




**Agenda Item No: SM 1**  
**Meeting Date: May 8, 2023**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Community Development**

**Prepared by: Alicia Giudice,**  
**Community Development Director**  
**Jeff Ballantine, Senior Planner**

**City Manager Approval:** \_\_\_\_\_ 

**TOPIC: ENVIRONMENTAL AND DESIGN REVIEW PERMIT FOR NEW MIXED-USE BUILDING AT 1515 4<sup>TH</sup> STREET**

**SUBJECT: RESOLUTION OF THE SAN RAFAEL CITY COUNCIL DENYING AN APPEAL (AP23-002) AND AFFIRMING THE PLANNING COMMISSION’S APRIL 11, 2023 ACTION 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 AND DETERMINING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332**

**EXECUTIVE SUMMARY:**

On March 10, 2022, Collin Monahan (“applicant”) submitted a proposal to construct a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space located at 1515 4<sup>th</sup> Street. The northern face of the proposed building that faces 4<sup>th</sup> Street would be 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 proposes that 13 of the 162 units would be available to very low-income households. Because the proposal provides that 10% of the total base density units would be affordable to very low-income households, the project is subject to the State Density Bonus Laws (“SDBL”, Gov. Code section 65915 et seq.). As a density bonus project providing 10% of base density units as affordable to very low-income households, the project is entitled to two incentives/concessions (hereinafter “incentives.”) Because at least two-thirds of the square footage of the project is dedicated to residential uses, the project is considered a “housing development project” under the Housing Accountability Act (“HAA”). The HAA provides that a City may only deny a housing development project or reduce its density if the project is inconsistent with objective standards; “objective” means “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.”<sup>1</sup>

<sup>1</sup> Gov. Code § 65589.5(h)(8).

**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

On April 11, 2023 the Planning Commission held a public hearing to consider an environmental and design review permit for the proposed project. The Planning Commission took public comment, received reports from staff and the applicant, and considered the evidence in the record. The Planning Commission voted 3 ayes, 1 noes, and two abstentions to approve the environmental and design review permit.

On April 18, 2023, the City received a timely appeal of the Planning Commission's April 11, 2023 action (Attachment 2) approving the Environmental and Design Review permit for the project. The basis for the appeal relates to public safety concerns regarding potential traffic and flooding impacts from the proposed project. The appeal does not raise any significant, quantifiable, direct, and unavoidable impacts of the project, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete as required by the Housing Accountability Act (Government Code Section 65589.5). Therefore, the appeal has no merit.

**RECOMMENDATION:**

Staff recommends that the City Council adopt the attached Resolution denying the appeal (AP23-002) and upholding the Planning Commission's April 11, 2023 action approving Environmental and Design Review permit (ED22-016, PLAN22-039) for a proposed new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space at 1515 4<sup>th</sup> street and determine the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15332.

**BACKGROUND:**

**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 on the existing 38,521-square-foot site located on 4<sup>th</sup> Street between E Street to the east and Shaver Street to the west. The building would have a maximum height of 80 feet, with seven stories on the northern portion of the building fronting 4<sup>th</sup> 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.

**Affordable Housing**

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). Pursuant to the City's Guidelines for Administration of the Affordable Housing Requirement, the affordable units must be dispersed throughout the project and must be of similar mix and type to that of the market-rate units. Additionally, the affordable housing units shall be compatible with the design, materials, amenities and appearance of the market rate units.<sup>2</sup>

Accordingly, the project must provide at least 4 two-bedroom very low-income units, and 9 one-bedroom very low-income units. Prior to certificate of occupancy or the final inspection of any units in the project, an affordable housing regulatory agreement must be approved by the City Manager and recorded against

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<sup>2</sup> San Rafael Guidelines for Administration of the Affordable Housing Requirement, subd. (C).

the project site. The regulatory agreement will limit the rental of the 13 affordable housing units to maximum rents affordable to very low-income households.<sup>3</sup>

### **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 (Attachment 5), 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](#).

### **Design Review Board Hearing**

The Design Review Board (DRB) reviewed the project on [March 7, 2023](#) and 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 City Council Resolution (Attachment 1).

### **Planning Commission Hearing**

On [April 11, 2023](#), the Planning Commission conducted a hearing on the Environmental and Design Review Permit for the proposed project. The Planning Commission meeting was well attended with 19 people providing public comment that raised concerns about the project and 18 people providing public comment in support of the project. After considering the evidence presented before them, the Planning Commission voted to approve the Environmental and Design Review Permit ED22-061. On April 18, 2023, Vikram Seshadri ("Appellant") appealed the Planning Commission decision. Staff's analysis presented below demonstrates that the appeal of the Planning Commission's decision to approve the environmental and design review permit has no merit.

### **ANALYSIS:**

#### **Consistency with City Policies and Regulations**

The project is consistent with the adopted City Council goals and objectives; San Rafael General Plan 2040; Zoning Ordinance; and Downtown Precise Plan as described in detail in the April 11, 2023 Planning Commission staff report packet (Attached hereto and incorporated herein by this reference as Attachment 3).

#### **Downtown Precise Plan Consistency**

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

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<sup>3</sup> San Rafael Guidelines for Administration of the Affordable Housing Requirement, subd. (E).

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.

