



**Design Review Board  
Regular Meeting**

**Tuesday, April 18, 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/drb-2023>  
Telephone: 1 (669) 444-9171  
Meeting ID: 885 6816 1418**

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](mailto: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](mailto: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 Board to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Board members who wish to discuss.

- 1. Approval of the Design Review Board Meeting Minutes of March 21, 2023**  
*Recommended Action – Approve minutes as submitted*

## **ACTION CALENDAR**

- 2. 323 Prospect Drive – Retaining Wall**

Request for recommendation to City Staff on an Administrative Environmental and Design Review Permit application for a maximum seven-foot-tall retaining wall with a three foot five inches tall railing within the required front yard on a hillside property; APN 011-033-09; Residential District (R5); Permit # ED23-012, PLAN22-175

**Project Planner:** Renee Nickenig ([renee.nickenig@cityofsanrafael.org](mailto:renee.nickenig@cityofsanrafael.org))

*Recommended Action – Review and provide input on items discussed in staff report*

- 3. 50 Merrydale Road – New 12-Unit Residential Building**

Request for a Conceptual Design Review of a new, 12-unit residential building. The project includes a proposed lot split of the property on which there is an existing 16-unit residential building and a density bonus request which would result in waivers to deviate from the existing development standards; APN 179-221-03; High Density Residential Zoning District (HR1.8); Permit # CDR23-001, PLAN22-180

**Project Planner:** Renee Nickenig ([renee.nickenig@cityofsanrafael.org](mailto:renee.nickenig@cityofsanrafael.org))

*Recommended Action – Review and provide input on items discussed in staff report*

## **STAFF COMMUNICATION**

## **BOARD 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](mailto: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.*



**Design Review Board  
Regular Meeting**

**Tuesday, March 21, 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/drb-2023>  
Telephone: 1 (669) 444-9171  
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- If you experience technical difficulties during the meeting, please contact [PlanningPublicComment@cityofsanrafael.org](mailto:PlanningPublicComment@cityofsanrafael.org)

**CALL TO ORDER**

Chair Kovalsky called the meeting to order at 7:00 p.m. Chair Kovalsky then invited Staff & Senior Planner Jeff Ballantine to call roll.

**RECORDING OF MEMBERS PRESENT AND ABSENT**

Present: Chair Sharon Kovalsky  
Vice Chair Jeff Kent  
Board Member Michael Alexin  
Board Member Sarah Rege  
Board Member Stewart Summers  
Alternate Board Member Donald Blayney

Absent: None

Also Present: Jeff Ballantine, Staff, Senior Planner & DRB Secretary

**PUBLIC NOTIFICATION OF MEETING PROCEDURES**

Chair Kovalsky invited Staff & Senior Planner, Jeff Ballantine, to inform the public that members they can provide public comment either in person in the Council Chambers, by telephone or via zoom with the raise hand feature. Written comments submitted prior to the meeting time would be read aloud into the record during the public comment portion of each item.

Chair Kovalsky reviewed the procedures for the meeting.

### **URGENT ORAL/EMAIL COMMUNICATIONS FROM THE PUBLIC**

Chair Kovalsky called for any comments from the public on items NOT on the agenda. There were no public comments.

### **CONSENT CALENDAR**

Chair Kovalsky invited public comment on the Consent Calendar. There was no comment on the Consent Calendar.

#### **1. Approval of the Design Review Board Meeting Minutes of December 6, 2022**

Member Kent moved and Member Alexin seconded to approve the Minutes as submitted.

AYES: Members: Alexin, Kent, Kovalsky & Rege  
NOES: Members: None  
ABSENT: Members: None  
ABSTAIN: Members: Summers

Motion passes.

### **ACTION CALENDAR**

Chair Kovalsky introduced the Action Calendar and invited staff to present the Staff Report.

#### **1. 380 Margarita Drive – New Single-Family House**

Request for Zoning Administrator recommendation for an Environmental and Design Review Permit application for a new single-family residence, pool, and detached garage with a guest unit on a vacant hillside lot; APN: 015-320-03; Planned Development District (PD) 1808-H; ED21-011, PLAN21-019

**Project Planner:** Renee Nickenig ([renee.nickenig@cityofsanrafael.org](mailto:renee.nickenig@cityofsanrafael.org))

Assistant Planner, Renee Nickenig, provided a staff presentation on the project.

