Implementing measures to preserve and protect archaeological resources, including fines and penalties for violations.</p>	<p>outline measures to be taken in the event that previously unrecorded archaeological resources are discovered during ground disturbing activities.</p>
<p>Policy CDP-5.14: Tribal Cultural Resources Coordinate with representatives of the Native American community to protect historic Native American resources and raise awareness of San Rafael's Native American heritage.</p>	<p><i>Consistent</i> In accordance with AB 52 and as requested by the Federated Indians of Graton Rancheria (FIGR), the City consulted with FIGR on the project's potential impacts on tribal cultural resources. FIGR recommendations were incorporated into Mitigation Measures CUL-2 and TCR1 and TCR-2 included in the Final EIR and MMRP.</p>
<p>Policy CDP-5.15: Paleontological Resource Protection Prohibit the damage or destruction of paleontological resources, including prehistorically significant fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development.</p>	<p><i>Consistent</i> There is a possibility that paleontological resources could be encountered if previously undisturbed soil and bedrock on the site is excavated. Mitigation Measure GE0-2 requires that excavation activities be halted should a paleontological resource be encountered and the curation of any substantial find.</p>
<p>CONSERVATION AND CLIMATE CHANGE ELEMENT</p>	
<p>Policy C-1.13: Special Status Species Conserve and protect special status plants and animals, including those listed by State or federal agencies as threatened and/or endangered, those considered to be candidate species for listing by state and federal agencies, and other species that have been assigned special status by the California Native Plant Society and the California Fish and Game Code. Avoidance of impacts, accompanied by habitat restoration, is the preferred approach to conservation, but mitigation measures may be considered when avoidance is not possible.</p>	<p><i>Consistent</i> The project site does not contain habitat to support special-status species. Based on the absence of suitable feeding and breeding habitat, project-related activities are not expected to disturb special-status wildlife species. However, given the extensive vegetation and trees on the project site, there is the potential for active bird nests to exist on the Project site. Mitigation Measure BIO-1 requires that nests of native birds in active use shall be avoided in compliance with State and federal regulations. Vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist.</p>
<p>Policy C-1.15: Landscaping with Appropriate Naturalized Plant Species Encourage landscaping with native and compatible non-native plant species that are appropriate for the dry summer climate of the Bay Area, with an emphasis on species determined to be drought-resistant. Diversity of plant species is a priority for habitat resilience.</p>	<p><i>Consistent</i> The project includes a mix of native and non-native trees, shrubs and groundcover that meet MMWD requirements for water-efficient landscaping.</p>
<p>Policy C-1.17: Tree Management The removal of healthy trees shall be discouraged, and their replacement may be required when trees are removed due to health, safety, or maintenance reasons. Site plans should indicate the location of existing trees and include measures to protect them wherever feasible.</p>	<p><i>Consistent</i> Project site plans indicate the location of existing trees on the site. While many existing trees would remain, the project would require the removal of trees and other landscaping to make way for new buildings. Most of the trees to be removed are non-native, ornamental species (Japanese maple, juniper, Crape myrtle, flowering plum, mulberry). One large palm tree along Mission Avenue is proposed</p>

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	to be relocated to another location on the site. The landscape plan submitted for the project proposes the planting of new trees and recommendations provided in the arborist's report regarding the management and preservation of on-site trees will be required to be implemented as part of the project.
Policy C-2.2: Land Use Compatibility and Building Standards Consider air quality conditions and the potential for adverse health impacts when making land use and development decisions. Buffering, landscaping, setback standards, filters, insulation and sealing, home HVAC measures, and similar measures should be used to minimize future health hazards.	<i>Consistent</i> Section III AIR QUALITY and the Air Quality and Community Health Risk Assessment (Appendix D of EIR) conclude that emissions associated with the operation of the project would not exceed the BAAQMD significance thresholds. Air Quality impacts associated with construction activities would be reduce to less-than- significant with implementation of Mitigation Measure AQ-1, which identifies Best Management Practices (BMPs) to be implemented during construction period to control dust and exhaust.
Policy C-2.4: Particulate Matter Pollution Reduction Promote the reduction of particulate matter from roads, parking lots, construction sites, agricultural lands, wildfires, and other sources.	<i>Consistent</i> Mitigation Measure AQ-1 and proposed conditions of approval require that BMP's be implemented to control of construction-related dust and other pollutants, as recommended by BAAQMD.
Policy C-3.2: Reduce Pollution from Urban Runoff Require Best Management Practices (BMPs) to reduce pollutants discharged to storm drains and waterways. Typical BMPs include reducing impervious surface coverage, requiring site plans that minimize grading and disturbance of creeks and natural drainage patterns, and using vegetation and bioswales to absorb and filter runoff.	<i>Consistent</i> The project includes bioretention areas and a standard condition of approval will require that a stormwater control plan be submitted and approved by the City of San Rafael Department of Public Works prior to the issuance of a grading or building permit.
Policy C-3.3: Low Impact Development Encourage construction and design methods that retain stormwater on-site and reduce runoff to storm drains and creeks.	<i>Consistent</i> The project includes low impact development design strategies including bioretention areas incorporated into site and landscape design that will disperse runoff that occurs on the site. See Policy C-3.2 above.
Policy C-3.9: Water-Efficient Landscaping Encourage—and where appropriate require—the use of vegetation and water-efficient landscaping that is naturalized to the San Francisco Bay region and compatible with water conservation, fire prevention and climate resilience goals.	<i>Consistent</i> The project is conditioned to provide written verification of plan approval from Marin Municipal Water District (MMWD) prior to the issuance of a building permit and/or grading permit. MMWD administers compliance with water-efficient landscape requirements and water usage for irrigation, as mandated under California Government Code Section 65595(c).
Policy C-5.2: Consider Climate Change Impacts Ensure that decisions regarding future development, capital projects, and resource management are consistent with San Rafael's CCAP and other climate goals, including greenhouse gas reduction and adaptation.	<i>Consistent</i> As discussed in Appendix B, Section VIII (GHG) of Draft EIR, the project would not conflict or otherwise interfere with City and statewide GHG reduction measures. GHG emissions associated with construction and operation of the proposed project would be less than significant.

