



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: COMMUNITY DEVELOPMENT

Prepared by: Alicia Giudice
Community Development Director

City Manager Approval: _____

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TOPIC: ALDERSLY RETIREMENT COMMUNITY PROJECT

SUBJECT: APPROVAL OF ACTIONS AS RECOMMENDED BY THE PLANNING COMMISSION FOR THE PHASED DEVELOPMENT OF NEW BUILDINGS AND OTHER IMPROVEMENTS, AND DEMOLITION OF EXISTING BUILDINGS ON THE ALDERSLY RETIREMENT COMMUNITY PROPERTY, INCLUDING 14 ADDITIONAL INDEPENDENT LIVING UNITS ON A 2.9 ACRE SITE LOCATED AT 326 AND 308 MISSION AVENUE:

- i. RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE ALDERSLY PLANNED DEVELOPMENT AMENDMENT PROJECT
- ii. INTRODUCTION OF 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) 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
- iii. RESOLUTION APPROVING THE 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)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

1. Resolution Certifying the Final Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Aldersly Planned Development Amendment Project

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

2. Waive further reading of the ordinance and refer to it by title only, and introduce 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) 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
3. Resolution Approving the 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)

EXECUTIVE SUMMARY:

The Aldersly Retirement Community occupies 2.9 acres on the north side of Mission Avenue and extending to Belle Avenue to the north. The project proposes improvements in three phases that include demolition and renovation of existing buildings, and construction of new buildings on the Aldersly campus, including the addition of 14 net new independent living units.

The project proposes a rezoning of the property from Planned Development District (PD1775) approved in 2002 to a new Planned Development District (PD) with new (revised) PD Development Regulations to accommodate the proposed Development Plan that provides the flexibility to meet future needs of its residents with updated, state of the art facilities. The project is also subject to a Master Use Permit as required by San Rafael Municipal Code (SRMC) §14.07.020.B because it proposes a phased development in a Planned Development District; and an Environmental and Design Review Permit because modifications to existing structures and major physical improvements are proposed. With the approval of revised Planned Development (PD) District Regulations, the project is consistent with the Zoning Ordinance and General Plan.

The project has been reviewed and recommended for approval by the Design Review Board and Planning Commission. Staff believes the findings required to approve the project, including findings required by the California Environmental Quality Act (CEQA), can be made.

BACKGROUND:

Starting in 2017, the applicant initiated their engagement with the surrounding community and in July 2019, a two-day design charrette was held with Aldersly residents, staff and neighbors in attendance.

In October 2019, the applicant submitted a Pre-Application and in June 2020 a Conceptual Design Review application was submitted. On August 5, 2020, the Design Review Board sub-committee offered comments regarding:

- Parking is a concern given the addition of 14 new units. Buildout should include additional on-site parking. A parking study should be undertaken if not required.
- Landscaping will be important, particularly along the Mission Avenue frontage.
- Stormwater drainage requirement, including bioretention planters and permeable pavers, shall be evaluated and included in the plans;
- Massing will be important, particularly along the Mission Avenue frontage. Consider mass-reducing techniques such as upper-story stepbacks and material and color choices.

On November 2020 the applicant filed formal applications with the City. The project applications were deemed complete in March 2021.

In May 2021 the project was presented to the Montecito Area Residents Association (MARA) and the applicant conducted a virtual neighborhood meeting on June 9, 2021, via Zoom. Subsequent meetings with MARA were held during the project review process.

At the [October 5, 2021 Design Review Board meeting](#), the Board reviewed the project and following discussion, the Board voted to continue the item to allow the applicant time to respond to address the following:

- Find ways to reduce imposing façade of building along Mission Avenue through architectural stepbacks, 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 presented the following revisions at the [December 7, 2021 Design Review Board meeting](#):

- 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;
- Changing the colors and materials of the center portion of the building in order to break up the mass.
- 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 Independent Living building and Mission Avenue Right of way (ROW).

Following discussion, the Board recommended approval of the project with the above revisions, all of which are reflected in the project plans and addressed in the proposed conditions of approval as appropriate.

At the public hearing held on [November 15, 2022](#), the Planning Commission recommended approval of the project, with comments about the project's conformance with general plan policies related to historic resources.

PROJECT DESCRIPTION:

The Aldersly Retirement Community occupies 2.9 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. The campus is fully developed with residential, administrative, and healthcare buildings connected by an extensive network of landscaped pedestrian paths and gardens. The area surrounding the Aldersly campus contains a mix of residential, retail, and community services.

The project proposes a rezoning of the property from Planned Development District (PD1775) approved in 2002 to a new Planned Development District (PD) with new (revised) PD Development Regulations to accommodate the proposed Development Plan that provides the flexibility to meet future needs of its residents with facilities. The proposed project includes improvements to campus connectivity, renovations to current facilities, expansion of some buildings, and new construction. The overall goal of the project 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.

