



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department –  
Planning Division

**Meeting Date:** March 7, 2023

**Case Numbers:** ED22-016 (PLAN22-039)

**Project Planner:** Jeff Ballantine, Senior Planner,  
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**Agenda Item:** 3

## REPORT TO DESIGN REVIEW BOARD

**SUBJECT:** **1515 4<sup>th</sup> Street – New Mixed-Use Building.** Request for Planning Commission recommendation for an Environmental and Design Review Permit for a proposed new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space; APN: 011-245-41; T4MS 50/70 and T4N 40/50 Zoning District; 1515 Fourth Street Associates LLC, owner; Collin Monahan, applicant; PLAN22-039, ED22-016.

### EXECUTIVE SUMMARY

The proposed project includes a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space. The northern face of the proposed building that faces 4<sup>th</sup> Street is seven stories and the southwestern corner of the building is 9 stories. The proposal includes demolishing the existing vacant bank building on the site and providing landscaping and other site improvements.

The project complies with all development standards through the State Density Bonus Law process. Staff seeks confirmation from the Design Review Board that the project complies with applicable objective development standards and specifically building massing and façade articulation standards in the Downtown Precise Plan as described in Table 4 below in this staff report.

### REQUESTED ENTITLEMENTS

The project requires a Major Environmental and Design Review Permit pursuant to Downtown Precise Plan Chapter 9 (herein referred to as “DPP”) Section 1.1.060 and San Rafael Municipal Code (SRMC) Section 14.25.040, which requires approval by the Planning Commission with a recommendation from the Design Review Board (DRB). City Staff requests the DRB to provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on design standards adopted by the City Council (SRMC Section 14.25.070). The relevant design standards for sites located within the DPP are the massing and façade articulation standards included in Division 3.2 (starting on page 298) of the DPP.

### PROPERTY FACTS

The following table provides an overview of General Plan and Zoning designations for the project site and immediately surrounding area as well as existing developed land uses.

**Table 1: Designations and Existing Uses**

Location	General Plan	Zoning	Existing Land-Use
<b>Project Site:</b>	<b>DMU</b>	<b>T4MS 50/70, T4N 40/50</b>	<b>Vacant Bank Building</b>
North:	DMU	T4MS 50/70	Retail Businesses
South:	DMU	T4N 40/50, T5N 40/60	Medical/Professional Offices, AT&T Building
East:	DMU	T4MS 50/70	Dentist Office
West:	DMU, MDR	T4MS 40/50, MR 2.5	Tire Shop, Single Family Residence

DMU = Downtown Mixed Use; MDR = Medium Density Residential; T4MS = Transect 4 Main Street; T4N = Transect 4 Neighborhood; T5N = Transect 5 Neighborhood; MR = Medium Density Residential

**Site Description & Setting**

The project site is surrounded by Shaver Street, 4<sup>th</sup> Street, and East Street to the west, north, and east, respectively, as well as two commercial buildings to the south. The site currently has driveways onto both 4<sup>th</sup> Street and East Street. The site is relatively flat with a gentle downslope towards the southwest corner of the site. However, retaining walls along the southern and southwestern sides of the property cause the site to be taller and flatter than the surrounding topography. A vacant bank building is located on the project site.



Figure 1. Site Location



## PROJECT DESCRIPTION

### Project Summary

The proposed project includes a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space. The northern face of the proposed building that faces 4<sup>th</sup> Street is seven stories and the southwestern corner of the building is 9 stories. The lower two floors (Level P2 and Level P1, shown on Sheets A2.0A and A2.0B of the project plans) consist of 179 vehicle parking spaces, a bicycle storage room for 116 bicycle parking spaces, and a trash room. The ground level includes 8,900 square feet of retail space; a gallery space; reception area; club rooms; nine residential units; and an outdoor swimming pool and courtyard area. Levels 2 through 7 include the remaining 153 residential units. A lounge room and two roof decks are also included on Level 7. 119 of the residential units would have one bedroom and 43 of the units would have two bedrooms. The project would include 13 residential units that are designated as Below Market Rate (BMR) units that are for Very Low-Income families.