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NOISE ELEMENT	
<p>Policy N-1.2: Maintaining Acceptable Noise Levels Use the following performance standards to maintain an acceptable noise environment in San Rafael:</p> <p>(a) New development shall not increase noise levels by more than 3 dB Ldn in a residential area, or by more than 5 dB Ldn in a non-residential area.</p> <p>(b) New development shall not cause noise levels to increase above the “normally acceptable” levels shown in Table 9-2.</p> <p>(c) For larger projects, the noise levels in (a) and (b) should include any noise that would be generated by additional traffic associated with the new development.</p> <p>(d) Projects that exceed the thresholds above may be permitted if an acoustical study determines that there are mitigating circumstances (such as higher existing noise levels) and nearby uses will not be adversely affected.</p>	<p><i>Consistent</i></p> <p>The acoustical study prepared by RGD Acoustics (Appendix G of EIR) determined that noise levels on adjacent properties would be reduced to acceptable levels with the implementation of mitigation measures identified for the construction and operational phases of the project.</p>
<p>Policy N-1.9: Maintaining Peace and Quiet Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.</p>	<p><i>Consistent</i></p> <p>Implementation of Mitigation Measures NOI-1 and NOI-2 identified in the Final EIR would minimize noise conflicts that could result from construction and operation of the project.</p>
Mobility Element	
<p>Policy M-3.2: Using VMT in Environmental Review. Require an analysis of projected Vehicle Miles Traveled (VMT) as part of the environmental review process for projects with the potential to significantly increase VMT. As appropriate, this shall include transportation projects and land use/policy plans as well as proposed development projects.</p>	<p><i>Consistent</i></p> <p>As discussed in Appendix B, Section XVII of the Draft EIR and the Traffic and Parking Study (Appendix H) the proposed project is anticipated to generate an additional 28 trips per day, which is well below the 110 trips per day threshold that are presumed to have a less than significant impact with respect to transportation impacts. Therefore, an analysis of VMT is not required.</p>
<p>Policy M-5.6: Truck Impacts. Manage truck traffic and deliveries in residential areas to avoid conflicts with local auto traffic, pedestrian and bicycle safety, parking, and adjacent uses.</p>	<p><i>Consistent</i></p> <p>The number and type of trucks used for deliveries to the Aldersly campus are not expected to change as a result of the Proposed Project. The existing loading and delivery area on Belle Avenue would remain and would continue to accommodate all deliveries through Phase 1. After completion of Phase 2, a new delivery area for medium-size trucks would be provided as part of the new service building. In addition, a condition of the Master Use Permit approval requires that the timing of deliveries to the Aldersly campus be coordinated with drop-off and pick-up times at child daycare and schools in the neighborhood.</p>

ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>Policy M-7.6: Off-Street Parking Standards. Maintain off-street parking standards that adequately respond to demand, minimize adverse effects on neighborhoods, avoid future parking problems, and sustain local businesses.</p>	<p><i>Consistent</i></p> <p>The City’s goal is to manage parking in a way that meets resident, business, and visitor needs while supporting the City’s goal of a more sustainable transportation system. A combination of on-street and off-street parking policies is used to balance supply and demand, especially in high demand areas. The General Plan also includes policies that recognize the need to periodically adjust off-street parking requirements as vehicle technology changes, and as parking technology itself evolves; and to allow reduced parking when it can be demonstrated that the project will have lower vehicle ownership rates; for example, for senior housing or housing in the downtown area.</p> <p>The project site is 0.4 miles from the SMART Downtown Station. Per recent State legislation (AB 2097), minimum parking requirements cannot be imposed or enforced in any residential, commercial, or other development project located within ½ mile of public transit after January 1, 2023. Since project construction would not commence until after that date, Policy M-7.6 is not applicable to this project. Nevertheless, the project would voluntarily provide eight (8) additional on-site parking spaces over what exists today. In addition, a condition of the Use Permit would require that Aldersly implement a Parking Management Strategy to maximize on-site parking during peak periods and reduce the use of on-street parking in the neighborhood.</p>
<p>HOUSING ELEMENT (Adopted January 5, 2015)</p>	
<p>Policy H-1. Housing Distribution. Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p> <p>Sub-policy H-1.a identifies the need to make progress towards the Regional Housing Needs Allocation since the start of the planning period.</p>	<p><i>Consistent</i></p> <p>The project would contribute toward meeting the goal of producing more housing by adding 14 senior housing units to the City’s housing inventory. Since all of the proposed 14 independent living units would include a kitchen and a bathroom, they meet the definition of a dwelling unit and have been included in the anticipated number of units to be completed during the 2023-2031 timeframe.</p>
<p>H-2. Design That Fits into the Neighborhood Context. Recognize that construction of new housing and improvements on existing properties can add to the appearance and value of the neighborhood if they fit into the established character of the area. Design new housing, remodels, and additions to be compatible to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent</i></p> <p>As discussed above, when assessing the project’s compatibility with the surrounding neighborhood, considering the design and scale of the proposed project, especially the proposed Mission Avenue Independent Living building, the DRB made suggestions on how to reduce the perceived mass of the structure, such as architectural stepbacks, other features, or an increased setback, consistent with the City’s Design Guidelines.</p>
<p>H-13. Senior Housing. Encourage housing that meets the needs of San Rafael’s older population, particularly</p>	<p><i>Consistent</i></p>

ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase.</p>	<p>The project proposes adding 14 net new independent living rental units for seniors, and other improvements that would foster aging within the community.</p>
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RECEIVED

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October 1, 2022

Planning Commission
City of San Rafael
1400 Fifth Avenue, Room 209
San Rafael CA 94901

Dear Commissioners:

The Marin Environmental Housing Collaborative (MEHC) is a multi-disciplinary consortium of advocates generating support for projects and policies that advance affordable housing, environmental integrity and social justice. We are writing to comment on the Aldersly Retirement Community Master Plan Amendment and related applications.