In addition, the project is subject to a Master Use Permit as required by San Rafael Municipal Code (SRMC) §14.07.020.B because it proposes a phased development in a Planned Development District. The Master Use Permit, if approved, would supersede the Master Use Permit approved in 2002. An

Environmental and Design Review Permit is also required by SRMC §14.25.040.A.2 and A.3 because modifications to existing structures and major physical improvements are proposed.

A more complete project description can be viewed in the [November 15, 2022 Staff Report](#) to the Planning Commission. The complete plan set can be found on the project website: [Part 1](#), [Part 2](#), and [Part 3](#). Below is a summary of the key elements of the project:

Use: The existing use of the property is a retirement community consistent with the approved PD1775, and would remain the same under the proposed new Planned Development District. 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). The permitted use is specified in the proposed Planned Development regulations (Exhibit B to Attachment 2).

Housing Units and Affordability: The project would contribute toward meeting the goal of producing more housing by adding 14 senior housing units to the City's housing inventory and would help meet the City's regional housing needs allocation (RHNA). 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. As conditioned, the project would comply with the City's affordable housing requirement by paying an in-lieu Affordable Housing Fee in accordance with SRMC Section 14.16.030.

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 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.

Access: Vehicle access to the site would remain substantially the same as existing, except that the existing driveway to Rosenborg parking garage (east driveway) would shift approximately 30 feet to the east toward Union Street, and new parking spaces, landscaping and solid fencing would be created along the east property line. The project also includes a new fully accessible entrance to the campus as part of the new Independent Living building on Mission Avenue.

Delivery and Loading Areas: Truck Delivery access would continue to be provided on Belle Avenue. 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. The number and type of trucks used for deliveries to the Aldersly campus are not expected to change.

Architecture: The proposed 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. Consistent with the recommendation of the Design Review Board, vertical elements are used to break up the south façade of the Mission Avenue Independent Living building and changes in materials and building form are used to break up the building mass.

Building elevations are provided on Sheets A5.1-R, A5.1A-R and A5.2 of the [project plan set](#). Perspective drawings of the proposed project are shown on Sheets A5.4-R, A5.5-R, and A5.6 of the [project plan set](#).

Landscaping: Aldersly has extensive landscaping and a lush garden setting that contributes significantly to the aesthetics of the property and the neighborhood. The project would require the removal of mature trees and other landscaping to make way for new buildings. An inventory of existing trees on the property identifies trees proposed to be removed at each phase of site development. A total of 77 trees are proposed to be removed; most of them non-native, ornamental species (Japanese maple, juniper, Crape myrtle, flowering plum, fruiting and fruitless mulberry), and one large palm tree along Mission Avenue is proposed to be relocated. Tree removal would occur gradually over many years as required to make way for the phased development, and many existing trees would remain. A tree protection plan is included as part of the master landscape plan, which includes a variety of trees, shrubs and groundcover as shown on the master landscape plan (Sheets L1.2 - L6.1-R of the [project plan set](#)). Special attention was given to the streetscape along the proposed Mission Avenue Independent Living building. The proposed landscape plan is consistent with the historic emphasis on Aldersly's indoor-outdoor experience.

Grading/Drainage/Water Quality: Currently, runoff from the Project site is conveyed to the existing storm drain system in Mission Avenue. The County of Marin and the City of San Rafael require any increased runoff from be discharged and filtered onsite. To reduce the impact of storm runoff, the project proposes to convey roof gutter drainage to infiltration planters for onsite treatment before being directed and discharged into the City's storm drainage system at street curbs. Conditions of project approval recommended by the Department of Public Works require the submittal of documents including a hydrology study, Stormwater Control Plan to demonstrate conformance with Bay Area Stormwater Management Agencies Association (BASMAA) and Marin County Stormwater Pollution Prevention Program (MCSTOPPP) requirements.

ANALYSIS:

A complete analysis of the project's consistency with the applicable plans, regulations and policies can be found in Exhibit 5 of the [November 15, 2022 Staff Report](#) to the Planning Commission.

General Plan 2040 Consistency:

The project has been reviewed for consistency with the San Rafael General Plan 2040. 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. As noted above, the project also furthers the goal of providing additional housing. There are numerous general plan policies and programs that are pertinent to the site and the project. The General Plan contains many competing policies that need to be weighed and considered. Consistency with a General Plan is determined by reviewing and weighing the goals and polices of all elements of the San Rafael General Plan 2040. Staff has evaluated the project and found it to be consistent, or consistent with conditions, for the applicable San Rafael General Plan 2040 Policies and Programs, including the following Elements: Land Use, Housing, Community Design and Preservation, Conservation and Climate Change, Noise, Mobility, Community Services and Infrastructure, and Equity Diversity and Inclusion. On balance, the proposed project would be consistent with the pertinent policies and programs of the General Plan 2040.

