



**Planning Commission
Regular Meeting**

**Tuesday, April 11, 2023, 7:00
P.M. AGENDA**

Participate In-Person:

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

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/PlanningCommission23>

Watch on YouTube: <http://www.youtube.com/cityofsanrafael>

Telephone: 1 (669) 444-9171

Meeting ID: 815 0028 1975#

One Tap Mobile: US: +16694449171,, 81500281975#

This meeting will be held in-person. The public may attend in-person or participate virtually using Zoom.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to PlanningPublicComment@cityofsanrafael.org
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and press *9 to raise your hand, and *6 to unmute yourself, then provide verbal public comment.

If you experience technical difficulties during the meeting, please contact PlanningPublicComment@cityofsanrafael.org.

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

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

CONSENT CALENDAR

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

- 1. Approval of the Planning Commission Meeting Minutes of March 28, 2023**
Recommended Action – Approve minutes as submitted.

ACTION ITEMS

- 2. 1515 4th Street – New Mixed-Use Building.** Request 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, T4MS 50/70 Open, and T4N 40/50 Zoning District; 1515 Fourth Street Associates LLC, owner; Collin Monahan, applicant.

Recommended Action- approval of the Environmental and Design Review Permit application subject to conditions of approval in the Draft Resolution

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

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

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



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: April 11, 2023

Agenda Item: 2

Case Numbers: ED22-016,
PLAN22-039

Project Planner: Jeff Ballantine,
jeff.ballantine@cityofsanrafael.org

REPORT TO PLANNING COMMISSION

SUBJECT: **1515 4th Street – New Mixed-Use Building.** Request 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, T4MS 50/70 Open, and T4N 40/50 Zoning District; 1515 Fourth Street Associates LLC, owner; Collin Monahan, applicant.

EXECUTIVE SUMMARY

The project proposes to construct a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space located at 1515 4th Street. The northern face of the proposed building that faces 4th Street is seven stories and the southwestern corner of the building is eight stories. The proposal includes demolishing the existing vacant bank building on the site and providing landscaping and other site improvements.

The project is utilizing State Density Bonus law and seeks a 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. The project also seeks additional density bonus waivers for minimum front and side street setbacks and maximum building length for the portion of the building located in the T4N 40/50 district.

The project is exempt from CEQA pursuant to Section 15332, In-fill Development Projects (see Exhibit 5). As proposed, and conditioned, the project is consistent with the applicable policies and programs of the San Rafael General Plan 2040 (see Exhibit 6), and the relevant provisions of the Downtown Precise Plan and Zoning Ordinance. Staff recommends approval of the Environmental and Design Review Permit application subject to conditions of approval in the Draft Resolution (see Exhibit 1).

REQUESTED ENTITLEMENTS

The project requires a Major Environmental and Design Review Permit requiring Design Review Board (DRB) recommendation and Planning Commission approval for construction of a new building up to 80' in overall height with height bonus pursuant to Downtown Precise Plan Chapter 9 (herein referred to as "DPP") Section 1.1.060

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.

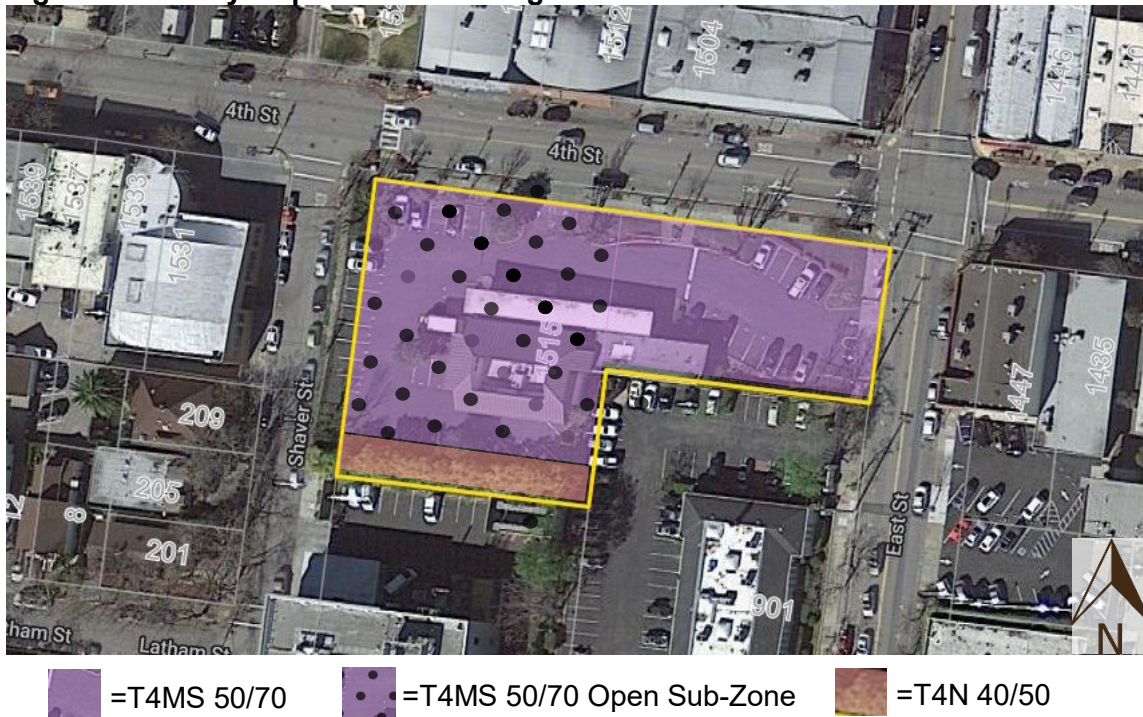
Table 1: Land Use Information			
Address: 1515 4 th Street		Parcel Number: 011-245-41	
Property Size: 38,519 square feet		Neighborhood: West End Village	
Site Characteristics			
	General Plan	Zoning	Existing Land Use
Project Site	DMU	T4MS 50/70, T4N 40/50	Vacant Bank Building
North:	DMU	T4MS 50/70	Retail 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 38,519 square feet in area and is surrounded by Shaver Street, 4th 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 4th Street and East Street. The site is relatively flat with a gentle downslope towards the southwest corner of the site. 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: Vicinity Map with Site Zoning