Aldersly, a 100+ year institution, sits on a hillside close to the Montecito Center and downtown amenities. To protect its economic viability for the future, Aldersly needs to replace its older, smaller units with more modern, larger and more accessible housing that meets the needs of today's seniors.

More senior housing, including that which can provide memory care, nursing care and assisted living, is critically needed in Marin. Aldersly's plan to provide more such infill housing will increase the number of its units, to provide more residents with its food, health and social engagement services.

We urge the Planning Commission to support the project.

That being said, we also note the need in San Rafael for additional senior housing, particularly affordable units, including housing with services, and note the need for its updated Housing Element to identify ways that such housing can be developed in San Rafael.

Thank you for the opportunity to comment on the Aldersly application. We ask that you forward the project to the City Council with your recommendation for certification of the environmental report and for project approval.

Sincerely,

Steven Saxe, CFO

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Lisel Blash,
Housing Specialist
Kiki LaPorta,
Communications

P.O. Box 9633
San Rafael CA 94912
www.MarinMEHC.org
MarinMEHC@gmail.com

From: [R Hunter](#)
To: [Planning Public Comment](#)
Subject: Re: I strongly support the building plan for Aldersly Retirement Community.
Date: Wednesday, November 9, 2022 5:31:15 PM

resent with spelling correction:\, sentence #2: "Many California communities have regressed into sterile centers of stone and steel for parking shopping malls and recreation centers with no homes and family souls." Don't let this happen to San Rafael. (RHH, 1109/22)

On Wed, Nov 9, 2022 at 3:01 PM R Hunter [REDACTED] > wrote:

San Rafael must continue to grow and remain a family community with all generations, children to elders with the services. business and homes that it has always been... Many California communities have regressed into sterile centers of stone and steel for parking, shopping malls and recreation centers with no home and family soles. All Organizations must grow or decline and go away. don't let this happen to San Rafael.

Finalize and approve the total Proposal for Aldersly Retirement Community now.

Respectfully submitted. Ripley H. Hunter [REDACTED], San Rafael retired
Marin County Physician, Aldersly Resident and Marin County Voter

cc: P.res. Aldersly Board of Directors 11/08/22

October 24, 2022

Dear City Council,

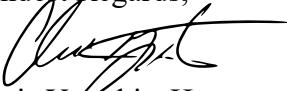
I am writing today to in support of my neighbor, Aldersly Retirement Community and specifically; their care-ful, thoughtful and concerted approach to involve neighbors and community members in their current re-development planning cycle. Aldersly residents and staff are an important part of our neighborhood, and I support Aldersly Retirement Community's need to maintain financial stability and therefore a secure role in the future of our community.

Aldersly has been involved with the community for 20+ years, often hosting community events on their beautiful campus. I have lived at 117 Union Street as a homeowner for 12+ years and am a member of the MARA Board. I am writing this letter not as representative of MARA, but as a neighbor and community member.

- Aldersly regularly communicates/ presents to neighbors at MARA Annual Meetings where Aldersly shares regular updates on development plans and events on the Aldersly campus.
- Starting in October, 2019, Aldersly leadership began engaging directly with community members via MARA to inform, communicate and gather community feedback on the planned re-development of their campus. Members of MARA's current board and neighbors attended those meetings and were specifically asked for feedback on Aldersly's development plans.
- In May, 2022 Aldersly presented the phased master development plan to neighbors in order to receive group feedback. Changes were requested by neighbors on Belle Ave and Aldersly accommodated these requests by altering their construction plans.

Aldersly is not required to be an active participant in our community. They choose to do so, because they are a kind and considerate neighbor. MARA is hopeful the city of San Rafael and The Council will help ensure Aldersly's long term financial viability and stable position within Happy Valley/ Montecito.

Kindest Regards,



Chris Yarakis, Homeowner and neighbor to Aldersly at [REDACTED] San Rafael, CA 94901

cc: MARA Board Members, Peter Schakow, Aldersly Retirement Community, Marybeth Bushey

jayni@allsep-planning.com

To Jayni Allsep:

October 19, 2022

I am a resident of the Independent Living section of Aldersly retirement community.

I have learned that the contractor doing the demolition and construction will talk with the residents of Aldersly and give specific information explaining how they will minimize the dust and noise. This is reassuring to those who live and work at Aldersly as their health and welfare would not be compromised by the demolition and construction.

It is understood the construction permit will be granted and there is a method to alleviate the dust and noise over a long period during the demolition and construction of the buildings at Aldersly without placing the health and welfare of the residents and staff at risk.

This proposed new construction and demolition is to be a not-for-profit Life Plan Community. This plan is a three-stage ten year plan ending in 2033 for Aldersly to stay in business as a not-for-profit Life Plan Community. Were this plan not to be approved it is likely Aldersly will not have the funds to continue to operate into the future.

We, the residents of Aldersly, want the final permit for the planned construction to be approved so the demolition and construction can begin in 2023 in order to stay within the ten year plan ending in 2023.

Peter Marks

[REDACTED]

[REDACTED] (Cell only)

FW: Aldersly Building Project

Jayni Allsep <jayni@allsep-planning.com>

Sat 10/22/2022 12:30 PM

To: Jayni Allsep <Jayni.Allsep@cityofsanrafael.org>

On 10/22/22, 10:49 AM, "Raymond Johnson" <[REDACTED]> wrote:

I am a 10 year resident and I strongly support the proposed project now before the planning commision. Aldersly must prepare for the future with larger apartments and modern conveniences.