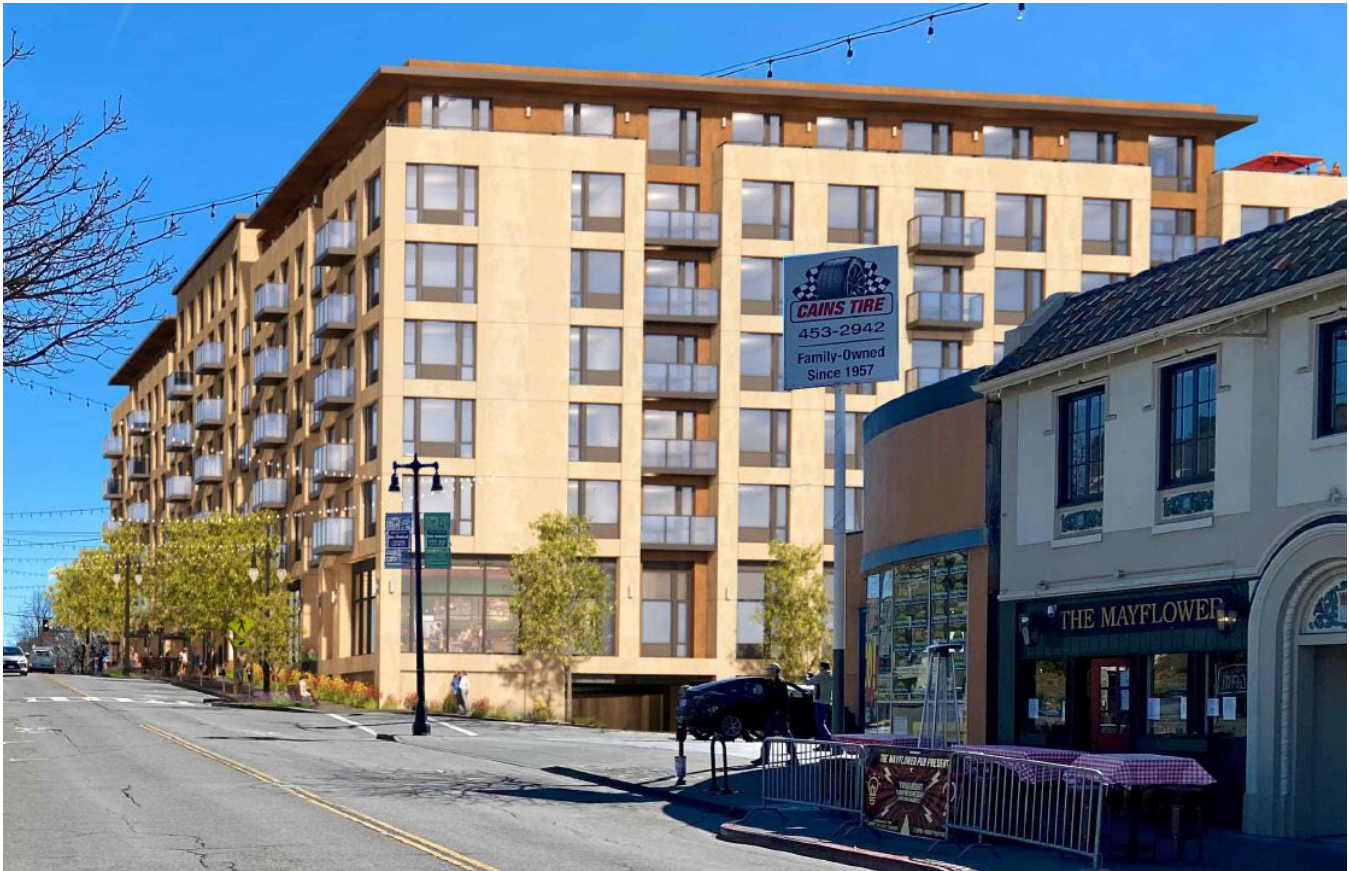
### Architecture, Colors, and Materials

The exterior walls would consist of stucco in a light tan color (CRA|E 30 by Eco Stucco) and a light umber color (Hoggar 90 by Eco Stucco). The balconies would be made out of glass and the windows would be aluminum with gray trim.