PROJECT DESCRIPTION

Project Summary

The project proposes to demolish the existing approximately 4,300 square foot commercial building and construct a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space. The building would have a maximum height of 80 feet, with seven stories on the northern portion of the building fronting 4th Street and eight stories at the southwestern corner. The project would have two partially subterranean floors (Level P2 and Level P1, shown on Sheets A2.0A and A2.0B of the project plans) that would accommodate 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 common roof decks are also included on Level 7. The project proposes 119 one-bedroom units and 43 two-bedroom units. The project would include 13 residential units designated as Below Market Rate (BMR) for Very Low-Income households (those earning between 30% and 50% of the Area Median Income).

Architecture, Colors, and Materials

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 includes seven vertical columns in stucco while the remaining portion of the building in between these columns is recessed and includes a different color stucco from the columns. 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. The proposed windows are recessed from the face of the building providing further articulation.

The project proposes a monochromatic color scheme with two variations of tan. 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 have metal railings with glass surrounds and the windows would be aluminum with gray trim.

Figure 2: Rendering Looking Southwest



Access and Circulation

Vehicular access to the two levels of parking garages would be provided through the installation of two new driveways on Shaver Street. Pursuant to the Local Traffic Analysis prepared by Advanced Mobility Group, dated December 2022 (see Exhibit 4), the proposed project would remove on-street parking adjacent to the project on Shaver Street to increase travel lane width from about 16 feet currently to about 22 feet wide in order to provide safer roadway conditions. The current sidewalk width on Shaver Street frontage of the project ranges from 6 feet to 7 feet wide. The proposed project sidewalk would be widened to 8 feet to accommodate for the project driveways. An 18-inch planting strip flush with the sidewalk and adjacent to the building would be provided for additional safety of pedestrians. The Public Works Department has reviewed the Local Traffic Analysis for the project and verified that it addresses the City's relevant policies and requirements, including the City of San Rafael Transportation Analysis Guidelines, June 2021.

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 4th Street to provide seating areas for the public and eight new steel tube hoop bike racks on the sidewalk as well.

All proposed plants are included on the Marin Municipal Water District (MMWD) Approved Plant List. Prior to issuance of a building permit, the applicant will be required to provide written approval from MMWD that the proposed landscaping complies with MMWD requirements and with the California Model

Water Efficient Landscape Ordinance (MWELo). All proposed plants in the public right of way are subject to review and approval of the City's Public Works Department.

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

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 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 project is consistent with key General Plan Policies. Specifically, the project is consistent with the Land Use and Community Design and Preservation policies, which encourage new mixed-use development to be located in Downtown San Rafael. The project would provide 162 new one-bedroom and two-bedroom residential units, including 13 units designated for Very Low-Income households. A full analysis is provided in the General Plan Consistency Table, Exhibit 6.

Zoning Ordinance Consistency

As detailed Exhibit 7, the project is consistent with applicable development standards of the City's Zoning Ordinance. Specifically, development standards pertaining to light and glare, noise, mechanical equipment screening and water-efficient landscape.

Downtown Precise Plan

Development review criteria of the [San Rafael Downtown Precise Plan](#) (DPP) are included in [Chapter 9 \(Downtown Form-Based Code\)](#). The Downtown Precise Plan was adopted by the City with the intent of accommodating higher density mixed use development in the City's Downtown. 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 the T4MS 50/70 Open sub-zone district with a small portion of the southwest corner of the site is located in the T4N 40/50 district of the Downtown Precise Plan (see Figure 1 above). 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.