Sincerely Raymond Johnson [REDACTED]

Subject: Aldersly building project

Date: Thursday, November 3, 2022 at 2:56:46 PM Pacific Daylight Time

From: rojado Mettner

To: jayni@allsep-planning.com

Dewar Jayni,

In my opinion, the Aldersly building project should either be scrapped or at the very least postponed until better planning is in place. There are few or no apartments for the residents that will have to be moved. The future need for Assisted living spaces is ignored. At present the Assisted living area is full and there is no reason to believe that will change. We are all getting older and will need help. To adding to my concerns is the need to demolish beautiful trees and gardens which were part of the reason I moved here in the first place. We are a unique establishment and should try to stay that way. Further planning is needed with a greater view of the predictable future. Another pandemic or such event could change everything again.

Thank you for listening and reading my concerns.

Janet Mettner



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: November 15, 2022
Agenda Item: 3
Case Numbers: GPA22-002 & P21-006
Project Planner: Ali Giudice, CDD Director (415) 485-3092
Barry Miller, Consultant
Liz Darby, Consultant
Alexis Captanian, Housing Programs Analyst

REPORT TO PLANNING COMMISSION

SUBJECT: Public Meeting on the San Rafael 2023-2031 HCD Draft Housing Element. Staff will provide a presentation on the Draft 2023-2031 Housing Element. An opportunity for Planning Commission and public comment will be provided. The Planning Commission is being asked to recommend that the City Council approve submittal of this Draft to the State Department of Housing and Community Development (HCD) for review. Case Nos.: GPA16-001 & P16-013.

RECOMMENDATION

It is recommended that the Planning Commission:

- (1) Receive public comment on the HCD Draft Housing Element
- (2) Provide feedback and comments on the HCD Draft Housing Element
- (3) Recommend that the City Council approve submittal of the Working Draft Housing Element to the State Department of Housing and Community Development for their initial 90-day review.

A revised version of the Housing Element (“Public Review Draft”) will be presented to the Planning Commission in March 2023. At that time, the Commission will be asked to approve a resolution recommending Council adoption of the Housing Element and resubmittal to the State for a compliance determination.

EXECUTIVE SUMMARY

The Housing Element is the City’s long-range plan for conserving and maintaining its housing supply, removing regulatory barriers to housing production, promoting fair housing, and creating new housing opportunities for all residents. Requirements and timelines for Housing Elements are established by State law, as well as guidelines developed by the California Department of Housing and Community Development (HCD). All cities and counties in the Bay Area are currently updating their Housing Elements to cover the 2023-2031 period.

Through its Housing Element, each city and county must demonstrate that it has the capacity to accommodate its “fair share” of the region’s housing needs for the next eight years. San Rafael’s fair share assignment was calculated by the Association of Bay Area Governments (ABAG) to be 3,220 housing units, including 1,387 units affordable to lower income households. Although the City itself does

not develop housing, it must show it has zoned a sufficient number of sites for housing construction by the private and non-profit sectors. It must also demonstrate that it will implement programs to mitigate or remove constraints to development and encourage a variety of housing types. The Element must further demonstrate that the City is “affirmatively furthering fair housing” (AFFH) by creating opportunities for affordable housing in high-resource neighborhoods along with programs to end housing discrimination and promote fair housing practices.

State law requires that cities and counties publish a “Working Draft” of their Housing Elements for HCD review prior to adoption. The City of San Rafael has published its Working Draft and is now soliciting public comments. The current draft will be revised in early December and submitted to HCD for its review in mid-December. The City will adopt the Element in early 2023, after it receives HCD comments and makes appropriate revisions.

PROJECT BACKGROUND

Overview

Every city and county in California is required to adopt a Housing Element as part of its General Plan. The Housing Element is the only part of the General Plan that must be submitted to the State for certification, a process that is performed by the State Department of Housing and Community Development (HCD). Cities without certified Housing Elements face adverse consequences, including limited access to State funding and vulnerability to lawsuits and financial penalties. To avoid such consequences, HCD must make a formal determination that each Housing Element substantially complies with Government Code requirements.

San Rafael’s current [Housing Element](#) was adopted on January 5, 2015 and was certified by the State on January 23, 2015. The planning period covered by that Housing Element was January 31, 2015 through January 31, 2023. The next Housing Element is due on January 31, 2023 and will cover the period from January 31, 2023 through January 31, 2031.

State requirements for Housing Elements has changed considerably in the last eight years. The focus of prior Housing Elements was on housing conservation and the creation of new housing opportunities. While housing production is still the central focus, there is a much greater emphasis on equity, fair housing, and meeting the needs of lower-income households and persons with special needs. Cities have been asked to plan for much larger quantities of housing and provide substantially more detail on potential housing sites. Requirements for community engagement and outreach to under-represented populations also have been expanded. Cities and counties must demonstrate that their policies and programs are affirmatively furthering fair housing and directly addressing the factors that have resulted in segregation and concentrated poverty around the State.

The City initiated the update process in September 2021. Over the last 14 months, the City has completed background data collection and analysis tasks; completed a robust public outreach program; and drafted new goals, policies, and programs. In November 2021, City Council appointed a 13-member Working Group (including a Planning Commission representative) to advise on key policy choices. The Working Group met eight times between December 2021 and August 2022. Other community engagement activities included three community workshops, a developer forum, presentations and outreach to neighborhood and community-based organizations, a community survey, numerous focus groups and interviews, a project website, pop-up workshops, and focused outreach to the Spanish-speaking community.

Regional Housing Needs Allocation

The key driver of the Housing Element is the Regional Housing Needs Allocation (RHNA). The RHNA process has been in effect since 1969 when the State legislature mandated that all communities do their “fair share” to meet California’s housing needs. The RHNA is a top-down process that begins with the State determining the eight-year housing need for each region of California. Each regional council of governments is given the task of assigning the regional need to individual counties and cities. The Association of Bay Area Governments (ABAG), the Bay Area regional council, was tasked with disaggregating a regional assignment of 441,176 housing units to nine counties and 101 cities. This process occurred in 2020-2021.