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

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

Massing and Façade Articulation

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

<b>Table 3: Massing and Façade Articulation (DPP Division 3.2)</b>		
<b>Review Criteria</b>	<b>Proposed</b>	<b>Code Subsection</b>
<b>Tripartite Façade Articulation.</b> New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.	Most of the top level is recessed from a majority of the lower levels and in 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
<b>Massing and Composition.</b> Building facades shall be arranged in an orderly composition of window bays/openings based on prevalent patterns of 5, 7 or 9 bays.	Each building elevation is arranged in an orderly composition of the following number of window bays/openings: <ul style="list-style-type: none"> <li>• North Elevation – 9 bays/openings</li> <li>• East Elevation – 5 bays/openings</li> <li>• South Elevation – 9 bays/openings</li> <li>• West Elevation – 5 bays/openings</li> </ul>	3.2.040

<b>Table 3: Massing and Façade Articulation (DPP Division 3.2)</b>		
<b>Review Criteria</b>	<b>Proposed</b>	<b>Code Subsection</b>
<b>Corner Elements.</b> New facades and facade modifications shall be designed to include a corner element to give visual importance to the corner and enhance the public realm.	Each building façade includes a corner element that is distinct from other portions of the building.	3.2.050
<b>Windows and Openings.</b> Buildings 100' or more in length along the street are required to include projected or recessed window bays. The recess may be achieved by a partial or complete window surround. Up to 3 bays may be grouped.	Each building façade is broken into different columns that serve as window bays and project from the rest of the building.	3.2.060

**Density Bonus Incentives and Waivers**

State Density Bonus Law affords significant inducements to developers to include affordable housing as part of their projects in the form of “concessions or incentives.” A concession or incentive is defined as: a reduction in site development standards or a modification of zoning code or architectural design requirements, including a reduction in setback or minimum square footage requirements; approval of mixed-use zoning; or other regulatory incentives or concessions which result in identifiable and actual cost reductions. (Gov. Code, § 65915, subd. (k)(1).) The intent of concessions and incentives is to lower the cost of the construction of housing in order to provide for the affordable housing. The number of required incentives or concessions is based on the percentage of affordable units in the project (Gov. Code, § 65915, subd. (d)(2)).

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. Unlike incentives and concessions, waivers are unlimited, and their purpose is to remove developments standards that have the effect of physically precluding the construction of the density bonus project. As described in Table 1 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 2 above, 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.

**SB 330 - Housing Accountability Act of 2019**

The Housing Accountability Act (Government Code Section 65589.5 et seq.) seeks to boost homebuilding throughout the State with a focus on urbanized zones by 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. As explained above, the HAA provides that a City may only deny a housing development project or reduce its density if the project is inconsistent with objective standards or if a limited exception is met.

Section (j) of the HAA provides a limited exception to approval: where a housing development project complies with applicable objective development and design standards, a local agency may deny the project or reduce allowable 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. A “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete (Government Code Section 65589.5.j.1.A).

As set forth above, 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.

**Summary of Appeal (AP23-001) and Staff Responses**

The appeal letter submitted by Appellant (Attachment 2) alleges that the project could result in traffic impacts that could affect public safety as well as flooding impacts. The appeal does not raise any significant, quantifiable, direct, and unavoidable impacts of the project, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. As such, staff does not believe there is a basis to deny the project on the basis of potential traffic or flood impacts. Nevertheless, City staff provides the following background information in response to the bases for appeal:

**Appeal Point 1 – Inadequate Traffic Analysis**

The appellant claims that the Local Traffic Analysis prepared for the project (Attachment 5) is inadequate because it did not analyze impacts to the intersections of 3<sup>rd</sup> Street/Shaver Street; 2<sup>nd</sup> Street/Shaver Street; and Latham Street/Shaver Street.

**Staff Response**

The City’s [Transportation Analysis Guidelines](#) identify the scope of work that is deemed an appropriate level of analysis for a Local Transportation Analysis (LTA) for many types of projects, including this one, located within Downtown San Rafael:

*The study area for small projects should consist of, at a minimum, the roadways providing immediate access to the Project site, including any pedestrian, bicycle, or transit facilities. For most projects in this tier, analysis will focus on project driveways, and identify 2-4 intersections near the project to assess the effects on site access. (p.23)*

The intent for requiring an LTA for a project of this scope is not for the purpose of analyzing congestion impacts to streets but rather for the purpose of assessing “effects on site access” to the project site. The LTA for the project included analysis for the intersections of 4<sup>th</sup> Street/E Street and 4<sup>th</sup> Street/Shaver Street because these two intersections are directly adjacent to the project site and have relevance on assessing traffic as it relates to site access. The intersections of 3<sup>rd</sup> Street/Shaver Street, 2<sup>nd</sup> Street/Shaver Street, and Latham Street/Shaver Street range are located approximately 112 feet, 245 feet, and 345 feet, respectively, from the project site. Consequently, pursuant to the City’s Transportation Analysis Guidelines, these three intersections are not considered relevant for assessing effects on site access to the project site. The intersections studied were reviewed and approved by the City’s Traffic Engineer as appropriate for the LTA.

Regardless of the intersections analyzed in the LTA, there are not any objective quantifiable standards in the City’s Transportation Analysis Guidelines pertaining to traffic or site access.