Zoning Ordinance Consistency:

The proposed land use is consistent with the proposed Planned Development (PD) zoning. As noted in the [November 15, 2022 Staff Report](#) to the Planning Commission, the proposed (amended) PD Regulations are essentially the same as those approved with PD1775 (same setbacks, building height limit, lot coverage, etc.) but with changes to reflect the proposed Development Plan.

California Environmental Quality Act:

The project is subject to 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's responses to those comments; and (4) revisions to the Draft EIR to clarify or correct information. 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 the proposed Resolution for certification of the Final EIR (Attachment 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.

COMMUNITY OUTREACH:

As noted above, the applicant initiated their engagement with the surrounding community in 2017 and 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 their plans. Since project applications were filed with the City, the following neighborhood outreach has occurred:

- 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

Notice of all public hearings on the project, for the Design Review Board and Planning Commission (15-day notice), the Draft EIR (CEQA) public comment period (45-day review) and the City Council hearing (15-day notice) were conducted in accordance with public review period and noticing requirements contained in the Zoning Ordinance. All notices of public meeting or hearing were mailed to all property owners and occupants within a 300-foot radius of the subject site, the Dominican/Black Canyon Neighborhood Association, the Federation of San Rafael Neighborhoods, the Montecito Area Residents Association, and all other interested parties, at least 15 days prior to each meeting or hearing. In addition, notice of each meeting/hearing was posted on the subject site at least 15 days prior to the date of each meeting or hearing.

CHANGES SINCE PLANNING COMMISSION REVIEW:

As discussed during the Planning Commission hearing on November 15, 2022, the applicant has been working with the property owner of 304 Mission Avenue (corner of Mission Avenue and Union Street)

regarding the continued use of a portion of property owned by Aldersly. During the applicant's presentation to the Planning Commission, it was noted that an agreement has been reached with the property owner of 304 Mission Avenue, which would allow for the property to continue to be used as part of the outdoor space of 304 Mission Avenue. The applicant has submitted a schematic drawing that shows the area and the changes to the site plan. It is staff's opinion that this change would be beneficial to the adjacent neighbors east of the Aldersly campus and it would have minimal effect on the overall project site plan. However, this change would result in two fewer on-site parking spaces being added. Instead of eight (8) spaces being added as part of the project, an additional six (6) parking spaces would be added, for a total of 54 parking spaces rather than 56 on-site spaces. The six additional on-site parking spaces would be sufficient to meet the additional parking demand associated with the proposed project (14 additional Independent Living units and 2.4 FTE). In addition, it is noted that 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 six (6) additional on-site parking spaces over what exists today. In addition, Condition 8 of the Master Use Permit (Attachment 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. Based on the above, staff recommends approval of this revision to the proposed Development Plan.

FISCAL IMPACT:

The costs associated with processing the planning applications for this project are borne by the applicant and are subject to 100% cost recovery of staff time, and therefore would have no direct fiscal impact on the City budget.

In addition, the project would generate one (1) net new AM trip and two (2) net new PM trips for a total of 3 peak-hour trips that would be subject to the payment of a Traffic Mitigation Fee of \$12,738 (3 trips x \$4,246/new peak hour traffic trip) to assist in funding off-site transportation improvements. All utility connections (sewer, water, gas/electric) will be constructed at the cost of the property owner. Further, all public improvements along the site frontages will be constructed at the cost of the property owner.

OPTIONS:

The City Council has the following options:

1. Approve the applications as presented, with recommended conditions (*staff recommendation*);
2. Approve the applications with certain modifications, changes or additional conditions of approval;
3. Continue the hearing to allow the applicant to address any of the Council's comments or concerns; or
4. Deny the project and direct staff to return with revised Resolutions.

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Resolution Certifying the Final Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Aldersly Planned Development Amendment Project
2. Waive further reading of the ordinance and refer to it by title only, and introduce 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) 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

3. Resolution Approving the 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)

ATTACHMENTS:

1. Resolution Certifying Final EIR and Adopting MMRP
2. Ordinance Adopting a Planned Development (PD) Rezoning
3. Resolution Conditionally Approving the Master Use Permit and Environmental and Design Review Permit
4. Public comments
5. Public Hearing Notice

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING 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 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 City Council 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 City Council 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 City Council 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 City Council of the City of San Rafael certifies the Final Project EIR, and 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 adopts 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 six 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 Frensborg (-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 54 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.

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 their 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 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.