San Rafael’s allocation for the 2023-2031 planning period is 3,220 units. This is more than three times the 2015-2023 allocation of 1,007 units. Marin County, including the unincorporated areas and the 11 cities, saw much steeper rates of increase. The countywide RHNA increased by 526 percent, from 2,298 units (2015-23) to 14,405 units (2023-31). ABAG disaggregates the RHNA into four income categories, as shown in the table below.

Table 1: 2023-2031 Regional Housing Needs Allocation (RHNA) for San Rafael

	Very Low	Low	Moderate	Above Moderate	Total
Number of Units	857	492	521	1,350	3,220
Income Range (Household of 4)	>\$93,200	\$93,200- \$149,100	\$149,100- \$199,200	>\$199,200	

Source: ABAG, 2021. HCD Income Limits, 2022.

The City is required to demonstrate that it has the zoning capacity to produce this quantity of housing by 2031. It is not required to issue building permits or provide entitlements for this quantity of housing. However, the number of units permitted annually will be used as a metric to evaluate the Element’s success and the need for additional programs to come closer to the target.

Prior Planning Commission Input

Prior Planning Commission discussions of the Housing Element have included:

- September 28, 2021: The Commission received an overview of the Housing Element work program, the purpose of the document, the community engagement strategy, and new State laws affecting the Element’s content
- February 15, 2022: The Commission received a presentation on the Housing Needs Assessment
- June 13, 2022: The Commission received a presentation on the State’s Affirmatively Furthering Fair Housing (AFFH) mandate, and how it influences the Housing Element
- July 26, 2022: The Commission received a presentation on the Housing Site inventory

Each of these meetings included opportunities for public comment.

ANALYSIS

Housing Element Organization and Contents

The San Rafael 2023-2031 Housing Element includes six chapters and three technical appendices. Highlights of each chapter are provided below.

Chapter 1: Introduction

The introduction explains the purpose of the Housing Element. It also describes San Rafael's local and regional context, the RHNA process and San Rafael's assignment, and the statutory requirements for the Housing Element. The Element also explains the organization of the document and includes a detailed description of the community engagement program. The community engagement discussion focuses on efforts to reach lower income households, non-English speaking households, and persons with special housing needs.

Chapter 2: Evaluation of the 2015 Housing Element

This chapter evaluates the City's progress toward implementing the last (2015-2023) Housing Element. It includes a program-by-program assessment of the 2015 Housing Element, indicating whether each program should be carried forward, edited, or replaced. The Chapter also indicates the extent to which the City met its RHNA for the previous planning period. The Planning Commission reviewed this chapter at its [February 15, 2022 meeting](#).

Chapter 3: Housing Needs Assessment

The Needs Assessment includes an analysis of demographic and socio-economic conditions, housing conditions, and market trends. The analysis is used to identify current and future housing needs in San Rafael, particularly for lower-income households and populations with special housing needs. Highlights and findings of the Needs Assessment were included in the staff report for the Planning Commission's [February 15, 2022 meeting](#) (see pages 7 and 8).

Chapter 4: Housing Sites and Resources Analysis

This chapter includes an evaluation of the sites most likely to be available for residential development in the next eight years. The Planning Commission received a presentation and staff report on housing sites at its [July 26, 2022 meeting](#). The list of sites was refined in August 2022 to incorporate public input and to ensure that the Housing Sites Inventory was fully aligned with the development opportunities identified in General Plan 2040 and the Downtown Precise Plan. The inventory identifies opportunities for 4,658 housing units on 112 sites in San Rafael, providing a substantial buffer above the RHNA. Sites with the potential for lower-income units are generally zoned at densities of 30 units per acre or more and are geographically distributed in support of the State goal to affirmatively further fair housing.¹

The Sites chapter has been structured to address HCD requirements. The City must demonstrate that the presumed development capacity estimates for each site are reasonable and that each listed site could realistically be developed in the next eight years. The chapter also addresses projected accessory dwelling unit (ADU) production over the next eight years, environmental constraints on the housing sites, and the availability of infrastructure to serve the sites. This chapter also includes State-mandated discussions of energy conservation resources in San Rafael, and a discussion of potential sources of funding for affordable housing and housing programs in the city.

¹ According to HCD, "the goal of Affirmatively Furthering Fair Housing (AFFH) is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians."

Table 1: Summary of Housing Site Potential for 2023-2031 by Income

Site Type	Income Category			Total
	Lower	Moderate	Above Moderate	
Development "Pipeline"				
Approved Projects	200	3	582	785
Proposed Projects	115	135	954	1,204
Opportunity Sites				
Low-Medium Density Residential	3	88	56	147
High-Density (30+ DU/Ac) Residential	335	81	42	458
Mixed Use (Non- Downtown)	373	57	74	504
Mixed Use (Downtown)	587	280	693	1,560
TOTAL POTENTIAL	1,613	644	2,401	4,658
<i>Plus presumed Accessory Dwelling Units</i>	70	100	30	200
Total Potential Including ADUs	1,673	744	2,431	4,858
RHNA	1,349	521	1,349	3,220
Buffer (% units over capacity)	25%	43%	N/A	N/A

Source: City of San Rafael, 2022

Chapter 5: Housing Constraints

The Constraints chapter addresses governmental constraints to housing development such as zoning, development fees, development standards, and development review processes. It also addresses non-governmental constraints, such as high land and construction costs. The analysis concludes that the City’s General Plan and Precise Plan are strongly supportive of housing production. It identifies a number of potential zoning constraints, including height limits in the commercial zones and multi-family zoning districts with maximum densities that are below the levels authorized by the General Plan. The analysis notes that parking requirements are generally not a constraint in transit-served areas (due to recent State laws) and concludes that the recent modifications to the City’s affordable housing ordinance and changes to State Density Bonus Law have had a positive effect on housing production.