**Appeal Point 2 – Traffic Impacts**

The appellant claims that traffic congestion on Shaver and Latham will go from bad to significantly worse due to the project. Examples of existing traffic congestion issues on Shaver Street provided by the appellant include the following: (1) narrow street width; (2) backups on Shaver Street at 3<sup>rd</sup> and 2<sup>nd</sup> Street traffic lights; and (3) new bulb-outs on Shaver Street at intersections of 3<sup>rd</sup> and 2<sup>nd</sup> Streets create particularly narrow passages.

**Staff Response**

*Narrow Street Width:* Pursuant to the LTA prepared for the project (Attachment 5), 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. In addition, City staff will ask the project applicant to provide a turning radius diagram prior to issuance of a building permit to verify that vehicles can safely ingress and egress from both proposed driveways, which will be reviewed by Public Works staff. If these submitted turn movements raise concerns, Public Works staff may consider the possibility of removing some or all of the street parking on the west side of Shaver Street that are immediately across from the project site.

*New Bulb-outs:* The Department of Public Works is aware that speeding is an issue on 3<sup>rd</sup> Street and in response installed bulb-outs at the intersections of 3<sup>rd</sup> Street/Shaver Street and 2<sup>nd</sup> Street/Shaver Street as a traffic calming measure from turning vehicles earlier this year. Public Works staff are currently observing traffic behavior at the 3<sup>rd</sup> Street/Shaver Street intersection and are planning on modifying one of the bulb-outs to make turning movements easier. This effort is a result of Public Works staff continually working to improve existing conditions and does not have any relation to the proposed project.

*Overall Traffic Analysis Process:* The adoption of [Senate Bill 743](#) in 2013 changed how transportation impacts are measured for new development projects for CEQA analysis purposes. Previously, a project’s potential environmental impacts were evaluated based on the potential increase in traffic, measured by level of service (or “LOS”) in the immediate project area. LOS measures the speed at which vehicles travel through a given intersection at various times of day (i.e. “peak” and “non-peak” hours.) SB 743 prescribed a different metric for evaluating traffic based on called Vehicle Miles Traveled (VMT). Unlike LOS, VMT considers the number and length of car trips induced by development projects and transportation. This newer approach encourages walkable communities where new development is located near transit and residences are nearby employment and shopping opportunities.



The City still maintains LOS standards in its General Plan. However, these standards are not applicable to projects, such as this one, in the Downtown Specific Plan. Accordingly, the City's General Plan LOS standards do not apply to the project.<sup>4</sup>

The [San Rafael General Plan 2040 & Downtown Precise Plan Environmental Impact Report \(EIR\)](#) includes analysis of potential environmental impacts of anticipated buildout through to 2040 which includes up to 4,460 new residential units in the City, up to 2,200 of which would be within the Downtown area. Analysis of potential transportation impacts of this anticipated in [Chapter 4.16](#) of the EIR indicates that the number of Vehicle Miles Traveled (VMT) would decrease if the anticipated buildout occurs as opposed to if the land use changes in the General Plan 2040 and in the Downtown Precise Plan had not been adopted. Since the project is a mixed use development in the Downtown area, it is exempt from needing to provide VMT analysis pursuant to the City's [Transportation Analysis Guidelines](#) and pursuant to Program M-3.2A of the San Rafael General Plan 2040.

Therefore, the project is consistent with all applicable objective standards pertaining to traffic impacts of the proposed new development.

**Appeal Point 3 – Street Parking**

The appellant claims that the proposed parking for the proposed development is insufficient and that it will result in increased demand for street parking which the appellant claims is limited.

**Staff Response**

As described in the April 11<sup>th</sup> Planning Commission staff report for the project (Attachment 3), the project proposes to provide 179 vehicle parking spaces which is more than the 103 vehicle spaces required by the Downtown Precise Plan for this project. Since the project complies with the applicable objective development standard for off-street vehicle parking spaces, the City cannot request that this project provide more vehicle parking spaces than are proposed.

**Appeal Point 4 – Flooding**

The appellant claims that the project will exacerbate an existing flooding issue on Shaver Street and on Latham Street. In addition, the appellant claims that the City does not provide street cleaning on Shaver Street or on Latham Street and residents are forced to clean the stormwater grates when they get clogged with tree leaves.

**Staff Response**

A large majority of the project site is currently paved and developed. As a new development, however, the project is subject to stormwater and drainage standards to ensure compliance with the [Marin Countywide Stormwater Pollution Prevention Program \(MCSTOPP\)](#). As described in the Stormwater Control Plan prepared for the project (Attachment 6), stormwater will travel down through roof drains and will enter a Storm Water Diversion structure. The Diversion structure will then release water at a specific flow rate into an in-vault media filter system. After stormwater is filtered, it will then enter a pump vault which will pump stormwater out to the street at a design 100 gallons per minute (gpm) to ensure that the stormwater flow during a storm is not increased from the current condition as a result of the project. The Public Works Department has reviewed the Stormwater Control Plan and verified that it addresses the relevant requirements of the [Marin Countywide Stormwater Pollution Prevention Program \(MCSTOPP\)](#). Post construction conditions will not exacerbate and will most likely improve drainage conditions in the area.