Table 2: Development Standards – T4MS 50/70 (DPP Section 2.3.040)			
Standard	Required	Proposed	Compliance
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.	0 sq. ft.	Density Bonus Concession
Height	50 ft. max.	80 ft.	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 45 ft. tall	0 ft.	Density Bonus Waiver
Side Street	10 ft. at 45 ft. tall	0 ft.	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

Table 3: Development Standards – T4N 40/50 (DPP Section 2.3.030)			
Standard	Required	Proposed	Notes
Building Setbacks			
Front	7 ft. min.; 15 ft. max.	0 ft.	Density Bonus Waiver
Side Street	7 ft. min.; 15 ft. max.	0 ft.	Density Bonus Waiver
Side	5 ft. min.	71 ft. 5 in.	Complies
Rear	15 ft. min.	10 ft. 3 in.	Density Bonus Waiver
Building Length	75 ft. max.	75 ft. 6 in.	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.	80 ft.	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 35 ft. tall	0 ft.	Density Bonus Waiver
Side Street	10 ft. at 35 ft. tall	0 ft.	Density Bonus Waiver
Rear	10 ft. at 35 ft. tall	0 ft.	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.

Table 4: Massing and Façade Articulation (DPP Division 3.2)		
Review Criteria	Proposed	Code Subsection
Tripartite Façade Articulation. 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 lighter color 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
Massing and Composition. 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"> • North Elevation – 9 bays/openings • East Elevation – 5 bays/openings • South Elevation – 9 bays/openings • West Elevation – 5 bays/openings 	3.2.040

Table 4: Massing and Façade Articulation (DPP Division 3.2)		
Review Criteria	Proposed	Code Subsection
Corner Elements. 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
Windows and Openings. 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). The law allows increased density, or bonus units, for a project that provides a minimum percentage of affordable, or below market rate, units on-site. In addition, a density bonus project is allowed a certain number of concessions or incentives, based on the percentage and depth of affordability of the below market rate units provided.¹ A density bonus project is permitted waivers from any development or design standards that would otherwise preclude development of the affordable housing project.

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. Based on the commitment to provide 10% of the units, or 13 units, available to very-low income households, the project qualifies 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 to accommodate the affordable housing development. 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.

¹ A concession or incentive is defined as: 1) A reduction in site development standards or a modification of zoning code or architectural design requirements that exceed the minimum building standards; or 2) Approval of mixed-use zoning; or 3) Other regulatory incentives or concessions which actually result in identifiable and actual cost reductions (Govt. Code §65915(k)).

SB 330 - Housing Accountability Act of 2019

The Housing Crisis Act (Government Code Section 65589.5), also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. A qualifying housing development is only subject to adopted objective development and design standards.

Section (j) of the HAA requires that when a project complies with applicable objective development standards and design review criteria, that a local agency may only deny or reduce density if the local agency finds, supported by substantial evidence, that the project would have a specific, adverse impact upon the public health or safety and that such impacts cannot be mitigated.

The proposed project complies with applicable, objective general plan and zoning standards, with allowable waivers and concession as required by State Density Bonus law. Thus, section (j) of the Housing Accountability Act applies. Staff has conducted analysis and no public health or safety impacts have been identified.

Therefore, pursuant to the HAA, the City may only place conditions on the project related to the building form 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 City may not place any conditions on the project that have the effect of reducing the density or the lot coverage of the project.

DESIGN REVIEW BOARD RECOMMENDATION

As a qualifying HAA housing development, the Design Review Board (DRB) can provide advisory comments and recommendations but can only condition the project with adopted object development and/or design standards. The DRB reviewed the project on March 7, 2023.

The DRB recommended Planning Commission approval of the project on the condition that the applicant addresses the following comment:

Provide a different color and/or material for the two building corner columns facing 4th Street and the center building column facing 4th street from the color and material proposed for the rest of the building columns on all building elevations.

This recommendation is included as Condition of Approval #3 in the Draft Resolution (Exhibit 1).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines. Support of this determination is provided in the CEQA Infill exemption memo found in Exhibit 5.

NEIGHBORHOOD CORRESPONDENCE

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 14.29 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 a frontage of the subject site 15 calendar days prior to the date of all meetings, including this hearing.

Staff have received numerous public comments on the project (Exhibit 9). Major themes contained within these comments include concerns regarding building height, traffic impacts to Shaver Street, and impacts to street parking spaces.

OPTIONS

The Planning Commission has the following options:

1. Approve the applications as presented, subject to conditions of approval (staff recommendation)
2. Approve the applications with certain modifications, changes, or additional conditions of approval.
3. Continue the applications to allow the applicant to address any of the Commission's comments or concerns
4. Deny the project and direct staff to return with a revised Resolution of denial.