Applicant Team gave a presentation on the project.

Applicant Team and Staff responded to questions from the Board Members.

Chair Kovalsky asked for public comments. No public comment was provided.

Board Members provided comments.

Member Summers moved, Vice Chair Kent seconded recommendation that the Zoning Administrator approve the project if the applicant addresses the following comments:

1. Provide at least five shrubs in front of the swimming pool retaining wall of a species and location to be approved by City staff in consultation with Vice Chair Kent.
2. Existing invasive plant on the project site, such as pampas grass, shall be removed
3. Proposed species of trees that are proposed in front of the proposed swimming pool retaining pool shall be revised to a species approved by City staff in consultation with Vice Chair Kent.

4. Proposed material of retaining wall along the proposed driveway shall be revised to board formed or split faced concrete. Proposed color of this retaining wall shall be revised to more closely match the building wall color and the color shall be introduced through pigment of material instead of being painted onto the wall.

AYES: Members: Alexin, Kent, Kovalsky, Summers & Rege

NOES: Members: None

ABSENT: Members: None

ABSTAIN: Members: None

Motion passes.

#### **DIRECTOR'S REPORT**

Jeff Ballantine provided an update on the previous DRB meeting for those members that were absent.

#### **BOARD COMMUNICATION**

No Board communication was provided

#### **ADJOURNMENT**

Chair Kovalsky adjourned the meeting at 7:45 p.m.

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JEFF BALLANTINE, Senior Planner



**REPORT TO DESIGN REVIEW BOARD**

**SUBJECT:** **323 Prospect Drive** – ED23-012 (PLAN22-175) Design review for a maximum seven (7) foot retaining wall with a three (3) foot and five (5) inch tall railing within the required front yard on a hillside property; APN: 011-033-09; Residential District (R5); LOREDO NICHOLS C &, Owner; Babak Mamaqani, Applicant.

**EXECUTIVE SUMMARY**

This project is being referred to the design review board for a recommendation to construct a retaining wall over four (4) feet tall on a hillside parcel. The project proposes to construct a stepped retaining wall to accommodate a new concrete slab on grade at the front of the property. The wall will range from five (5)-feet to a maximum of seven (7)-feet-six (6)-inches in height and will be topped with a three foot and five inches tall railing (eight [8]-feet-three [3]-inches to ten [10]-feet-six [6]-inches total).

**REQUESTED ENTITLEMENTS**

The proposed project is subject to review, and approval of the entitlement described below:

- **Environmental and Design Review (Administrative)** Retaining walls over four (4) feet tall within the required setbacks of hillside parcels require an Administrative Environmental and Design Review permit pursuant to San Rafael Municipal Code (SRMC) Section 14.25.040.C.13 with a recommendation from the Design Review Board (DRB) pursuant to SRMC Section 14.16.140.A.2.a.

**PROPERTY FACTS**

The following tables provide an overview of General Plan and Zoning designations for the project site and immediately surrounding area as well as existing developed land uses, and an overview of the project’s compliance with applicable development standards set forth in SRMC § 14.04.020 for residential zoning districts (R5) and SRMC § 14.12.030 for hillside development.

<b>Table 1: Designations and Existing Uses</b>			
<b>Location</b>	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	<b>Low-Density Residential (LDR)</b>	<b>R5</b>	Single-Resid. - Improved
North:	Low-Density Residential (LDR)	R5	Single-Resid. - Improved
South:	Low-Density Residential (LDR)	R5	Multiple-Resid. - Improved
East:	Low-Density Residential (LDR)	R5	Single-Resid. - Improved
West:	Low-Density Residential (LDR)	R10	Single-Resid. - Improved

## Site Description & Setting

The project site is located west of Prospect Drive and is oriented upslope from the street. The existing primary residence is set above grade of the street and is in character with the surrounding properties. The property is currently accessible from a small driveway off Prospect Drive. There is no sidewalk on either side of Prospect Drive.