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 sustainable 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 Rosenberg 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. Rosenberg, 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 City Council adopts 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.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of December 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

Exhibit A – Mitigation Monitoring and Reporting Program (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM
ALDERSLY PLANNED DEVELOPMENT
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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>	

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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>	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>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>	Require as a condition of approval	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate	Deny issuance of grading/demolition/building permit	

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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	<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 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	<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	

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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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 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>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>					

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) 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 X; 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 standards for the property are presented in Exhibit B, and 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 4-0-3-0 and adopted Planning Commission Resolutions 22-16, 22-17 and 22-18 recommending that the City Council 1) Certify the Final EIR and adopt a Mitigation Monitoring and Reporting Program for the project; 2) adopt an Ordinance approving a zoning amendment from Planned Development District (PD1775) to a revised Planned Development District (PD) 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 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 as Exhibit 5 of the November 15, 2022 Planning Commission staff report.
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 was first read and introduced at a regular meeting of the San Rafael City Council on the 5th day of December 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 19th day of December 2022 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

- Exhibit A: Zone Change Map
- Exhibit B: Planned Development District Standards
- Exhibit C: Legal Property Description

EXHIBIT B

PD Zoning and Master Plan and Development Standards for Aldersly

The Planned Development (PD) zoning and Master Plan for the Aldersly campus will allow the Aldersly Retirement Community to evolve to meet the needs of current and future residents for the next 20 years.

Site Description & Setting

The Aldersly is a lifespan residential community, providing independent and assistive live, and rehabilitative care and skilled nursing. The campus occupies 2.9 acres on the north side of Mission Avenue and extending to Belle Avenue to the north. The property slopes uphill from Mission Avenue frontage (13-16 ft. elevation) to Belle Avenue (40-60 ft. elevation). The campus is developed with residential, administrative, and healthcare buildings connected by an extensive network of landscaped pedestrian paths and gardens. The campus is located within the Montecito/ Happy Valley Neighborhood, one of San Rafael's oldest neighborhoods, close to Downtown San Rafael. The area surrounding the Aldersly campus contains a mix of residential, retail, and community services. The site has a General Plan Land Use designation as High Density Residential and is zoned PD - Planned Development. The PD zoning prior to this Master Plan was Ordinance No. 1775.

The PD provides the Aldersly Board a plan with the flexibility to meet future needs of its residents with facilities providing best design and practices in services and environments. This plan includes a combination of improvements to campus connectivity, renovations to current facilities, expansion of some buildings, and new construction. The overall goal of the Master Plan is 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 this end, the PD proposes the following standards to enable sustainability of the residential community and improvements to the unique design of Aldersly.

A. Land Uses

Consistent with the High Density Residential land use district, the following use are allowed in the Aldersly Planned District (similar to the high density zoning categories):

- Independent living units for older adults (60 and older)
- Assisted living units for older adults (housing for people needed assistance with activities of daily living)
- Memory care units for older adults with dementia
- Skilled nursing facility with clinic and rehabilitative services
- Ancillary support to serve residents' needs (e.g., laundry, beauty, dining, retail, recreation facility, community meeting rooms, food service, healthcare, hospice, storage buildings)
- Administrative services (offices, maintenance, landscaping)
- Any substantive change in use of existing buildings on the site shall require an amendment to the Master Use Permit.

B. Minimum Lot Area

The minimum lot area is 6,000 square feet (same as the HR1.8 zoning district).

C. Minimum Lot Area per Dwelling Unit

The Aldersly campus is approved to include:

- 69 independent living units for older adults
- 35 assisted living/memory care units for older adults
- 20 skilled nursing beds

D. Minimum Lot Width

Because of the existing configuration of campus and its compact, high-density character, no minimum lot width is established.

E. Setbacks/Minimum Yards

- Maintain a fifteen-foot (15') front yard building setback along Mission Avenue, (same as the HR1.8 zoning district).
- Maintain a five-foot (5') side yard building setback.
- Maintain a five-foot (5') rear yard building setback along Belle Avenue, (same as the HR1.8 zoning district).
- Existing Conditions. Buildings existing at the time this Master Plan is adopted and not meeting the setback standards established above shall be considered conforming buildings.

F. Distance Between Residential Structures

Provide and maintain building separations that conform to codes governing the Aldersly campus at the time of construction permitting.

G. Maximum Height of Structures

The maximum height of structures is 36 feet (36') except where allowed per the City Zoning definitions, exceptions, or height bonus regulations.

Existing Conditions: Buildings existing at the time this plan is adopted and not meeting the height standards established above shall be considered conforming buildings.

H. Maximum Lot Coverage

Total building footprints on the campus shall not exceed 60% of the campus land area (same as the HR1.8 zoning district).

I. Minimum Usable Outdoor Area per Dwelling Unit

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.

J. Landscaping/Yard Areas

- i. Landscaping and yard areas requirements are not established due to the single ownership of the campus, the communal nature of exterior areas, and the desire to maintain planning flexibility.
- ii. Open Space: The campus pattern of tightly landscaped pathways, terraces, open courtyards and decks, and garden areas will be replicated to the extent feasible as approved through design review.