EXHIBITS

1. Draft Resolution
2. [Architectural Plans, dated 2/22/2023](#)
3. [Civil Engineering Plans, dated 1/27/2023](#)
4. [Local Traffic Analysis, prepared by AMG, dated December 2022](#)
5. [CEQA Infill Exemption Memo, dated 4/5/2023](#)
6. [General Plan Consistency Table](#)
7. [Zoning Ordinance Consistency Table](#)
8. [Stormwater Control Plan, dated 10/28/2022](#)
9. [Public Comments](#)

RESOLUTION NO. 23-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED22-016) FOR A NEW MIXED-USE BUILDING WITH 162 RESIDENTIAL UNITS AND 8,900 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE LOCATED AT 1515 4TH STREET (APN 011-245-41)

WHEREAS, the City of San Rafael received an application on March 10, 2022 for an Environmental and Design Review Permit (PLAN22-039, ED22-016) for a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space at 1515 4th street in the T4MS 50/70 and the T4N 40/50 zoning districts; and

WHEREAS, on March 16, 2023, staff deemed the application complete; and

WHEREAS, on March 7, 2023, the project was reviewed by the Design Review Board at a duly noticed public hearing and the DRB recommended approval of the project design, with a condition; and

WHEREAS, on April 11, 2023, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Environmental and Design Review Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines because it involves an infill development project that meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating to Environmental and Design Review (ED22-016).

**ENVIRONMENTAL AND DESIGN REVIEW FINDINGS
(ED22-016)**

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

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map which allows for residential and commercial uses. In addition, the project is consistent with the General Plan and specifically with design-related policies of the Neighborhoods Element and Community Design and Preservation Element as identified in the General Plan Consistency Table, Exhibit 6.

B. 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:

On March 7, 2023, the Design Review Board found the project design to be consistent with applicable regulations and guidelines and recommended approval of the project design to the Planning Commission, subject to a condition of approval.

C. The project design minimizes adverse environmental impacts:

The Project qualifies for a California Environmental Quality Act (CEQA) infill exemption pursuant to Title 14 of the California Code of Regulations Section 15332 ("CEQA Guidelines 15332"), because the project meets the criteria provided below and further elaborated in the CEQA Infill Exemption Memorandum for the project, dated April 5, 2023:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project, as a multi-family residential use is permitted in the T4MS and T4N zoning districts. The project is consistent with the General Plan, as detailed in the General Plan Consistency Table (Exhibit 6 of the staff report), Zoning Ordinance as detailed in the Zoning Ordinance Consistency Table (Exhibit 7 of the staff report), and Downtown Precise Plan as detailed in the Staff Report. Therefore, the project is consistent with applicable the general plan designation, general plan policies, and applicable zoning designation and regulations

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is approximately 0.88 acres and is located within an urbanized area surrounded by existing residential, commercial, and retail development. Therefore, the project is within city limits on a project site of no more than five acres substantially surrounded by urban uses.

c. The project site has no value, as habitat for endangered, rare or threatened species.

The Project site is located in Downtown San Rafael and is surrounded by urban development. As shown on the San Rafael General Plan 2040 map of Special Status Species (Figure 6-3), there are no known special status species within the project boundaries. Furthermore, the Project site is a developed site, fully graded, paved, and occupied with an existing vacant office/retail structure and vegetation is limited to ornamental trees, shrubs, and groundcovers. Accordingly, the site has no value as habitat for endangered, rare, or threatened species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic. The project would not result in any significant effects relating to traffic, as confirmed by the Local Transportation Analysis prepared by Advanced Mobility Group for the project, dated December 2022.

Noise. The Project would not result in any significant effects relating to noise as confirmed by the 1515 Fourth Street Mixed-Use Residential Project Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc, dated January 2023.

Air Quality. No significant air quality impacts would occur from the project since the project is below the screening criteria in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines for air quality impacts. No significant greenhouse gas (GHG) impacts would occur pursuant to the BAAQMD CEQA Threshold for Evaluating the Significance of Climate Impacts, dated April 2022, since the project is consistent with a local GHG Reduction Strategy and since the project meets the following criteria:

- It will not include natural gas appliances or natural gas plumbing and will not result in wasteful use of energy as it will be consistent with the most recent building requirements for energy efficiency.
- The project will be consistent with Title 24 building efficiency standards, will comply with the California Energy Commission's standards for lighting efficiency, and will comply with lighting standards.
- The project will not result in significant VMT impacts, as discussed in the Local Traffic Analysis prepared for the project, and will be required to comply with off-street electric vehicle (EV) requirements in the most recently adopted version of CALGreen Tier 2C.

per the City of San Rafael's Environmental Impact Report for the Downtown Precise Plan and San Rafael General Plan 2040 ("EIR"), which addressed greenhouse gas impacts associated with land use developments in San Rafael that are consistent with the General Plan update and the Downtown Precise Development Plan.