## PROJECT DESCRIPTION

The project proposes to construct a stepped retaining wall to accommodate a new concrete slab on grade at the front of the property. The wall will range from five (5)-feet to a maximum of seven (7)-feet-six (6)-inches in height and will be topped with a three foot and five inches tall railing (eight [8]-feet-three [3]-inches to ten [10]-feet-six [6]-inches total). The retaining wall will be constructed of horizontal Douglas Fir timber in the natural color (brown). The guardrail will be constructed with natural wood posts and stainless-steel wire mesh painted black or brown. Property lines and setbacks shown on proposed plans (Exhibit 1) are approximate.

## ANALYSIS

### Hillside Overlay District

As described in Table 2 below, the proposed retaining wall complies with the relevant regulations for the Hillside Overlay District in SRMC Section 14.12.030.

Table 2: Hillside Overlay District Regulations (SRMC § 14.12.030)			
Development Standard	Required/Permitted	Existing	Proposed
<b>Building Stepback</b>	<p>On any downhill slope a twenty-foot (20') height limit measured from existing grade shall be observed.</p> <p>On non-downhill slope, walls facing front and side property lines shall have a twenty-foot (20') height limit measured from existing grade shall be observed within all areas within fifteen feet (15') of the maximum building envelope limit.</p>	N/A	<b>Total height of wall and railing will be under 20'</b>
<b>Natural State</b>	A minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%) = <b>59.39%</b>	76%	<b>72%</b>

### Hillside Design Guidelines

The San Rafael Hillside Design Guidelines include the following policy relevant to the proposed wall:

- Retaining walls and pony walls visible from off site should be of minimum height. Retaining walls faced with stone or earth-colored materials are encouraged.
- Avoid large retaining walls in a uniform plane. Break retaining walls into smaller components and terraces.

The proposed retaining walls are of minimum height needed to provide a flat surface at the front of the property, due to the steep slope of the property. The use of natural wood will complement the existing hillside character of the property and neighborhood. The face of the retaining wall facing the street

terraces in height from seven feet six inches tall near the southeastern corner of the property down to as low as five feet in height toward the northeastern portion of the property. In addition, the proposed three foot five inches tall guardrail on top of the proposed retaining wall would be made of see through wire mesh and wood posts to minimize the visual impacts of the guardrail.

## **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 all meetings, including this hearing. Staff have not received any public comments, as of the posting of this staff report.

## **RECOMMENDATION**

Staff recommends that the DRB approve the construction of the wall with conditions related to the proposed materials and configuration as they see fit.

## **EXHIBITS**

### **1. [Project Plans](#)**





**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department –  
Planning Division

**Meeting Date:** April 18, 2023

**Case Numbers:** CDR23-001 (PLAN22-180)

**Project Planner:** Renee Nickenig, Assistant  
Planner

**Agenda Item:** 3

## REPORT TO DESIGN REVIEW BOARD

**SUBJECT:** **50 Merrydale Road** – CDR23-001 (PLAN22-180) Conceptual Design Review of a new, 12-unit residential building. The project includes a proposed lot split of the property on which there is an existing 16-unit residential building and a density bonus request which would result in waivers to deviate from the existing development standards; APN: 179-221-03; Multifamily Residential Districts: High-Density (HR1.8); AUGUST PLACE LLC, Owner; Stewart Summers, Applicant.

### EXECUTIVE SUMMARY

This project is being referred to the Design Review Board for a conceptual design review of a Major Physical Improvements as defined under San Rafael Municipal Code (SRMC) § 14.25.040.A.1.b. The project includes a subdivision of the existing lot, and the construction of a new multifamily residential building.

#### Density Bonus

The project proposes to provide 10% of the base units (ten base units), or one (1) unit, affordable to low-income households. As such, the project qualifies for a 20% density bonus which will allow for 12 total units. City staff are currently working to confirm whether the submittal materials provided so far address all relevant requirements of the City's Density Bonus Regulations in City Council Resolution 14891 and in State Density Bonus law.