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<sup>4</sup> General Plan 2040 Policy M-2.5, incl. subd. (a)(1), and (c).

The City does provide street sweeping on Shaver Street and on Latham Street. However, during some of the year such as the Fall season, it is a challenge for the City's street sweeping crew to keep up with cleaning up the large amount of leaves that fall on streets throughout the City.

**COMMUNITY OUTREACH:**

Notice of all public hearings on the project, including this City Council meeting, has been conducted in accordance with the public review period and noticing requirements contained in Chapter 14.29 of the Zoning Ordinance. All notices of public meeting or hearing on the project were mailed to all property owners and occupants within a 300-foot radius of the site and the representing neighborhood groups at least 15 days prior to each meeting or hearing. Notice of the appeal hearing was published in the Marin Independent Journal on April 23, 2023.

**FISCAL IMPACT:**

None

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the Resolution denying the appeal and affirming Planning Commission's April 11, 2023 action approving Environmental and Design Review permit (ED22-016, PLAN22-039)
2. Continue the hearing (to a date certain or an undefined date) to allow staff to address any of the Council's comments or concerns; or
3. Continue the hearing (to a date certain or an undefined date) and direct staff to prepare a resolution upholding the appeal and denying Environmental and Design Review permit (ED22-016, PLAN22-039)

**RECOMMENDED ACTION:**

Adopt the Resolution denying an appeal (AP23-002) and affirming the Planning Commission's April 11, 2023 action 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.

**ATTACHMENTS:**

1. City Council Resolution
2. [Appeal of Planning Commission decision from Vikram Seshadri, dated Received April 18, 2023](#)
3. [Planning Commission Staff Report PLAN22-039, dated April 11, 2023](#)
4. [Planning Commission Resolution 23-02](#)
5. [Local Traffic Analysis, prepared by AMG, dated December 2022](#)
6. [Stormwater Control Plan, dated 10/28/2022](#)
7. Correspondence

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL DENYING AN APPEAL (AP23-002) AND AFFIRMING THE PLANNING COMMISSION'S APRIL 11, 2023 ACTION 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) AND DETERMINING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332**

**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 which seeks concession and waivers to development standards pursuant to State Density Bonus Law at 1515 4<sup>th</sup> 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**, the application meets all objective development standards, with the use of one concession for a requirement for civic open space as well as waivers to maximum height, minimum building setbacks, minimum front and side street setback, and maximum building length requirements pursuant to State Density Bonus Law (Government Code Section 65915); and

**WHEREAS**, the project includes 13 below market rate residential units available to very low-income households; 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 adopted Resolution No. 23-001 approving the project (PLAN22-039, ED22-016);

**WHEREAS**, on April 18, 2023, the City received a timely appeal of the Planning Commission Action filed by Vikram Seshadri; and

**WHEREAS**, on May 8, 2023, the City of San Rafael City Council held a duly noticed public hearing to review and consider the appeal (AP23-002), accepting all oral and written public testimony and the written report by the Community Development Department Planning staff and closed said hearing on that date; and

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

**WHEREAS**, the City Council finds and determines that the Appeal (AP23-002) cannot be supported for the reasons set forth herein.

**WHEREAS**, pursuant to San Rafael Municipal Code section 14.25.120, appeals of environmental and design review determinations shall be filed and processed in accordance with Chapter 14.28, Appeals, of the Municipal Code.

**WHEREAS**, the City of San Rafael City Council 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**, that the City Council of the City of San Rafael having held a public hearing on the appeal, having reviewed the record of the decision and heard testimony of the appellant, the applicant and other interested persons, hereby denies the Appeal (AP23-002), affirms the Planning Commission's action to approve Environmental and Design Review Permit (PLAN22-039, ED22-016), and approves Environmental and Design Review Permit (PLAN22-039, ED22-016) based on the following findings:

#### **FINDINGS FOR DENIAL OF APPEAL (AP23-002)**

The appeal does not raise any significant, quantifiable, direct, and unavoidable impacts of the project, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The grounds upon which the appeal was filed are not a basis to reverse the Planning Commission determination and deny the project, for the following reasons:

#### **A. Appeal Point 1 – Inadequate Traffic Analysis**

**The appellant claims that the Local Traffic Analysis prepared for the project (Attachment 5) is inadequate because it did not analyze impacts to the intersections of 3<sup>rd</sup> Street/Shaver Street; 2<sup>nd</sup> Street/Shaver Street; and Latham Street/Shaver Street.**

The City's [Transportation Analysis Guidelines](#) identify the scope of work that is deemed an appropriate level of analysis for a Local Transportation Analysis (LTA) for many types of projects, including this one, located within Downtown San Rafael:

*The study area for small projects should consist of, at a minimum, the roadways providing immediate access to the Project site, including any pedestrian, bicycle, or transit facilities. For most projects in this tier, analysis will focus on project driveways, and identify 2-4 intersections near the project to assess the effects on site access. (p.23)*

The intent for requiring an LTA for a project of this scope is not for the purpose of analyzing congestion impacts to streets but rather for the purpose of assessing “effects on site access” to the project site. The LTA for the project included analysis for the intersections of 4<sup>th</sup> Street/E Street and 4<sup>th</sup> Street/Shaver Street because these two intersections are directly adjacent to the project site and have relevance on assessing traffic as it relates to site access. The intersections of 3<sup>rd</sup> Street/Shaver Street, 2<sup>nd</sup> Street/Shaver Street, and Latham Street/Shaver Street range are located approximately 112 feet, 245 feet, and 345 feet, respectively, from the project site. Consequently, pursuant to the City’s Transportation Analysis Guidelines, these three intersections are not considered relevant for assessing effects on site access to the project site. The intersections studied were reviewed and approved by the City’s Traffic Engineer as appropriate for the LTA.