As required by State law, this chapter evaluates constraints to the production of particular types of housing in the City, including ADUs, single room occupancy hotels, emergency shelters, and transitional and supportive housing. Specific recommendations are included to expand opportunities for special needs housing. The chapter also addresses local permitting procedures and fees, noting the progress that has been made since 2018 when the City began convening developer forums and Council study sessions on strategies to remove constraints and increase housing production.

The final part of this chapter evaluates non-governmental constraints. The focus is on land and construction costs, and financial constraints such as high interest rates and limited availability of low-income housing tax credits. Other non-governmental constraints include community opposition, requests to develop at densities below what is allowed by zoning, and lengthy time delays between project entitlement and construction.

Chapter 6: Housing Plan

This chapter presents goals, policies, and programs to address the City’s housing needs as well as quantified objectives for housing development and preservation during the planning period. It is addressed in more detail in the next section of this staff report.

Appendix A: Assessment of Fair Housing

The Assessment of Fair Housing uses maps and tables to illustrate spatial patterns of segregation and concentrated poverty in the city, and the location of high, moderate, and low resource neighborhoods. This data is used to evaluate the adequacy of the City's housing sites, and also to ensure that housing programs further fair housing and provide greater access to resources (e.g., high-performing schools, quality City parks, health care facilities, etc.) in under-served neighborhoods. The analysis informs many of the policies and programs in Chapter 6. Appendix A also evaluates fair housing practices and provides data on discrimination complaints in the city during recent years.

Appendix B: Housing Opportunity Site Inventory

This is a detailed parcel-level spreadsheet with data for each of the 112 identified housing opportunity sites. The sites are organized into six categories (approved projects, proposed projects, vacant low-density residential sites, medium- and high-density residential sites, mixed use sites outside Downtown, and Downtown mixed-use sites). For each property, the database provides assessor parcel number, address, acreage, zoning and General Plan designation, existing land use, theoretical capacity, realistic capacity (by income group), and any constraints or comments.

Appendix C: Public Participation Matrix

The matrix lists the various outreach and engagement efforts that occurred over the course of the project, including key takeaways and metrics for participation. The matrix provides a bridge from the engagement program to the Housing Element policies and program and illustrates how community feedback has shaped the contents of the document.

Goals, Policies, and Programs

The HCD Draft Housing Element includes four goals:

1. End and prevent homelessness in San Rafael.
2. Combat housing discrimination, eliminate racial bias, and undo historic patterns of segregation.
3. Ensure housing habitability and maintenance.
4. Meet housing needs by providing a variety of housing choices throughout the City.

The goals have been substantially reorganized from the 2015 Housing Element, with a greater focus on fair housing and resources for lower income households. As with the other elements of General Plan 2040, a set of policies follows each goal. The policies are intended to provide broad guidance for future decision-making over the eight-year planning period. Each of the goals is also followed by a series of housing programs, which include more prescriptive direction as well as an assessment of resources, a timetable for implementation and metrics to measure future success.

Programs are summarized below. Commissioners are encouraged to review Chapter 6 of the Draft Housing Element for additional detail. Each of the programs listed below includes a narrative description of the program, specific actions to be taken, a timeline for those actions, the responsible City department or division, the resources available to undertake the action, and the relevant housing policies that are implemented through the program.

Programs to End and Prevent Homelessness

1. Create a Housing and Homelessness Division within the Community Development Department.
2. Require rental property owners to provide relocation assistance to low-income tenants in no-fault evictions.
3. Expand housing resources and supportive services for extremely low-income households.
4. Actively seek funding for strategies that prevent homelessness and help San Rafael residents experiencing homelessness in securing a place to live and access to the services they require.
5. Provide emergency shelter capacity sufficient to meet local needs.

Programs to Combat Housing Discrimination, Eliminate Racial Bias, and Undo Historic Patterns of Segregation

6. Expand awareness of housing laws, programs, and resources provided by the City and by other agencies and organizations through a comprehensive, multi-lingual community outreach and engagement initiative.
7. As part of the Cooperative Agreement with the County on CDBG funding, direct a portion of the City's allocation to a local fair housing assistance program.
8. Affirmatively market local affordable housing opportunities to include groups that have historically been disadvantaged in the local housing market.
9. Undertake a capacity-building and educational program designed to increase understanding of the housing system by the City's Latinx community.
10. Collaborate with Marin County, cities and towns to address regional planning and housing issues. Remain open to alignment in service delivery to increasing housing supply and furthering fair housing.
11. Maintain and monitor effectiveness of local just cause for eviction regulations.
12. Evaluate existing and additional measures to protect tenants from eviction or the loss of housing due to economic or other factors.

Programs to Ensure Housing Habitability and Maintenance

13. Continue and strengthen the Periodic Housing Inspection Program to ensure the safety and habitability of the rental housing stock.
14. Provide effective code enforcement efforts in all neighborhoods to abate unsafe or unsanitary conditions. Organize service delivery around principles of equity and inclusion.
15. Continue residential building inspections at the time of sale to ensure the safety and habitability of units.
16. Support lower income households in maintaining their homes and increase their ability to participate in and reap the benefits of housing sustainability initiatives.

Programs to Increase Housing Choice

17. Increase funding for affordable housing through the City's Affordable Housing Trust Fund and other sources.
18. Maintain affordable housing requirements for market-rate residential and commercial developments. Monitor the policy's effectiveness and periodically revise to reflect changing housing market conditions.