Providing 10% of the base units, or one unit, affordable to low-income households also satisfies the City's affordable housing requirements pursuant to City Council Resolution 14890.

### REQUESTED ENTITLEMENTS

The proposed project is subject to review, and approval of the entitlements described below:

- **Conceptual Design Review (CDR23-001).** Per SRMC § 14.25.030.B., projects subject to major environmental and design review shall apply for a conceptual review by the Design Review Board. Conceptual review focuses on the conceptual design approach and gives both the Design Review Board (DRB) and the applicant the opportunity to work together to achieve a quality design by providing an opportunity for the board to identify and discuss relevant issues and indicate the appropriateness of the design approach.
- **Environmental and Design Review (Major).** SRMC § 14.25.040.A.1.b, specifies that new construction of a residential structures with three (3) or more dwelling units is classified as a Major Physical Improvement, subject to approval from the Planning Commission. The project will come back to the DRB at a future DRB meeting at a date to be determined for consideration of a formal recommendation on the Environmental and Design Review permit application.

## PROPERTY FACTS

The project site is located immediately west of Highway 101 on Merrydale Road. The approximately 56,228 square-foot lot is irregular in shape, and oriented upslope from Merrydale Road. There are two existing eight (8) unit multifamily residential buildings with a total of 25 parking spaces on the northern half of the project site. 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 Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>High-Density Residential (HDR)</b>	<b>HR1.8</b>	Multiple-Resid. - Improved
North:	HDR-Public/Quasi Public (P/QP)	HR1.8	Multiple-Resid. - Improved
South:	HDR	HR1	Multiple-Resid. - Improved
East/Southeast:	P/QP	P/QP	Tax Exempt
West:	HDR	HR1.8	Exemption - Improved

**Figure 1: Project Location**



## PROJECT DESCRIPTION

The proposed project includes the subdivision of the existing lot, and the construction of a new multifamily residential building with 12 residential units on the newly created southern lot. The complete design of the project is presented on the project plans submitted and included in Exhibit 1.

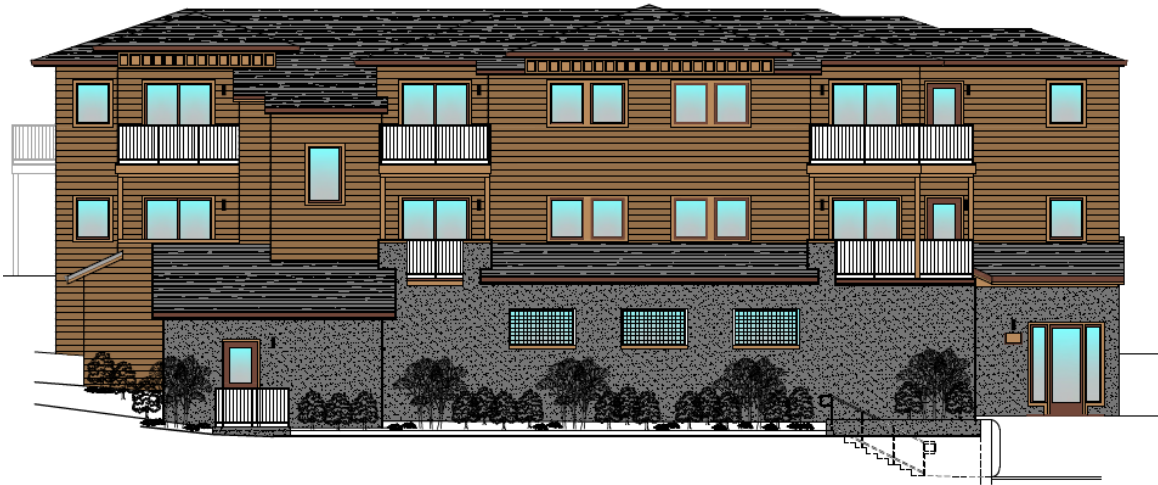
### Site

The proposed new lot would be approximately 18,000 square-feet in size. A new driveway would be constructed from Merrydale Road for access to the site, including parking and facilities. A proposed retaining wall along the proposed driveway would range from 4.5 feet to 7 feet tall.