Water Quality. According to the Stormwater Control Plan, the site currently has 36,024 square feet of impervious surface. The post-project impervious surface area will be 34,848 which will allow for more onsite infiltration. Additionally, the proposed project includes Low Impact Development (LID) Design Strategies and the creation of a Drainage Management Area. Further, the proposed mixed-use project will include office, retail, and residential activities which will not introduce new types of pollutants on site. As such, the proposed project will not have a significant effect on water quality.

e. The site can be adequately served by all required utilities and public services.

The Project site is located within the City of San Rafael and would continue to be adequately served by City and regional services. Pacific Gas & Electric has provided a will-serve letter for the Project. The Property is currently being served and water service will continue to be provided by the Marin Municipal Water District (MMWD), though the purchase of additional water allotment will be required. Furthermore, the EIR prepared for the Downtown Precise Plan concluded that MMWD will have sufficient water supply to meet the demand for buildout of the San Rafael Downtown Precise Plan.

Wastewater service will be provided by the San Rafael Sanitation District. The EIR concluded that the wastewater demand for the Downtown Precise Plan Area will not exceed the permitted capacity of the Central Marin Sanitation Agency's wastewater treatment plant.

In addition, none of the following exceptions to the categorical exemption apply, as listed in CEQA Guidelines Section 15300.2:

- **Location.** Section 15300.2(a) does not apply to a Class 32 infill exemption.
- **Cumulative Impact.** Section 15300.2(b) does not apply as there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently contemplated or proposed. Furthermore, development of the site as well as development throughout the city was analyzed in the City of San Rafael's EIR which concluded that buildout under the General Plan and Downtown Precise Plan would result in cumulative impacts. These impacts have been previously analyzed and the City adopted a statement of overriding considerations. The project will be subject to all applicable mitigation measures contained in the EIR for the General Plan and Downtown Precise Plan and as such, this exception does not apply to the project.
- **Significant Effect and Unusual Circumstances.** This exception has 2 prongs:
 - Whether the project presents unusual circumstances; and
 - Whether there is a reasonable possibility of a significant effect on the environment due to those unusual circumstances.

There is nothing unusual about the project. It is proposed on an existing infill site that is substantially developed on all sides. There is no sensitive habitat or sensitive areas on or around the site. Further, the General Plan/Precise Plan EIR specifically notes that the increase of downtown higher density development would not have a significant effect.

- **Scenic Highways.** The project site is not in proximity or visible to any designated scenic highway or highway eligible for designation based on the State of California's Scenic Highway program. Therefore, this exception does not apply to the project.
- **Hazardous Waste Sites.** The site is not a state designated hazardous waste site. A search of the State Water Resources Control Board GeoTracker site did not reveal any Leaking Underground Storage Tank (LUST) projects on the site nor did it indicate that there were any other Cleanup Program Sites. Additionally, a review of California Department of Toxic Substances Control EnviroStor database which lists all hazardous waste sites including Superfund sites, State Response Sites did not show any listings for 1515 4th St in San Rafael. Therefore, this exception does not apply to the project.
- **Historical resources.** There are no historical resources located on the proposed project site. The existing building on the site was constructed in 1985. It does not contain any unique architectural features nor have any community significance. The City recently updated the list of historic resources in the Precise Plan and the Project site is not identified as a historic resource. Therefore, this exception does not apply to the project.

D. The project design will 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 various departments of the City of San Rafael and appropriate agencies and where applicable, conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity. In addition, the project will be built in accordance with the applicable California Building Code.

**ENVIRONMENTAL AND DESIGN REVIEW CONDITIONS OF APPROVAL
(ED22-016)**

Planning Division

1. This Environmental and Design Review Permit approves a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space at 1515 4th Street. Plans submitted for building permit shall be in substantial conformance to the plans approved April 11, 2023 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by the Community Development Department, Planning Division. Modifications deemed greater than minor in nature by the Community Development Director shall require review and approval by the Planning Commission.
2. Permit Validity. This Permit shall become effective on **4/19/2023** and shall be valid for a period of two (2) years from the date of final approval, or **4/19/2025**, and shall become null and void if a building permit is not issued or a time extension is not applied for prior to the expiration date. 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. Plans submitted for building permit shall incorporate the following Design Review Board recommendations and shall be reviewed for compliance by Planning Staff and the Chair of the Design Review Board.
 - a. Plans shall be revised to provide a different color and/or material for the two building corner columns facing 4th Street and the center building column facing 4th street from the color and material proposed for the rest of the building columns.
4. Plans shall demonstrate compliance with regulations set forth in San Rafael Municipal Code (SRMC) Section 14.16.320, requiring a minimum setback of five feet from the property line for all mechanical equipment.
5. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to conceal light sources from view off-site and avoid spillover onto adjacent properties pursuant to SRMC §14.16.227. 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.
6. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, trees, or groundcover plantings shall be replaced with new healthy stock of a size appropriate and compatible with the remainder of the growth at the time of replacement.
7. Prior to issuance of permits or authorization to proceed, the applicant must provide written verification of final landscape and irrigation plan approval from the Marin Municipal Water District (MMWD). All landscaping and irrigation must meet the MMWD water conservation rules and regulations. The landscape plans and supportive materials shall also be provided and designed to comply with the Water Efficient Landscape requirements of San Rafael Municipal Code Section 14.16.370 and MMWD Ordinance No. 414 (including amendments), if applicable.