K. Parking

Aldersly was built before the prevalence of automobiles, and the campus' topography severely limits parking opportunities on campus. The Master Plan reflects the goals of the campus design to maximize landscaping onsite. For these reasons, the PD standards provide substantial flexibility.

i. Parking Capacity.

Parking will be provided consistent with the Parking Study and recommendations. There are currently 48 spaces on site. Up to eight (8) additional spaces will be provided. At buildout, there will be a maximum of 56 on-site parking spaces.

Additional parking, such as a valet parking program for special events, will be implemented as needed, consistent with the Use Permit.

ii. Parking Space Dimensions

Parking space dimensions shall comply with City standards.

iii. Allowable Compact Spaces

The allowable percentage of compact spaces shall comply with City standards.

L. Parking Lot Screening

i. Parking Visible from Public Right of Way

Parking visible from a public right of way shall be screened in accordance with the requirements contained in San Rafael's Zoning Ordinance.

ii. Parking Adjacent to Neighboring Lots

Maintain a three-foot (3') side yard setback of landscaped buffer between parking and circulation areas and adjacent lots. To maximize parking and accessibility and where a 3' setback is not practical, a 0' setback applies and a minimum five foot (5') solid barrier shall be provided for screening along the lot line.

iii. Canopy Trees at Parking

One tree for every four spaces will be provided within parking areas or at an alternate location as close to the parking area as feasible. Flexibility in the location of the trees is required in order to maximize the parking available. Innovative strategies for locating trees within parking areas without diminishing parking capacity will be implemented.

iv. Planting Areas between Spaces

No planting areas will be provided between parking spaces due to the need to maximize on-site parking. Alternate strategies for landscaping the parking areas will be implemented as feasible.

M. Off-Street Loading and Unloading

A new off-street truck loading and unloading area will be provided for the campus along Belle Avenue, as shown on sheet A3.5 in the approved plans.

N. Phasing Plan

There are three phases to the Master Plan to implement Aldersly's vision:

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

Phase 1A Add new independent living building.

1. Remove independent 12-studio units in three small buildings (Liselund, Marselisborg and Graasten)
2. Construct new independent living 35-unit building. Includes the relocation of Aldersly's main entrance and administrative offices to street level on Mission Avenue 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.)
3. Provide nine parking spaces in the new building, five guest parking spaces at the new main entrance, and up to eight (8) surface parking spaces along the driveway to Rosenborg. Implement a parking management program (i.e., shared car services, event valet parking and stacked parking).
4. Expand community space with a café, rooftop lounge, arts & crafts/activity room, and a conference room/pre-function room.

Phase 1B: New entry courtyard and outdoor amenity.

1. Improve central courtyard. Improve outdoor spaces with new gathering spaces and landscaping, including historic elements.

PHASE 2 Add new service connector/facility.

Phase 2: Construct new service building.

1. Remove 8-unit independent living Minor Building.
2. Construct a new service building, with service elevator connections to Rosenborg and Kronborg to improve service access for delivery, refuse and maintenance back-of-house spaces for increased efficiency.
3. Provide new trash room within service building with access to Belle Avenue.
4. Expand Memory Care garden on Minor building site.

PHASE 3 West Campus Independent Living

Phase 3A: Add new independent living buildings.

1. Remove 14 units independent living units in two buildings (Amalienborg and Sorgenfri).
2. Construct 15 independent living units in new building.

Phase 3B: Renovate 4 independent living units (Frederiksborg). Remove and replace four other independent living units (Frederickborg). Add four new parking parking spaces.

Design review will be conducted as Phases 2 and 3 are implemented. The level of design review shall be consistent with zoning requirements.

The 2022 PD District is intended to continue Aldersly's role as a community asset by renovating the campus to be a valued residential community for older adults who want to live in central San Rafael close to shops and other amenities, downtown activities and transit. The Master Plan reflects the need of Aldersly to remain relevant to baby boomer older adults who are looking for a senior residential community as they age into their 80s and older. In addition to the phases above, Aldersly will make interior renovations as needed to Fredensborg (dining and resident amenities), Kronborg (skilled nursing facility), Rosenborg (Assisted Living and Memory Care), and Christriansborg (independent living) to maintain a high level of service. Appropriate building permits will be secured at the time of interior improvements.

Aldersly Property (326 and 308 Mission Ave.)