Regardless of the intersections analyzed in the LTA, there are no objective quantifiable standards in the City’s Transportation Analysis Guidelines pertaining to traffic or site access.

## **B. Appeal Point 2 – Traffic Impacts**

**The appellant claims that traffic congestion on Shaver and Latham will go from bad to significantly worse due to the project. Examples of existing traffic congestion issues on Shaver Street provided by the appellant include the following: (1) narrow street width; (2) backups on Shaver Street at 3<sup>rd</sup> and 2<sup>nd</sup> Street traffic lights; and (3) new bulb-outs on Shaver Street at intersections of 3<sup>rd</sup> and 2<sup>nd</sup> Streets create particularly narrow passages.**

*Narrow Street Width:* Pursuant to the LTA prepared for the project (Attachment 5), 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. In addition, City staff will ask the project applicant to provide a turning radius diagram prior to issuance of a building permit to verify that vehicles can safely ingress and egress from both proposed driveways, which will be reviewed by Public Works staff. If these submitted turn movements raise concerns, Public Works staff may consider the possibility of removing some or all of the street parking on the west side of Shaver Street that are immediately across from the project site.

*New Bulb-outs:* The Department of Public Works is aware that speeding is an issue on 3<sup>rd</sup> Street and in response installed bulb-outs at the intersections of 3<sup>rd</sup> Street/Shaver Street and 2<sup>nd</sup> Street/Shaver Street as a traffic calming measure from turning vehicles earlier this year. Public Works staff are currently observing traffic behavior at the 3<sup>rd</sup> Street/Shaver Street intersection and are planning on modifying one of the bulb-outs to make turning movements easier. This effort is a result of Public Works staff continually working to improve existing conditions and does not have any relation to the proposed project.

*Overall Traffic Analysis Process:* The adoption of [Senate Bill 743](#) in 2013 changed how transportation impacts are measured for new development projects for CEQA analysis purposes. Previously, a project’s potential environmental impacts were evaluated based on the potential increase in traffic, measured by level of service (or “LOS”) in the immediate project area. LOS measures the speed at which vehicles travel through a given intersection at various times of day (i.e. “peak” and “non-peak” hours.) SB 743 prescribed a different metric for evaluating traffic based on called Vehicle Miles Traveled (VMT). Unlike LOS, VMT

considers the number and length of car trips induced by development projects and transportation. This newer approach encourages walkable communities where new development is located near transit and residences are nearby employment and shopping opportunities.

The City still maintains LOS standards in its General Plan. However, these standards are not applicable to projects, such as this one, in the Downtown Specific Plan (General Plan 2040 Policy M-2.5). Accordingly, the City's General Plan LOS standards do not apply to the project.

The [San Rafael General Plan 2040 & Downtown Precise Plan Environmental Impact Report \(EIR\)](#) includes analysis of potential environmental impacts of anticipated buildout through to 2040 which includes up to 4,460 new residential units in the City, up to 2,200 of which would be within the Downtown area. Analysis of potential transportation impacts of this anticipated in [Chapter 4.16](#) of the EIR indicates that the number of Vehicle Miles Traveled (VMT) would decrease if the anticipated buildout occurs as opposed to if the land use changes in the General Plan 2040 and in the Downtown Precise Plan had not been adopted. Since the project is a mixed use development in the Downtown area, it is exempt from needing to provide VMT analysis pursuant to the City's [Transportation Analysis Guidelines and pursuant to](#) Program M-3.2A of the San Rafael General Plan 2040.

Therefore, the project is consistent with all applicable objective standards pertaining to traffic impacts of the proposed new development.

#### **C. Appeal Point 3 – Street Parking**

**The appellant claims that the proposed parking for the proposed development is insufficient and that it will result in increased demand for street parking which the appellant claims is limited.**

As described in the April 11<sup>th</sup> Planning Commission staff report for the project, the project proposes to provide 179 vehicle parking spaces which is more than the 103 vehicle spaces required by the Downtown Precise Plan for this project. Since the project complies with the applicable objective development standard for off-street vehicle parking spaces, the City cannot request that this project provide more vehicle parking spaces than are proposed.

#### **D. Appeal Point 4 – Flooding**

**The appellant claims that the project will exacerbate an existing flooding issue on Shaver Street and on Latham Street. In addition, the appellant claims that the City does not provide street cleaning on Shaver Street or on Latham Street and residents are forced to clean the stormwater grates when they get clogged with tree leaves.**

A large majority of the project site is currently paved and developed. As a new development, however, the project is subject to stormwater and drainage standards to ensure compliance with the [Marin Countywide Stormwater Pollution Prevention Program \(MCSTOPP\)](#). As described in the Stormwater Control Plan prepared for the project (Attachment 6), stormwater will travel down through roof drains and will enter a Storm Water Diversion structure. The Diversion structure will then release water at a specific flow rate into an in-vault media filter system. After stormwater is filtered, it will then enter a pump vault which will pump stormwater out to the street at a design 100 gallons per minute (gpm) to ensure that the stormwater flow

during a storm is not increased from the current condition as a result of the project. The Public Works Department has reviewed the Stormwater Control Plan and verified that it addresses the relevant requirements of the [Marin Countywide Stormwater Pollution Prevention Program \(MCSTOPP\)](#). Post construction conditions will not exacerbate and will most likely improve drainage conditions in the area.