19. Apply for designation as a “Pro-Housing City” by the State of California.
20. Develop an official City process for developing housing in air rights on municipally-owned sites, including Downtown municipal parking lots (i.e., an “air rights strategic plan”). The process should support and promote public-private partnership opportunities that result in new housing on these sites.
21. Prepare a Precise Plan (or equivalent planning document) for the North San Rafael Priority Development Area (PDA).
22. Prepare a Precise Plan (or an equivalent planning document) for the Southeast San Rafael Priority Development Area (PDA).
23. Provide periodic updates on progress toward Housing Element implementation and other City Council and community housing priorities.
24. Maintain capacity to meet the RHNA at all times during the 2023-2031 planning period and add new sites as opportunities arise. Make the list of housing opportunity sites (Appendix B) available to prospective developers and the public.
25. Develop a list of sites located along commercial corridors that could be prime for “by right” development under Assembly Bill 2011 (AB 2011).
26. Adopt objective design and development standards (ODDS) to expedite project approvals for all “by right” multifamily housing projects.
27. Expand resources and reduce barriers for the construction of ADUs and Junior ADUs (JADUs) in San Rafael neighborhoods.
28. Implement Senate Bill 9 (SB 9) regulations and update the website with information to support property owners pursuing lot splits and duplexes on qualifying single-family lots.
29. Support housing development on institutional and religious properties.
30. Discourage conversion of residential units to non-residential uses, and limit loss of rental housing stock. Encourage conversion from commercial/office space back to residential use.
31. Monitor the status of affordable units created through local inclusionary housing requirements to ensure that they are occupied by qualifying households and rented or sold at affordable rates.
32. implement Age-Friendly San Rafael Strategic Plan recommendations.
33. Create additional housing resources for persons with disabilities, including developmental disabilities.
34. Facilitate the development of large and small residential care facilities in San Rafael.
35. Creative incentives that result in a larger percentage of apartments that are three bedrooms or more in affordable housing developments.
36. Review and update the master fee schedule periodically to reflect the costs of delivering City services and to reduce fee burdens for affordable housing projects, where possible.
37. In response to feedback received during past developer and community forums, provide an update on the changes made to reduce costs, time delays, and other barriers to housing development. Measure the success of these changes.
38. Implement State and local density bonus programs, including allowances for additional height and concessions and waivers to development standards for projects with affordable housing.
39. Establish written procedures so that projects with affordable housing units are granted priority for water and sewer connections in the event of future service limitations.
40. Implement measures to streamline the development approval process and reduce the time required between project proposal and project entitlement.

41. Complete strategic revisions to the San Rafael Zoning Ordinance to better achieve Housing Element objectives.
42. Complete an evaluation of residential off-street parking standards to reduce parking as a housing development expense. This should include the removal of minimum parking standards within one-half mile of SMART stations and high-frequency bus corridors.

Chapter 6 concludes with a summary of quantified objectives for the programs (including objectives for housing production and conservation). It also indicates the extent to which programs address specific AFFH themes identified by HCD, including fair housing outreach and enforcement, housing mobility, new opportunities in high resource areas, place-based strategies for neighborhood improvement, and tenant protection and anti-displacement.

Schedule

The HCD Draft Housing Element was published on November 4, 2022. A 30-day public review period is required by State law and will end on December 5, 2022. Comments received by that date will be considered prior to submitting the Draft to HCD. The City is statutorily required to allow 10 business days after the 30-day period to consider comments and make edits in response. The City Council is scheduled to discuss the Housing Element at its December 5 meeting. Comments from the Council also will be considered during this 10- day period. In addition, the Council will be asked to authorize staff to submit the HCD Draft to the State, inclusive of their comments and any revisions made in response to public comments or Planning Commission comments. This action does not constitute adoption of the Housing Element—it is merely approving its submittal for initial State review. The State has up to 90 days to issue its review letter. Submittal to the State is projected by December 19, 2022.

As noted earlier in this report, the deadline for Housing Element adoption is January 31, 2023. While the City is working to meet this deadline and will submit its Draft to HCD before that date, it is unlikely that HCD comments will be received until after the deadline. Most cities are receiving comment letters at or near the end of the 90-day period, which means the City’s letter would be received in mid-March. At that time, the City will respond to any comments from the State, make necessary edits, and return to the Planning Commission with a resolution recommending City Council adoption of the Element.

Once adopted, the Element will be resubmitted to the State for a compliance determination. The State has designated a 120-day “safe harbor” period following the January 31, 2023 deadline for cities not found in compliance by the January 31 date. This period ends on May 31, 2023. The City is striving to receive a compliance determination prior to that date. The principal consequence of a late compliance determination is that any necessary rezoning identified by the Element must be completed by January 31, 2024. San Rafael’s zoning is largely in place and the City would not be impacted by this requirement. However, it is in the City’s best interest to remain in compliance and adopt the Element as quickly as possible after receiving State comments.

As of November 2, four cities in Marin County have submitted their elements to the State. Seven are still preparing their elements or have just released their initial drafts. Only two jurisdictions in the Bay Area (Alameda and Emeryville) have been found in compliance at this time.

ENVIRONMENTAL REVIEW

As a General Plan amendment, the Housing Element update is subject to the California Environmental Quality Act (CEQA). Because the City does not anticipate major changes to its Land Use Map, the

appropriate form of CEQA review for the Housing Element is an Addendum to the recently certified General Plan EIR. The Addendum will determine if the conclusions reached by the General Plan EIR would be changed by the policies and programs in the new Housing Element. The Addendum will be considered concurrently with the Public Review Draft Housing Element in early 2023.

CORRESPONDENCE

No correspondence has been received on this Staff Report.

ATTACHMENTS

No attachments to this staff report are included. However, Commissioners are strongly encouraged to access the HCD Draft Housing Element on the project website at www.sanrafaelhousing.org. The entire document, including maps and technical appendices, may be accessed at that website.

From: [Jonathan Previtali](#)
To: [Planning Public Comment](#)
Cc: [Leslie Mendez](#)
Subject: Re: Letter to Planning Commission regarding Housing Element
Date: Thursday, November 10, 2022 3:07:49 AM

Please see typo fixed below and use this version instead.