The land referred to is situated in the County of Marin, City of San Rafael, State of California, and is described as follows:

PARCEL ONE:

BEGINNING at a point on the Northerly line of Mission Street, distant thereon 362.5 feet Easterly from the Easterly line of Grand Avenue as said Street and Avenue are shown on the Map of "Coleman's Addition to San Rafael," filed December 24, 1888 in Book 1 of Maps at Page 39, Marin County Records; said point also being the Southwest corner of that certain parcel of land described in the Deed from Henry Schlosser, et ux, to J. D. Spreckles, Jr., recorded September 5, 1907 in Book 110 of Deeds at Page 348, Marin County Records; thence leaving said line of Mission Avenue and running along the Westerly line of said Deed to Spreckles, North 25° 15' East 125.5 feet and North 30° 30' East 210.7 feet to the Southerly line of Belle Avenue; running thence Southeasterly and Easterly, along said Southerly line of Belle Avenue, to the Westerly corner of the Lot conveyed to Carlo Pedroli by deed recorded January 22, 1934 in Book 226 of Official Records at Page 146, Marin County Records; thence leaving said line of Belle Avenue and running South 64° 13' East 53.95 feet to the Northwest corner of the Lot conveyed to John M. Lucas and Murial C. Lucas, his wife by Deed recorded May 12, 1943 in Book 443 of Official Records at Page 458, Marin County Records; thence along the Westerly line of said Lot 50 conveyed to Lucas and along the Westerly line of the Lots conveyed to Ruth M. Valiquette by Deed recorded June 14, 1943 in Book 449 of Official Records at Page 4, Marin County Records; to Jennie Eggan and Karl Eggan, her husband, by Deed recorded January 24, 1945 in Book 481 of Official Records at Page 51, Marin County Records, to Evelyn Loper by Deed recorded April 29, 1943 in Book 443 of Official Records at Page 373, Marin County Records, South 24° 17' West 200 feet to the Northerly line of the Lot conveyed to Walter M. Magraw and Lorraine S. Magraw, his wife, by Deed recorded August 4, 1943 in Book 449 of Official Records at Page 155, Marin County Records; thence Westerly along said Northerly line 10 feet, more or less, to the Northwest corner of the lot so conveyed to Magraw; thence Southerly along the Westerly line of said Lot, 84 feet, more or less, to the Northerly line of Mission Street; thence Westerly along said Northerly line, 430.25 feet, more or less, to the point of beginning.

PARCEL TWO:

THOSE CERTAIN EASEMENTS, 2 feet in width for utility purposes, as reserved in the following Deeds from Frank Healion and Catherine Healion, his wife (A) To John M. Lucas recorded May 12, 1943 in Book 443 of Official Records at Page 458, Marin County Records. (B) To Jennie Eggan, et con, recorded January 24, 1945 in Book 481 Official Records at Page 51, Marin County Records. (C) To Ruth M. Valiquette, recorded June 24, 1943 in Book 449 of Official Records at Page 4, Marin County Records. (D) To Evelyn Loper, recorded April 29, 1943 in Book 443 of Official Records at Page 373, Marin County Records.

ATTACHMENT 2
EXHIBIT C

PARCEL THREE:

COMMENCING at a point on the Northerly line of Mission Street, North $68^{\circ} 05'$ West, 55.0 feet from the point formed by the intersection of the Northerly line of Mission Street with the Westerly line of Union Street, as the same is shown on the Map of Coleman's Addition to San Rafael, filed in the Office of the County Recorder in Book One of Maps on Page 39, Marin County Records; thence leaving Mission Street and running Northerly parallel to the Westerly line of Union Street, a distance of 84.0 feet, more or less, to the Southwesterly line of the property described in Deed of Trust from Frank Healion and Catherine Healion, his wife, to Bank of San Rafael, a corporation, recorded December 9th, 1942 in Liber 440 of Official Records at Page 115; thence along said line and its continuation North $64^{\circ} 13'$ West 55 feet; thence Southwesterly in a direct line to a point in the Northerly line of Mission Street, distant thereon Westerly, 55 feet from the point of beginning; thence Easterly along said Northerly line of Mission Street, 55 feet to the point of beginning. BEING A PORTION of Block 25 of the abovementioned Subdivision.

APN: 014-054-31 and 014-054-32

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING THE 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, on December 7, 2021, the City of San Rafael Design Review Board held a duly-noticed public hearing on the Environmental and Design Review Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff and recommended approval of the Environmental and Design Review Permit; and

WHEREAS, on November 15, 2022, 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 recommended approval of the Master Use Permit and Environmental and Design Review Permit; and

WHEREAS, on December 5, 2022, the City Council of the City of San Rafael 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

WHEREAS, the City Council of the City of San Rafael has certified an Environmental Impact Report (EIR) for the proposed project consistent with the requirements of the California Environmental Quality Act; and

NOW THEREFORE BE IT RESOLVED, the City Council of the City of San Rafael 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 City Council 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 permit up for revocation per SRMC 14.21.150 and as provided in Chapter 14.30 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)**

Police Department

1. 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.
2. The address shall be in a sequence with the numerical order of the rest of the street/building.
3. 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.
4. 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.
5. 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.
6. Metal-framed glass doors shall be set in metal door jambs.
7. 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.
8. 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.
9. 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.
10. 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.
11. Front doors shall have a front door viewer that provides a minimum of 180 degrees peripheral vision.
12. Exterior doors that swing outward shall have non-removal hinge pins.
13. In-swinging exterior doors shall have rabbeted jambs.
14. 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.
15. 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.
16. Any window within 40 inches of an exterior door shall be stationary and non-removable.
17. Landscaping shall not block or obstruct the view of any door, window, or lighting fixture.
18. Any alternate materials or methods of construction shall be reviewed with the Crime Prevention

Officer before installation.