### Architectural Features

The proposed new multifamily development includes two stories of residential units above an enclosed garage. The two stories of residential units surround an open terrace and common area. The primary roof is hipped with overhanging eaves. Shed roofs project from the lower level. Both roof types are shown with dark gray composition shingles (Figure 2). The projecting eaves at the upper level are decorated with raised panels.

**Figure 2: Proposed West (Front) Elevation**



The two upper stories are proposed to have lap siding in a neutral taupe, and the lower parking level is proposed to be coated gray stucco (Figure 3). The project proposes primarily paired vertical windows and patio doors with aluminum frames (Figure 3). Welded steel guard rails would surround the exterior patios, and welded screens would cover the exterior of the horizontal windows at the lower level (garage).

**Figure 3: Proposed Materials**



**Composition Roofing, Certainteed Landmark TL Color: "Country Gray"**



**Class "A" lap siding, Hardi-Plank "Smooth" lap siding, Color: "Timber Bark"**



**3-coat stucco siding, Lahabra sand finish Color: "Warm Gray"**



**Aluminum frame windows, Color: "Bronze Anodized"**

### Retaining Walls

The proposed retaining walls at the site are vertical board form concrete in a medium gray tone (Figure 4). The heights of the proposed retaining walls range from one foot (1') to nine feet (9') outside of the required setbacks, and support terracing at the rear and front of the proposed development. The project

includes a retaining wall along the new driveway ranging from six feet (6') to seven feet eight inches (7'-8") tall within the required side yard to support the proposed driveway (analyzed below).

**Figure 4: Bird's Eye View Facing Southeast and Proposed Retaining Wall Material**



Landscaping

The project proposes landscaping along the western (front), eastern, and southern portions of the proposed new lot. The proposed landscaping includes shrub and tree planting along the western, eastern and southern edges of the property, low ground cover at the terraced area behind the proposed new building, and a bioretention area at the front of the proposed new building. The primary proposed trees and plants include Western Redbud, Coast Live Oak, Fortnight Lily, and Variegated Spanish Dagger. The proposed ground cover would primarily be Creeping Thyme, and the bioretention area would include Molate Red Fescue.

Existing vegetation at the site will be retained as much as possible, with limited removal to account for construction and site management. The landscape plan provided (Sheet L1 of Exhibit 1) notes that all new tree and shrub plant material shall be irrigated with drip irrigation. The project will be conditioned so that all proposed landscaping complies with all Marin Municipal Water District (MMWD) regulations.

**ANALYSIS**

This section provides an overview of the project's compliance with applicable development standards set forth in SRMC § 14.04.040 for the High Density Residential zoning district (HR1.8), SRMC § 14.12.030 for the Hillside Overlay district, and the proposed over-height retaining wall. As summarized above, the development standards that the project does not meet would be approved as waivers as permitted for qualifying density bonus projects.

**Density Bonus**

As a qualifying density bonus project, the project is entitled to concessions and waivers of development standards to accommodate the affordable housing project. The tables below, note where waivers are being requested.

<b>Table 2: Development Standards Summary (HR1.8)</b>				
<b>Development Standard</b>	<b>Required/ Permitted</b>	<b>Proposed (Lot 1)</b>	<b>Proposed (Lot 2)</b>	<b>Consistent</b>
<b>Minimum lot area</b>	6,000 sq. ft. (2.3 acres)	38,196 sq. ft. (.87 acre)	18,032.9 sq. ft. (.41 acre)	<b>Yes</b>
<b>Minimum lot area/dwelling unit (sq. ft.) (Max. residential intensity)</b>	Lot (1): 21 Lot (2): 10 (12 with Density Bonus)	16 Units (no change)	12 Units	<b>Yes</b>