Thanks,
Jon

On Thu, Nov 10, 2022 at 2:51 AM Jonathan Previtali <[REDACTED]> wrote:

Hello Fellow Commissioners,

Please forgive me for not being able to attend the upcoming Planning Commission meeting and instead, please accept this note regarding the Housing Element you will discuss Tuesday. As you may recall, I was the Planning Commission liaison on the Housing Element Working Group.

First off, I want to tell you the Housing Element Working Group effort was very well orchestrated. Barry Miller and Alex Captanian were excellent leaders, we had strong support from a number of other city staff, particularly Community Development Director Ali Giudice, and we had a very engaged citizen group representing a wide range of stakeholders. Thoughtful agendas were set, we had an incredible reading list, experts were brought in and ample space was created to share experiences and ideas. Indeed, people were highly participatory and candid about the many complex and sensitive topics surrounding housing.

Much of my contribution focused on aspects of the Housing Element that could lead to better racial and socioeconomic integration of our single-family home (SFH) neighborhoods. As you probably know, in San Rafael and across the state, the fact that large SFH neighborhoods are missing less expensive multi-unit dwellings like condos and apartments makes it hard for people without high incomes or intergenerational wealth to live in these communities. Instead, many newcomers and people with lower incomes live in areas that were historically designated by city planners for multi-unit dwellings in separate communities like the Canal. This has led to the type of racial and socioeconomic segregation we see in San Rafael. SFH neighborhoods typically have better schools and that is indeed the case here. To me, this seems unfair. Why shouldn't every child in San Rafael have the same access to education, the same chance to achieve? There are many approaches to solving this problem, but within the framework of housing, a proven path is to add more affordable multi-family housing to SFH neighborhoods. This works by increasing the odds of children staying in school, going to college, and effectively breaking the cycle of poverty for themselves, their families, and generations to come. How great is that!

The challenge is that SFH neighborhoods here are already very well built out, the small, multi-family housing developments that might fit here or there aren't profitable to developers and there's concern that new buildings won't fit in. The Housing Element mentions a possible solution I like, and which had traction with a below market rate (BMR) housing developer on the working group. It's called an overlay plan and it's set to be considered by 2024. My understanding of an

overlay plan is that it would provide special incentives for the development of affordable housing in some areas, but it could also include elements akin to a Downtown Precise Plan, but for the neighborhoods. For instance, it could front-load design requirements in collaboration with neighbors to ensure aesthetic consistency and high-quality construction, thus reducing (but not totally eliminating) two major barriers to new affordable housing: community concern and permitting delays.

Another approach to promoting integration I'm sure you'll hear a lot about on Tuesday involves the use of Housing Opportunity Sites. [Here's](#) a link to some great maps produced for the Housing Element. These are locations, most commercial/office, where the city will encourage the addition of multi-unit housing. While the built-out nature of the SFH neighborhoods made it hard to include a lot of Housing Opportunity Sites in the neighborhoods, the list has a good number in my neighborhood of Terra Linda. This is partly due to projects already underway like Northgate Walk and the Northgate Town Square, but also by proposing condos to be added to places like the Terra Linda shopping center where our cherished Scotty's Market is located. In speaking with neighbors, I think it's fair to say Terra Linda is ready to embrace new members of the community. In fact, the formerly named Terra Linda Homeowners Association recently changed its name to the Terra Linda Neighborhood Association to acknowledge the fact we have a vibrant and growing community of people, not just homeowners. I should also mention there was a feeling among the planners and the Working Group that the opportunity to convert single-family homes to multi-unit dwellings per SB 9 and the City's allowance of ADU's will also lead to more affordable housing in the SFH neighborhoods.

A newer and expanding threat to housing is the rising cost of housing and gentrification, and this was a major focus of the Working Group. Many studies have shown that rising housing values lead to higher rents, evictions of lower income people, crowding and homelessness. There's a direct correlation. Needless to say, this is a very serious problem that affects the most susceptible people in our city. We all saw the homeless area under the freeway, but I also now notice seniors living in their cars when I go to Whole Foods. As you can see from [this article in the Marin IJ](#), displacement is starting to happen in the Canal District now. AB-1482 that caps rent increases to 5% per year will help, but I feel if we don't act swiftly and strongly, we're going to see gentrification lead to many more evictions and homelessness. The City already does a lot to ensure evictions are just cause, but I think paying tenants to leave like we're seeing in the Canal and uneven legal representation between landlords and tenants, e.g., during mediation, will act to dampen those efforts.

This is a complex problem with so many variables, there's no way I could begin to address it adequately here. I encourage you to focus on sections 6.4.1 Programs to End and Prevent Homelessness in San Rafael and 6.4.2 Programs to Combat Housing Discrimination, Eliminate Racial Bias, Undo Historic Patterns of Segregation in the [Housing Action Plan](#) chapter of the Draft Housing Element. Please pay special attention to Program 2: Relocation Assistance and Program 12: Tenant Protection Measures that I feel lay the foundation for possible solutions.

Finally, I'll close by mentioning that the idea of adding housing to light-industrial areas like around Anderson in the south and Paul in the north was debated several times during the Working Group

sessions. The city allows housing in commercial/office zones, but not light-industrial. The Chamber of Commerce is justifiably concerned that adding residents to light-industrial zones would cause business to be edged out through complaints of noise, industrial fumes, and simply the profitability of housing conversions. Several of us thought otherwise and suggested measures could be taken to prevent those conflicts and protect businesses. I lived in a light-industrial area in San Francisco for about 10 years next to an auto shop and never had an issue. In fact, having a small group of friendly Asian mechanics as neighbors was super fun, helped create a bridge over a cultural divide I probably would not have otherwise experienced, and of course was tremendously helpful when I needed a repair. My roommates and I were friends with those guys and the shop is still there going on 20 years later. I feel that adding housing to our light-industrial areas in a smart way would be great for everyone, particularly with the addition of a couple new parks. There's a lot of room for new housing in those areas and great precedent in other cities.

All the best,
Jon Previtali
San Rafael Planning Commission