19. The new construction shall be pre-wired for the installation of an intrusion alarm system.

Fire Department

20. Addresses shall be posted conforming to Fire Prevention Standard 205.
21. Based on Uniform Building Code or Fire Code requirements, an automatic fire sprinkler system shall be installed throughout conforming to NFPA Std.13D.
22. 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.
23. Due to the wildland fire interface area, fire retardant roof covering is required with a minimum Class "A" listing.
24. Spark arrestors shall be installed conforming to the UBC.
25. A minimum 30-foot wide break (brush cleaning) shall be maintained around the structure.
26. UL/SFM smoke detectors and openable bedroom windows shall be installed conforming to the Uniform Building Code.
27. 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

28. A level "B" soils report shall be submitted with the application for a building permit.
29. 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.
30. A construction soils certification letter shall be submitted by the project soils engineer prior to approval of the building final inspection
31. 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.
32. Drainage shall not be concentrated and diverted onto adjacent properties. Drainage from developed areas shall be dispersed across the project site.
33. The improvement plans shall show all existing and proposed sanitary sewer facilities.
34. 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.
35. 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.
36. 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.
37. Prior to SRSD plan approval, sewer connection fees shall be imposed for all additional drainage fixtures and living units.
38. An encroachment permit shall be required for any work in the public right-of-way.
39. The improvement plans shall show all existing and proposed utilities.
40. 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.

41. Prior to issuance of a building permit a copy of the access easement across the adjacent property shall be submitted.
42. The existing driveway shall be surfaced with a 2-inch overlay of asphalt concrete throughout the project frontage.

Community Development Department, Planning Division

43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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).
49. 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.
50. 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.
51. 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.

52. 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.
53. 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
54. 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.
55. 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.
56. 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.
57. This Environmental and Design Review Permit shall be subject to the adopted PD zoning regulations (ZC20-001).
58. City review and approval of a Sign Permit shall be required for any new entry signage, consistent with the Sign Ordinance regulations.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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 applicant shall be responsible for complying with the affordable housing requirement which establishes that 10% of the 14 new units shall be available to low income residents or payment of in lieu fee as established by City Council resolution (Resolution 11942 as amended) equal to the number of required low income units (1.4 units) multiplied by the in-lieu fee in effect at the time of building permit issuance.
64. 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.

65. Prior to issuance of a building permit, the final landscaping and irrigation plans shall be submitted to the Planning Division for review and approval.
66. 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.
67. 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.
68. The landscaping plan shall be reviewed and approved by the Marin Municipal Water District prior to issuance of building permits.

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.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 5th day of December 2022 by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:

ABSENT: Councilmembers:

Lindsay Lara, City Clerk

RIPLEY H. HUNTER JR.

[REDACTED]
SAN RAFAEL CA. 94901

11/09/22

RECEIVED
NOV 15 2022

CITY SAN RAFAEL, PLANNING DIVISION CDD
1400 5TH AVE. 3RD FL.
SAN RAFAEL, CA. 94901

REF: FINAL EIR ALDERSLY RET. COM. CAMPUS

SIRS, MADAM:

I WRITE IN FAVOR OF THE BUILDING PLAN FOR ALDERSLY RETIREMENT COMMUNITY. AS A LONG TERM MARIN COUNTY RESIDENT AND VOTER, A FORMER PRACTICING PHYSICIAN SAN RAFAEL, AND CURRENT RESIDENT OF ALDERSLY, I BELIEVE THIS PROJECT/PLAN WILL ENRICH OUR COMMUNITY AND ALLOW ALL GENERATIONS, ALL SMALL FAMILY BUSINESSES AND ALL THE SCHOOLS AND CHURCHES GROW AND LIVE TOGETHER IN HARMONY AND PEACE.

RETIREMENT COMMUNITIES, NON PROFITS, ARE BOTH BUSINESSES, COMMUNITIES, AND COMMUNITY CONTRIBUTORS. ECONOMICALLY THEY MUST GROW IN ORDER TO SURVIVE. OTHERS IN OUR COMMUNITY DO; SO LET IT BE WITH ALDERSLY.