8. **Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
9. **Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
 - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of San Rafael. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
10. **Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Marin County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5

(e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

11. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
12. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
13. Plans submitted for building permit shall incorporate all recommendations included in the Noise and Vibration Assessment, prepared for the project by Illingworth & Rodkin, Inc. on January 30, 2023.
14. Plans submitted for building permit shall incorporate all recommendations included in the Local Transportation Analysis prepared by Advanced Mobility Group, dated December 2022.
15. The project is required to provide thirteen (13) residential units as affordable to very low-income households (those earning between 30% and 50% of the Area Median Income), as proposed by the applicant pursuant to State Density Bonus Law. As a result, the project also complies with affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance, City Council Resolution 14890, and City Council Resolution 14891.
 - a. Prior to issuance of a building permit, a Below Market Rate (BMR) agreement for the thirteen (13) affordable units shall be approved by the Community Development Director and recorded on the property.
16. Bicycle Parking. The project is required to provide 205 long term bicycle parking spaces. A bike room for 116 bicycle spaces is proposed on Level P1. There are 89 bicycle parking spaces proposed along the walls in front of parking spaces in Level P2 and Level P1. A bicycle

shall be able to be individually locked to any of the bicycle parking spaces in the proposed bike room.

17. Prior to Issuance of Building Permits, the applicant shall pay all outstanding Planning Division application processing fees.
18. Prior to Issuance of Building Permits, the applicant shall pay all applicable development impact fees required for this project, including those fees mentioned herein and other fees required by ordinance.

Building Division

19. The design and construction of all site alterations shall comply with the latest adopted Building Codes in effect at time of building permit submission. Currently the following codes are adopted: 2022 California Building Code (CBC), 2022 California Plumbing Code (CPC), 2022 California Electrical Code (CEC), 2022 California Mechanical Code (CMC), 2022 California Fire Code (CFC), 2022 California Energy Code, 2022 California Green Building Standards Code and City of San Rafael Ordinances and Amendments
20. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
 - Architectural plans
 - Structural plans
 - Electrical plans
 - Plumbing plans
 - Mechanical plans
 - Site/civil plans (clearly identifying grade plane and height of the building)
 - Structural Calculations
 - Truss Calculations
 - Soils reports
 - Green Building documentation
 - Title-24 energy documentation
21. The occupancy classification, construction type and square footage of each building shall be specified on the plans. In mixed occupancies, each portion of the building shall be individually classified.
22. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.
23. This building contains several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, nonseparated occupancies, and separated occupancies) to address the mixed-occupancy concerns.
24. Building height and story must comply with CBC Section 504. On the plan justify the proposed building area and height.
25. Building areas are limited by CBC Table 506.2. On plan justify the proposed building area.
26. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8

“Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection.” To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected.

27. Buildings located 4 or more stories above grade plane, one stairwell must extend to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1011.12.
28. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
29. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
30. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
31. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
32. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
 - a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
 - b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
 - c. More than 12 inches into areas where openings are prohibited.
33. Walls separating purposed tenant space from existing neighboring tenant spaces must be a minimum of 1-hour construction.
34. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
35. You must apply for a new address for this building from the Building Division.
36. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4.
37. In the parking structure, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
38. All repair garages require oil and flammable liquid interceptor per CPC Section 1017 and CFC Section 2211.2.3 for drainage and disposal of liquids and oil-soaked waste. For minor change in use, the requirement for a separator might be waived where the applicant institutes (a) an EPA “Preferred Floor Cleanup Method” and (b) berms are placed at doors.