The proposed building includes articulation in the forms of: (1) building recesses and projections; (2) variation in color; and (3) variation in materials. For instance, the front (northern) elevation appears to have seven vertical columns in light tan stucco while the remaining portion of the building in between these columns is recessed and in light umber stucco. Most of Level 7 is also recessed and in light umber stucco such that the top of the building is distinct from the rest of the building. The ground level primarily consists of glass windows and storefronts such that it is distinct from the upper levels. Balconies project from the face of the building on the northern, western, and southern sides of the building. Finally, the proposed windows are recessed from the face of the building.



*Figure 2. Rendering Looking Southwest*



*Figure 3. Rendering Looking Southeast*

### **Landscaping and Lighting**

The project proposes landscaping along all three street frontages, in the interior ground level courtyard, and on the rooftop decks (see Sheets L-1 and L-2 of the project plans). Proposed street trees include Scarlet Sentinel Red maple, Natchez Crape Myrtle, Chinese Pistache, and Crimson Spire Oak. Proposed plants in the streetscape planting areas include Dwarf Bottlebrush, Rockrose, Dwarf Grevillea, and Dwarf Heavenly Bamboo. Proposed plants in the building perimeter planters include Aloe, Echeveria, Leather Leaf Sedge, Euphorbia, and Creeping Fig. The creeping fig is proposed to grow directly on the stucco walls of the west building elevation, where the parking levels are located. Proposed plants on the rooftop include Feather Reed Grass, Creeping Lantana, English Lavender, Fountain Grass, and Rosemary. Finally, the project would include installing four new steel benches in the public right of way along 4<sup>th</sup> Street to provide seating areas for the public and eight new steel tube hoop bike racks on the sidewalk as well.

The project proposes a variety of wall surface downlights for the exterior building walls and recessed linear lights that are 2.5 feet above ground along a wall that spans the southern property lines (see Sheets LT0.1 and LT0.2 of the project plans). All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227.

## ANALYSIS

### Downtown Precise Plan

Development review criteria of the [San Rafael Downtown Precise Plan \(DPP\)](#) are included in [Chapter 9 \(Downtown Form-Based Code\)](#). Development standards and building massing and articulation criteria of the DPP are provided below.

#### Form Based Code

Most of the project site is located in the T4MS 50/70 district and a small portion of the southwest corner of the site is located in the T4N 40/50 district of the Downtown Precise Plan. Section 2.3.040 of the Downtown Form-Based Code provides the relevant development standards for properties located in the T4 Main Street (T4MS) district. Section 2.3.030 of the Downtown Form-Based Code provides the relevant development standards for properties located in the T4 Neighborhood (T4N) district. A summary of these development standards is included in Table 2 and Table 3 below, respectively.

<b>Table 2: Development Standards – T4MS 50/70 (DPP Section 2.3.040)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Setbacks			
Front	0 ft. min.; 10 ft. max.	0 ft.	Complies
Side Street	0 ft. min.; 10 ft. max.	0 ft.	Complies
Side	0 ft. min.	0 ft.	Complies
Rear	0 ft. min.	10 ft. 3 in.	Complies
Façade length in façade zone. (1) Front (2) Side Street	(1) 80% min. (2) 70% min.	(1) 100% (2) 88% east side (2) 94% west side	Complies
Civic Space	1,000 sq. ft. min.	<b>0 sq. ft.</b>	Density Bonus Concession
Height	50 ft. max.	<b>80 ft.</b>	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 45 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Side Street	10 ft. at 45 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Rear	10 ft. at 45 ft. tall	10 ft.	Complies
Ground Floor Ceiling	14 ft. min.	15 ft	Complies
Vehicle Parking	103 spaces	179 spaces	Complies
Bicycle Parking	205 spaces	205 spaces	Complies