The City does provide street sweeping on Shaver Street and on Latham Street. However, during some of the year such as the Fall season, it is a challenge for the City's street sweeping crew to keep up with cleaning up the large amount of leaves that fall on streets throughout the City.

## **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. While the project seeks waivers and a concession to development standards pursuant to the State Density Bonus Law, the use of waivers does not render the infill exemption inapplicable. 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 and is consistent with the San Rafael General Plan 2040 & Downtown Precise Plan Environmental Impact Report (EIR), as confirmed by the Local Transportation Analysis prepared by Advanced Mobility Group for the project, dated December 2022. The project is not required to provide detailed vehicle miles traveled (VMT) analysis pursuant to the San Rafael Transportation Analysis Guidelines since it is a residential and employment generating project in a low VMT area. Areas within the Downtown Precise Plan area, including the project site, are not subject to the City's adopted level of service (LOS) policy which calls for LOS D or better. Despite not being subject to this standard, study intersections will operate above LOS D and the project will not result in a significant traffic impact as a result of conflict with an adopted policy.

**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 4<sup>th</sup> 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 4<sup>th</sup> 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 **5/8/2023** and shall be valid for a period of two (2) years from the date of final approval, or **5/8/2025**, 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 CCMC), 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.

**SEVERABILITY**

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

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 8<sup>th</sup> day of May 2023, by the following vote, to wit:

AYES:                    COUNCILMEMBERS:  
NOES:                    COUNCILMEMBERS:  
ABSENT:                COUNCILMEMBERS:

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Lindsay Lara, City Clerk

## Attachment 2:

[Appeal of Planning Commission decision from Vikram Seshadri, dated Received April 18, 2023](#)

<https://epermits.cityofsanrafael.org/ETRAKIT3/viewAttachment.aspx?Group=PROJECT&ActivityNo=PLAN22-039&key=JBP%3a2304261029170023>

## Attachment 3:

[Planning Commission Staff Report PLAN22-039, dated April 11, 2023](#)

<https://epermits.cityofsanrafael.org/ETRAKIT3/viewAttachment.aspx?Group=PROJECT&ActivityNo=PLAN22-039&key=JBP%3a2304261031160035>



## Attachment 4:

[Planning Commission Resolution 23-02](#)

<https://epermits.cityofsanrafael.org/ETRAKIT3/viewAttachment.aspx?Group=PROJECT&ActivityNo=PLAN22-039&key=JBP%3a2304261038130077>

## Attachment 5:

### Local Traffic Analysis

<https://epermits.cityofsanrafael.org/ETRAKIT3/viewAttachment.aspx?Group=PROJECT&ActivityNo=PLAN22-039&key=JBP%3a2304061032140715>

## Attachment 6:

[Stormwater Control Plan](#)

<https://epermits.cityofsanrafael.org/ETRAKIT3/viewAttachment.aspx?Group=PROJECT&ActivityNo=PLAN22-039&key=JBP%3a2301040356423692>

**From:** Vikram Seshadri [REDACTED]  
**Sent:** Monday, May 1, 2023 3:25 PM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Cc:** Jeff Ballantine <jeff.ballantine@cityofsanrafael.org>  
**Subject:** Supportive Evidence to my Appeal Hearing for 1515 4th Street - Project No PLAN22-039 and ED22-016

Good afternoon Lindsay,

In preparation for the upcoming appeal hearing for 1515 4th Street, San Rafael, scheduled for Monday, May 8, I would like to submit an independent, peer reviewed traffic analysis by PHA Traffic Consultants (attached,) which fully corroborates the premise of my appeal. I am also including a detailed letter summarizing the traffic analysis (attached.) I would like both to be entered as supporting evidence and presented to the city council for appropriate review ahead of next Monday's appeal hearing.

Can you kindly confirm receipt of this email and attachments at your earliest convenience?

Thank you in advance,

Vikram Seshadri  
[REDACTED] San Rafael, CA 94901

Vikram Seshadri  
[REDACTED]  
San Rafael, CA 94901

May 1, 2023

San Rafael City Council  
City of San Rafael  
1400 5<sup>th</sup> Avenue  
San Rafael, CA 94901

Re: Appeal to The City of San Rafael Planning Department's Approval of 1515 4<sup>th</sup> Street Mixed Use Project: Project No.(s): PLAN22-039 and ED22-016

Dear San Rafael City Council,

As stated in my appeal letter of April 18<sup>th</sup>, I am appealing the Planning Commission's approval of the 1515 4<sup>th</sup> Street project on the basis that the city's traffic consultant, AMG, and the Planning Commission failed to properly assess the public health and safety and traffic safety impacts at the intersections of 3<sup>rd</sup> Street and Shaver Street, 2<sup>nd</sup> Street and Shaver Street, and Shaver Street and Latham Street.