39. Repair garages shall be mechanically ventilated. The ventilation system shall be controlled at the entrance to the garage CBC 406.6.3.
40. Each building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities shall be required for each sex.
41. In accordance with California Plumbing Code section 422.2, separate toilet facilities shall be provided for each sex. Except: 1) residential installations. 2) In occupancies with a total occupant load of 10 or less, including customers and employees, one toilet facility designed for use by no more than one person at a time, shall be permitted for use by both sexes. 3) In business and mercantile occupancies with a total occupant load of 50 or less, including customers and employees, one toilet facility designed for use by no more than one person at a time, shall be permitted for use by both sexes.
42. Facilities in mercantile and business occupancies, toilet facility requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. The required number of fixtures shall be the greater of the required number for employees or the required number for customers. Fixtures for customer use shall be permitted to be met by providing a centrally located toilet facility within a distance not to exceed 500 feet. In stores with a floor area of 1,500 square feet or less the requirement to provide facilities for employees shall be permitted to be met by providing a centrally located toilet facility within distance not to exceed 300 feet.
43. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
44. All buildings with one or more elevators shall be provided with not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80 inches by 54 inches and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.
45. A minimum of two exits, with proper separation, are required from the third floor of each unit. The exits must be located a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area served.
46. Check required exits and exit separation for parking level p2.
47. In the service areas, mechanical ventilation will be required capable of exhausting a minimum of 1.5 cubic feet per minute per square foot of gross floor area. Connecting offices, waiting rooms, restrooms, and retail areas shall be supplied with conditioned air under positive pressure.
48. The proposed facility shall be designed to provide access to the physically disabled. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities shall be required unless CASP report states compliant. Improvements shall be made, but are not limited to, the following accessible features:
 - a. Path of travel from public transportation point of arrival
 - b. Routes of travel between buildings
 - c. Accessible parking

- d. Ramps
 - e. Primary entrances
 - f. Sanitary facilities (restrooms)
 - g. Drinking fountains & Public telephones (when provided)
 - h. Accessible features per specific occupancy requirements
 - i. Accessible special features, i.e., ATM's point of sale machines, etc.
49. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums. The civil, grading and landscape plans shall address these requirements to the extent possible.
50. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
51. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent.
52. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent of the parking spaces shall be accessible and provide access to grade-level entrances of multi family dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.
53. Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site:

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

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

Fire Department

55. The design and construction of all site alterations shall comply with the 2019 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.

56. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:

- a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
- b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
- c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
- d. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)

Fire Prevention reserves the right due to the size and scope of this project to utilize an outside plan check consultant for fire protection system review with review costs billed to the project owner.

57. The fire apparatus access roadways must conform to all provisions in CFC Section 503 and Appendix D.

58. A Fire Command Center required as per CFC section 508.

59. The building is to be equipped with Emergency Responder Radio Coverage as per CFC 510.

60. A Fire Construction Plan is required prior to any work. See attached. Returned a signed copy to the Fire Prevention Bureau.

61. A temporary standpipe system is required during construction as per CFC 3313.

62. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:

- a. Designated fire apparatus access roads.
- b. Red curbs and no parking fire lane signs.
- c. Fire hydrants both public and private.
- d. DAS Emergency Responder Radio Coverage - notation of intent to install.
- e. Fire Department Connection (FDC) location.
- f. Double detector check valve location.
- g. Standpipe locations.
- h. Temporary standpipe during construction location.
- i. Stairway to roof location.
- j. Street address signage.
- k. Recessed Knox Box(s)
- l. Construction key box locations or note the use of Knox padlocks.
- m. Fire Alarm main and annunciator panels.

- n. NFPA 704 placards – if needed.
 - o. Provide a note on the plan as follows: The designated fire apparatus access roads and fire hydrant(s) shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
 - p. Provide a note on the plan that all fire protection equipment will be properly labeled and identified.
 - q. Note on plans – 24 hour emergency contact will be posted.
63. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3200 Series is required for new buildings; surface mount for all others. the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72” to 78” above finish grade; show the location on the plans. <https://www.knoxbox.com/commercial-knoxboxes/>
64. A Knox key switch is required for driveway or access road automatic gates. <https://www.knoxbox.com/gate-keys-and-padlocks/>
65. If onsite fire hydrants are required, the type is as follows: Residential model: Clow 950. Commercial Model: Clow 960. The Prevention Bureau will identify the locations.
66. When additions or alterations are made, the nearest existing fire hydrant bodies shall be upgraded. Residential model: Clow 950. Commercial Model: Clow 960.
67. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road.
- a. The minimum width of the fire apparatus access road is 20-feet.
 - b. The minimum inside turning radius for a fire apparatus access road is 28 feet.
 - c. The fire apparatus access road serving this building is more than 150-feet in length; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.
68. If the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.
- a. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building and shall be along one entire side.
 - b. The minimum unobstructed width for an aerial fire apparatus access road is 26-feet.
 - c. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
69. Fire lanes must be designated; painted red with contrasting white lettering stating, “No Parking Fire Lane” A sign shall be posted in accordance with the CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.
70. If required, a Hazardous Materials Placards shall be installed in accordance with NFPA 704.
71. If required, provide a Hazardous Materials Management Plan to be submitted to Marin County Department of Public Works, CUPA
72. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or

externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4” tall with ½” stroke. For commercial – 6” tall with ½” stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.

73. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection systems

Department of Public Works

74. Prior to issuance of a building permit, the applicant shall pay a traffic mitigation fee for 60 net new AM trips and 61 net new PM trips for a total of 121 peak-hour trips at the current fee of \$5,674/trip for a total amount of \$686,554. The current rate is \$5,674 per trip. The current rate is valid until January 1, 2024.
75. A storm drain profile detailing the connection between the private property and storm drain pipe will be required prior to building permit issuance to ensure the proposed connection does not conflict with existing infrastructure.
76. Prior to issuance of building permit please submit a separate set of drawings detailing the improvements in the public right-of-way (ROW) for DPW review and approval. (e.g., sidewalks, pavement restoration, driveway approach, lighting). At a minimum, we anticipate pavement restoration (2”-thick grind and overlay) will be required along the property frontage on Shaver, 4th, and E Streets. The limits of pavement restoration will be finalized near the end of the construction based on field conditions.
77. Prior to issuance of a building permit, please submit a photometric analysis of the public ROW adjacent to the project site.
78. All backflow preventers, fire department connections (FDC), and other above ground utility structures shall be placed on private property.
79. A design-level geotechnical report will be required prior to issuance of a building permit.
80. Prior to issuance of a building permit, please provide a plan review letter from the geotechnical engineer of record confirming that the project structural and civil drawing sets are in conformance with their recommendations.
81. This project is considered a regulated project. Therefore, the following documents are required in addition to the stormwater control plan:
 - a. Stormwater Facilities Operations and Maintenance (O&M) Plan – A short written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. The maintenance plan shall include the manufactures recommended maintenance practices, designated parties of responsible for upkeep, specify funding source for ongoing maintenance with provisions for full replacement when necessary and provide a site specific inspection checklist. (Provide prior to occupancy)
 - b. Operations and Maintenance Agreement – A formal agreement between the property owner and the city that shall be recorded with the property deed prior to occupancy. (Provide prior to occupancy)

82. In accordance with Section E.12.e of the NPDES MS4 permit Non-LID Facilities need to show equivalent effectiveness to bioretention areas in the following areas:
- a. Equal or greater amount of runoff infiltrated or evapotranspired.
 - b. Equal or lower pollutant concentrations in runoff that is discharged after biotreatment
 - c. Equal or greater protection against shock loadings and spills
 - d. Equal or greater accessibility and ease of inspection and maintenance

The Stormwater Control Plan must include as an attachment a letter from the manufacturer stating the manufacturer has reviewed the Plan, the proposed device meets these technical criteria, and the manufacturer will provide a warranty for two years following activation of the facility Refer to the Technical Criteria for Non-LID Treatment Facilities handout found on the MCSTOPPP website: <https://mcstoppp.org/2020/03/new-and-redevelopment/>

83. A construction management plan shall be provided for review and approval by the City prior to issuance of building permit or grading permit.
84. Prior to start of construction, a grading permit shall be required from the Department of Public Works. Applications can be found on the City's website: <https://www.cityofsanrafael.org/grading-permits/>
85. An encroachment permit is required from the Department of Public Works prior to conducting any work within or any time the public ROW is restricted. Encroachment permits can be applied for online on the City of San Rafael website: <https://www.cityofsanrafael.org/encroachment-permits/>
86. 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.

San Rafael Sanitation District

87. On sheet C3.0, show the new and/or existing sewer laterals including size/material type and length from the building to the street. If existing sewer lateral will be removed/abandoned, please show on the plans.
88. Indicate a cleanout/backflow prevention device no further than 2-ft from the foundation of the. Note that the Contra Costa-type backflow device with a 2-way cleanout is preferred.
89. In order for the District to determine sewer connection fees, please provide a fixture count table detailing all existing and new drainage fixtures and their corresponding Drainage Fixture Units (DFU) for commercial/retail spaces. Fixture unit counts shall be pursuant to Table 702.1 of the 2019 CPC.
90. Provide the capacity calculations required to clarify size of the proposed sewer laterals is sufficient.
91. Provide a profile of the proposed sewer laterals from the building to the existing sewer main connection point.
92. Please be apprised of the following:
- a. Any exterior sanitary sewer-related work shall be performed in accordance with the San Rafael Sanitation District (SRSD) Standard Plans and Specifications.
 - b. A sewer permit from the San Rafael Sanitation District is required independent of a building permit for all proposed sewer lateral work outside the dwelling footprint. The

property owner or authorized agent shall apply for a sewer permit online or contact SRSD for more information at (415) 454-4001 prior to the start of work.

- c. Pursuant to District Ordinance No. 56, a sewer connection fee may be imposed prior to issuance of the building permit.
- d. Be apprised that cleanout is required at every 90-ft and 45° bent on all existing and proposed SS pipes.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 11th day of April, 2023. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Moved by _____ and seconded by _____. The vote is as follows:

AYES:

NOES:

ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Alicia Giudice, Secretary

BY: _____
Chair