**Table 2: Development Standards Summary (HR1.8)**

Development Standard	Required/Permitted	Proposed (Lot 1)	Proposed (Lot 2)	Consistent
<b>Minimum lot width (ft.)</b>	60	72 (east property line)	96.45 (west property line)	<b>Yes</b>
<b>Minimum yards (ft.)</b>				
Front	15	15	15	<b>Yes</b>
Side	5	5	5	<b>Yes</b>
Rear	5	5	5	<b>Yes</b>
<b>Maximum Height (ft.)</b>	36	No change	37.5	<b>Density Bonus Waiver Request</b>
<b>Maximum lot coverage</b>	60%	24%	36%	<b>Yes</b>
<b>Minimum usable outdoor area (common and/or private)/ Dwelling unit = 150 sq. ft./unit</b>	Lot (1): 2,400 (total) Lot (2): 1,800 (total)	No change	642 sq. ft. (total)	<b>Density Bonus Waiver Request</b>
<b>Parking</b>	<i>One (1) onsite parking space per one-bedroom unit (Government Code Section 65915(p)(1))</i>	<i>No change</i>	12	<b>Yes</b>

**Table 3: Development Standards Summary (SRMC § 14.12.030)**

Development Standard	Required/Permitted	Proposed	Consistent
<b>Building Stepback</b>	On any downhill slope a twenty-foot (20') height limit measured from existing grade shall be observed.  On non-downhill slope, walls facing front and side property lines shall have a twenty-foot (20') height limit measured from existing grade shall be observed within all areas within fifteen feet (15') of the maximum building envelope limit.	Front of building is taller than 20 ft. and is less than 30 ft. from front property line	<b>Density Bonus Concession/ Waiver Request</b>
<b>Natural State</b>	A minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%),	N/A	<b>N/A*</b>
<b>Gross Building Square Footage</b>	The maximum permitted gross building square footage of all structures (including garages and accessory structures over one hundred twenty (120) square feet) is limited to two thousand five hundred (2,500) square feet plus ten percent (10%) of the lot area	N/A	<b>N/A*</b>

**Table 3: Development Standards Summary (SRMC § 14.12.030)**

<b>Development Standard</b>	<b>Required/Permitted</b>	<b>Proposed</b>	<b>Consistent</b>
	with the maximum gross square footage set at six thousand five hundred (6,500) square feet.		
<b>Ridgeline Development</b>	Development of new structures within one hundred (100) vertical feet of a visually significant ridgeline.	Property is not within 100 vertical feet of a significant ridgeline	<b>Yes</b>
<b>Parking Requirements</b>	One (1) onsite parking space per one-bedroom unit (Government Code Section 65915(p)(1)).	12 Covered Parking Spaces	<b>Yes</b>
<b>Street and Driveways</b>	New street and driveway grades shall not exceed eighteen percent (18%)	New driveway does not exceed 18% grade	<b>Yes</b>

*\*Not required on hillside properties with a high-density residential land use designation.*

#### Bicycle Parking

Per SRMC §14.18.090.B.1., five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack, is required for multi-family residential projects. The proposed project would include a nineteen feet (19') by seven feet six inches (7'-6") space in the garage dedicated to bicycle storage, which would be sufficient to accommodate the required one (1) bicycle storage space.

#### **Non-Conforming Retaining Wall**

The project includes a retaining wall along the new driveway ranging from six feet (6') to seven feet eight inches (7'-8") tall within the required side yard. Due to the slope of the site the wall is necessary to minimize grading in order to provide safe and sufficient access to the site. Per SRMC §14.16.140.A.2, staff will request that the DRB make a recommendation to the Zoning Administrator to approve or deny the wall when the formal application is reviewed.

#### **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 (DRB) may only place conditions on the project that are based on adopted objective development standards that apply to the project (summarized in Table 2 and Table 3 above). In addition, the DRB may not place any conditions on the project that have the effect of reducing the density or the lot coverage of the project. However, the DRB may provide recommendations for the applicant to consider implementing at their own discretion.

#### **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 all meetings, including 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 have not received any public comments, as of the posting of this staff report.

## **CONCLUSION**

Staff request input from the DRB on the overall conceptual design of the proposed development as well as on the over-height retaining walls proposed in the required side yard to provide safe access to the site.

## **EXHIBITS**

1. [Project Plans](#)