These intersections will be significantly impacted by the 1515 project and those impacts must be assessed. In addition, and as I and many others commented at the Planning Commission hearing, AMG also failed to adequately address the public safety issues that the project will create at its egress and ingress driveways or the parking and traffic impacts from the new commercial customers.

I believe that a proper assessment of these traffic impacts will necessitate design changes. The comments made in my appeal letter are incorporated herein by reference.

I am also submitting an independent, peer reviewed traffic analysis by PHA Traffic Consultants, (attached) which fully corroborates my claims of the inadequacy of the AMG study and highlights the potential public health and traffic safety hazards.

Please note that I have been advised by counsel that the appeal will be a "de novo" hearing.

"A city council's hearing on an "appeal" of a planning commission's decision "is a proceeding de novo" at which "all issues are before the reviewing body, in this case the city council," unless a local ordinance provides to the contrary." *BreakZone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1221 & n.10 (2000)

In addition, I am appealing an "environmental and design review permit" decision by the Planning Commission. As such, **neither Section 14.28.030 nor Section 14.28.040.A of the San Rafael Zoning Code bar the presentation of supporting evidence.**

Accordingly, the courts have ruled,

"We know of no reason why the council should be restricted solely to a review of the record before the commission where specific procedures have not been established by ordinance," and absent such an ordinance, "[t]here is no limitation upon the right of the council to hear new or additional testimony. If the council were bound by the findings of the commission, there would be no point in requiring the council to hold a public hearing. The council is not bound by the findings of the commission or by the testimony before the commission," and "it appears to be the general practice of city councils in conducting hearings on appeal to hear any relevant testimony offered **unless specifically restricted by ordinance.**" *Lagrutta v. City Council*, 9 Cal. App. 3d 890, 895 (1970). [Emphasis added]

I have also been advised that state law holds and the language under Section 14.28.040.A suggests that the City Council may consider not only the record that was before the planning commission, but also any additional supporting testimony, citations, facts, and evidence presented at my appeal, and that testimony, citations, facts, and evidence presented become part of the administrative record upon which the City Council bases its decision.

Note that Govt. Code § 65009(b)(1) suggests that the city council may consider any issue raised in the public hearing on the appeal, in addition to written correspondence beforehand, regardless of whether it was raised before the planning commission.

Finally, this letter is to advise the City Council that under the provisions of Senate Bill 330 and the Housing Accountability Act, **the City Council has the authority to require the applicant to undertake additional traffic safety analysis or design changes or new traffic mitigation measures to address the issues raised in this appeal.**

*SEC. 3. Section 65589.5. (d)* of SB 330 states,

*A local agency shall not disapprove [or place conditions on] a housing development project... unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:* [Emphasis added]

*(2) The housing development project ... would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.* [Emphasis added]

### **The PHA Transportation Consultants' findings**

In sum, the PHA analysis of the traffic study by AMG finds it to be grossly inadequate to assess or mitigate the significant traffic safety issues and impacts that the project will produce. Among other comments, some of the key supporting assessments and facts presented in the PHA report's findings are:

### Project Descriptions

“**The project description lacks details** on the type of apartments, site traffic access, driveways locations, garage access, and the land uses in the vicinity of the project site. These details are needed for people to visualize the magnitude of the project and how well the project fits in the area.” [Emphasis added]

### Project Trip/Traffic Generation Analysis

“The report shows the daily apartment trip generation rate as 2.93 per dwelling unit (ITE land use code 221, “Trip Generation Manual 11<sup>th</sup> Edition”). This appears low. The trip rate from the previous “Trip Generation Manual 10<sup>th</sup> Edition” for the same mid-rise apartment is 5.44 trips per day per dwelling unit. This discrepancy means **the traffic report may have significantly underestimated the traffic impact of the project.**” [Emphasis added]

### Study Intersection Traffic LOS Analysis

“The traffic report evaluates traffic operations (LOS) on only two intersections along 4<sup>th</sup> Street near the project site. **This is inadequate and will be unable to fully capture the project trips and the traffic impact of the project on the other surrounding intersections.**” [Emphasis added]

### Traffic Conditions Study Scenarios

“**The traffic report studies only two traffic scenarios, existing and existing plus the project scenario. This is inadequate** and will likely miss the cumulative traffic from other proposed but not yet built or occupied development projects in the area.” [Emphasis added]

### Project Site Access (Driveway Access)

“The site access driveways are links between the project site and the adjacent street network. The report did not identify and discuss the number of entering and exiting lanes for the proposed driveways and traffic controls, signs, and security gates needed;”

And

“Shaver Street is a narrow two-way street with parking on both sides and narrow pedestrian sidewalks. The two proposed project access driveways will likely impact traffic operation, pedestrians, and residential access to and from Shaver Street and Latham Street.” [Which was not analyzed or considered]

### Parking (On-Street and On-Site)

“The two proposed access driveways on Shaver Street will result in a loss of on-street parking spaces.” [Impacts which are not assessed]

Signals Warrant Study for Stop Control Intersections

“The intersection of 4th Street and Shaver Street is controlled by a stop sign at the Shaver Street approach. The report needs to discuss whether or not the intersection needs to be signalized with the addition of the project traffic and also traffic from other approved but not yet built projects in the area.”