<b>Table 3: Development Standards – T4N 40/50 (DPP Section 2.3.030)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Notes</b>
Building Setbacks			
Front	7 ft. min.; 15 ft. max.	<b>0 ft.</b>	Density Bonus Waiver
Side Street	7 ft. min.; 15 ft. max.	<b>0 ft.</b>	Density Bonus Waiver
Side	5 ft. min.	71 ft. 5 in.	Complies
Rear	15 ft. min.	<b>10 ft. 3 in.</b>	Density Bonus Waiver
Building Length	75 ft. max.	<b>75 ft. 6 in.</b>	Density Bonus Waiver. For portion of building located in T4N 40/50 district.
Façade length in façade zone. (1) Front (2) Side Street	(1) 70% min. (2) 50% min.	(1) 100% (2) 94% west side	Complies
Height	40 ft. max.	<b>80 ft.</b>	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Side Street	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Rear	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver

Massing and Façade Articulation

Division 3.2 of the Downtown Form-Based Code includes massing and façade articulation standards. A summary of these standards is included in Table 3 below.

<b>Table 4: Massing and Façade Articulation (DPP Division 3.2)</b>		
<b>Review Criteria</b>	<b>Proposed</b>	<b>Code Subsection</b>
<b>Tripartite Façade Articulation.</b> New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.	Most of the top level is recessed from a majority of the lower levels and in light umber stucco such that the top of the building is distinct from the rest of the building. The ground level primarily consists of glass windows and storefronts such that it is distinct from the upper levels	3.2.030
<b>Massing and Composition.</b> Building facades shall be arranged in an orderly composition of window bays/openings based on prevalent patterns of 5, 7 or 9 bays.	Each building elevation is arranged in an orderly composition of the following number of window bays/openings: <ul style="list-style-type: none"> <li>• North Elevation – 9 bays/openings</li> <li>• East Elevation – 5 bays/openings</li> <li>• South Elevation – 9 bays/openings</li> <li>• West Elevation – 5 bays/openings</li> </ul>	3.2.040

**Table 4: Massing and Façade Articulation (DPP Division 3.2)**

Review Criteria	Proposed	Code Subsection
<b>Corner Elements.</b> New facades and facade modifications shall be designed to include a corner element to give visual importance to the corner and enhance the public realm.	Each building façade includes a corner element that is distinct from other portions of the building.	3.2.050
<b>Windows and Openings.</b> Buildings 100' or more in length along the street are required to include projected or recessed window bays. The recess may be achieved by a partial or complete window surround. Up to 3 bays may be grouped.	Each building façade is broken into different columns that serve as window bays and project from the rest of the building.	3.2.060

**State Density Bonus Law**

This project application was submitted pursuant to State Density Bonus Law (Government Code Section 65915 and San Rafael City Council Resolution 14891). This law allows for a project that provides a minimum percentage of units that are designated as affordable to seek waivers and concessions to applicable development standards as well as increased residential density beyond what a local jurisdiction allows for. A housing development is eligible for a waiver or reduction of any development standard that physically precludes the construction of an affordable housing development at the densities or with the concessions or incentives permitted by Government Code Section 65915. A concession is any reduction in site development standards or any modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or 65915(e) that would result in identifiable and actual cost reductions, and facilitate the construction of the residential development project at the densities provided for in Section 65915

Since there is no residential density limit on properties in the Downtown Precise Plan area, an applicant is required to demonstrate how many units can feasibly be constructed on the site in a manner that complies with all objective development standards and that provides average unit sizes comparable to the actual proposed project. This hypothetical project that complies with objective development standards is called the base density project.