APPROVE THE ALDERSLY BUILDING AND GROWTH PLAN NOW. HELP TO MAKE SAN RAFAEL, MARIN COUNTY, CALIFORNIA THE WONDERFUL COMMUNITY IT HAS BEEN, IS NOW, AND WILL ALWAYS IN THE FUTURE BE.

THANK YOU. RESPECTFULLY SUBMITTED,

RIPLEY H. HUNTER JR.



From: [Steven Stein](#)
To: [Planning Public Comment](#)
Subject: Aldersly project
Date: Tuesday, November 15, 2022 3:57:18 PM

Planning Commission
City of San Rafael
1400 Fifth Ave., Rm 209
San Rafael, CA. 94901

Dear Commissioners:

I urge you to forward the Aldersly project to the City Council with your recommendation that the EIR be certified and that necessary zoning changes and approvals be authorized.


For the past 100 years, Aldersly has been an asset to the county -- and especially to its elder population. Now Aldersly needs to replace some of its older units with housing that is larger and more modern; and it needs a modest expansion. In order to remain viable, Aldersly must provide present and future residents with accommodations that are up-to-date, safe, and comfortable.

Equally, the senior population of San Rafael and Marin County needs communities like Aldersly. While some older people have carefully planned to 'age in place', for others this is not an optimal solution. For that latter group, Aldersly -- along with a very few other facilities in Marin County - can provide an alternative.

Adequate independent group living remains remarkably scarce in this county. The proposed project that's before you tonight will fill at least some of the gap between what exists and what's needed.

Sincerely,

Steve Stein



CITY OF SAN RAFAEL

NOTICE OF PUBLIC HEARING BEFORE THE SAN RAFAEL CITY COUNCIL

You are invited to attend the City Council hearing on the following project:

DATE/TIME: Monday, December 5, 2022 at 7:00 P.M.

LOCATION: City Council Chambers, City Hall, 1400 Fifth Avenue, San Rafael, CA 94901

VIRTUAL PARTICIPATION

COVID-19 ADVISORY NOTICE: Consistent with State of California and County of Marin health orders, the San Rafael City Council has determined that the following hearing will be physically open to the public, but that the public may participate either by attending the meeting in person or by teleconference by visiting <https://www.cityofsanrafael.org/departments/public-meetings/> for the call-in phone number and meeting ID listed on the agenda, or using Zoom app to connect to this meeting ID.

PROJECT:

326 and 308 Mission Avenue (Aldersly Retirement Community) – Consideration of an ordinance approving a zoning amendment from Planned Development District (PD1775) to a revised Planned Development District (PD), and approval of a Master Use Permit, and an Environmental and Design Review Permit, as recommended by the Planning Commission for the phased development of new buildings and other improvements, and demolition of existing buildings on the Aldersly Retirement Community property, including 14 net new Independent Living units. APN: 014-054-31 and -32; Peter Schakow, Owner; Applicant: Peter Lin, Greenbrier Development; File No(s): ZC20-001, UP20-022, ED 20-051 & IS20-003.

ENVIRONMENTAL REVIEW:

State law (California Environmental Quality Act or CEQA) requires that this project be reviewed to determine if a study of potential environmental effects is required. An Environmental Impact Report (EIR) has been prepared pursuant to the requirements of CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§15000 to 15387). The City Council will consider certification of the Final EIR prepared for the project at this meeting.

WHAT WILL HAPPEN:

Staff will provide a presentation, members of the public can provide comments/questions, and the City Council will consider all public testimony, deliberate, and determine how to proceed with the recommendation provided by staff and the Planning Commission on the project applications.

IF YOU CANNOT ATTEND:

You may submit comments regarding the proposed item by 4:00 p.m. the day of the hearing to Lindsay Lara, City Clerk, City of San Rafael, 1400 Fifth Avenue, San Rafael, CA 94901, or by email to city.clerk@cityofsanrafael.org. You can also hand deliver a letter prior to the public hearing. The City Clerk's office will forward your comments to the City Council and publish correspondence received to the agenda online. Comments received after 4:00 p.m. will be forwarded to the City Council and posted online the following day.

FOR MORE INFORMATION:

Visit the project webpage: <https://www.cityofsanrafael.org/aldersly/> or contact **Jayni Allsep**, Project Planner at **(415) 706-0443** or jayni.allsep@cityofsanrafael.org. You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, to look at the electronic file for the proposed project. The office is open from 8:30 a.m. to 4:00 p.m. Monday through Thursday and 8:30 a.m. to 12:30 p.m. on Friday. You can also view the staff report after 4:00 p.m. on the Friday before the meeting at <https://www.cityofsanrafael.org/city-council-meetings/>.

/s/ Lindsay Lara
Lindsay Lara
City Clerk
City of San Rafael

To be published in the Marin IJ on: [Saturday, November 19, 2022]