The applicant for this project has demonstrated a base density project of 122 residential units for this site. The proposed project includes 13 units designated as Below Market Rate (BMR) for very-low income households. Since at least ten percent of the units of the allowable base density for the project are designated for very low-income households, the project is eligible for a 32.5% density bonus. This density bonus results in a total maximum allowable of 162 residential units (32.5% of 122 equals 39.65 which rounds up to 40 additional units beyond the base density project).

In addition, the project is eligible for two concessions and as many waivers as the applicant wishes to request that comply with the requirements of Government Code Section 65915. As described in Table 2 above, the project seeks a density bonus concession for the requirement to provide 1,000 square feet of civic space on the site as well as waivers for maximum building height and minimum building setbacks. As described in Table 3, the project seeks additional density bonus waivers for minimum front and side street setback and maximum building length for the portion of the building located in the T4N 40/50 district. Staff has reviewed the density bonus application materials for the project and confirmed that they

comply with the relevant requirements in Government Code Section 65915 and San Rafael City Council Resolution 14891.

### **Housing Accountability Act**

The project is considered a housing development and is therefore protected under the Housing Accountability Act (Government Code Section 65589.5). If a project complies with applicable objective development standards and design review criteria and if local agency denies approval or imposes a condition that lowers the proposed density or reduces the percentage of the lot occupied by a building, then the local agency must find that the project would have a specific, adverse impact upon the public health or safety and that such impacts cannot be mitigated. Staff has conducted analysis and no public health or safety impacts have been identified.

This means that the Design Review Board may only place conditions on the project that are based on adopted objective development standards that apply to the project (summarized in the Downtown Precise Plan section of this staff report above). In addition, the Design Review Board may not place any conditions on the project that have the effect of reducing the density or the lot coverage of the project. As shown in Table 2 above, the project applicant is requesting a concession for the requirement of providing 1,000 square feet of civic space on the project site. Table 2 also indicates that the project applicant is requesting waivers from the following development standards: maximum height, front setback and side setback requirements,

### **Consistency with City Council Goals and Objectives**

In 2021, the City Council adopted a list of goals and objectives. One of the key policy areas included in the goals and objectives is focused on creating new housing. For fiscal year 2022/2023, the City Council continued the goals and objectives from the 2021/2022 fiscal year as these key policy areas remain relevant. For fiscal year 2022/2023 the Community Development Department will keep track of progress in this policy area by tracking the number of Housing units entitled and housing units produced by unit, income level, and the contribution that these units make toward meeting the City's regional housing allocation (RHNA). The proposed project would contribute toward meeting the goal of producing more housing by adding 162 housing units to the City's housing inventory, including 13 units designated as Below Market Rate (BMR) for Very Low-Income families.

### **San Rafael General Plan 2040 Consistency**

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map, which allows for a mix of housing and retail uses. There is no residential density limit on properties designated as Downtown Mixed Use in General Plan 2040. The total number of net new residential units added within the Downtown Precise Plan boundary between 2020 and 2040 shall not exceed 2,200.

## **NEIGHBORHOOD CORRESPONDENCE**

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of all meetings, including this hearing. Staff received two formal public comment letters (Exhibit 3 and Exhibit 4). These letters raise concerns regarding building height, building setbacks, parking supply, potential road closure of Shaver St. during construction, parking entrance onto Shaver Street, creating permit parking in the neighborhood, and improving street cleaning services. In addition, Staff have received inquiries from three other neighbors of the site. These neighbors raised concerns regarding impacts to street parking spaces, traffic, and the height of the proposed building. None of these other neighbors provided formal written comments to be included in the staff report packet.



## CONCLUSION

Staff request that the DRB provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on the applicable objective development standards described in this staff report and consider providing a recommendation to the Planning Commission. In particular, Staff seeks confirmation from the Design Review Board that the project complies with the building massing and façade articulation standards in the Downtown Precise Plan as described in Table 4 in this staff report.

## EXHIBITS

1. [Architectural Plans](#)
2. [Civil Engineering Plans](#)
3. Public Comment – Vikram Seshadri
4. Public Comment – Mark McAlonan