Study Area Traffic Safety

“The proposed project site is bordered by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, and 2<sup>nd</sup> Street further south. All of these streets are crosstown arterial streets that provide access to and from the Freeway US 101. These streets have on-street and must also must share the road with bicyclists. Traffic safety is a major concern.”

Thank you for your time and earnest consideration.

Respectfully,

*Vikram Seshadri*

Vikram Seshadri  
Resident of San Rafael

Cell: [REDACTED]

Email: [REDACTED]



# PHA Transportation Consultants

2711 Stuart Street Berkeley CA 94705  
Phone (510) 848-9233  
Pangho1@yahoo.com



Apr. 30, 2023

Vikram Seshadri

[REDACTED]  
San Rafael, CA 94901

Re: Proposed Project at 1515 Fourth Street, San Rafael

Dear Vikram Seshadri,

In response to your request, we have conducted a peer review of the traffic study prepared by AMG (Advance Mobility Group) for the proposed mixed-use development at 1515 Fourth Street in Downtown San Rafael. We understand the project is a 7-story mixed-use development with 162 apartments and 9,000 square feet of commercial retail on the ground floor. Our review indicated that the AMG traffic report lacks details on several key aspects of the development and was unable to provide a full evaluation of the traffic impact of the project. Below is a list of issues we have identified in the report that need further evaluation and consideration.

## Project Descriptions

1: The project description lacks details on the type of apartments, site traffic access, driveways locations, garage access, and the land uses in the vicinity of the project site. These details are needed for people to visualize the magnitude of the project and how well the project fits in the area.

### Recommendation

Add a discussion on the types of apartment units, the number, and locations of access driveways, surrounding land uses, access to and from Freeway US 101, and traffic circulation patterns in the adjacent area. Add project site plans, or plans to show the site access driveways.

## Project Trip/Traffic Generation Analysis

1: The report shows the daily apartment trip generation rate as 2.93 per dwelling unit (ITE land use code 221, "Trip Generation Manual 11<sup>th</sup> Edition"). This appears low. The trip rate from the previous "Trip Generation Manual 10<sup>th</sup> Edition" for the same mid-rise apartment is 5.44 trips per day per dwelling unit. At 2.93 trips per unit per day, the residential portion of the project will generate 475 daily trips, while at 5.44 trips per unit per day, it will generate 881

daily trips. This discrepancy means the traffic report may have significantly underestimated the traffic impact of the project.

Recommendation

Revisit and confirm the project trip generation rates for both apartments and retail/commercial uses. Revise the trip generation analysis if needed, and recalculate the traffic LOS for the study intersections.

- 2: The project site is developed and currently occupied by commercial uses. How much more traffic the proposed project will generate compared to the previous use? Are there credits (reductions) taken for the previous use of the site in the traffic analysis?

Recommendation

Compare the site traffic generation between the previous use and the proposed use. Discuss the trip generation difference between the previous and proposed uses. Discuss whether or not any credits or reductions were taken in the traffic analysis. Revise the traffic LOS analysis as needed.

**Study Intersection Traffic LOS Analysis**

- 1: With 162 apartments plus 9,000 square feet of ground floor retail/commercial use, site-related traffic will likely access the site from various directions via 4<sup>th</sup> Street, 3<sup>rd</sup> Street, Second Street, Shaver Street, and E Street. The traffic report evaluates traffic operations (LOS) on only two intersections along 4<sup>th</sup> Street near the project site. This is inadequate and will be unable to fully capture the project trips and the traffic impact of the project on the other surrounding intersections.

Recommendation

Evaluate more intersections around the project site to fully capture the site traffic impact. The list of study intersections should include 4<sup>th</sup> Street at E Street and Shaver Street, 3<sup>rd</sup> Street at E Street and Shaver Street, and 2<sup>nd</sup> Street at E Street and Shaver Street. The traffic study also needs to evaluate traffic operations at the two proposed access driveways on Shaver Street. Access driveways are the linkage between the project site and the current street network and their design and operation need to be evaluated. The analysis should include driveway turning radius, sight distances, and spacing between the two proposed driveways.

**Traffic Conditions Study Scenarios**

- 1: The traffic report studies only two traffic scenarios, existing and existing plus the project scenario. This is inadequate and will likely miss the cumulative traffic from other proposed but not yet built or occupied development projects in the area. These approved but not yet built projects will add more traffic to the study area affecting traffic operations when they are complete and occupied.

### Recommendation

Add and evaluate a short-term traffic scenario. The short-term traffic scenario should identify development projects near the proposed project site that have already received city approvals but have not yet been built or occupied. The traffic from these projects needs to be added to the intersection traffic LOS analyses as they will likely affect the traffic operation at the study intersections and the overall circulation in the area.

### **Project Site Access (Driveway Access)**

- 1: The project site plan shows two site access driveways to be located on Shaver Street while pedestrian access will be on E Street. There is a discussion on the stopping sight distance for vehicles, however, there is no discussion on the sight distance between the exiting vehicle and pedestrians on the sidewalk. The sight distance between exiting vehicles and pedestrians is critical if the access driveways (garage driveways) have solid walls on both sides of the driveway while the sidewalks are narrow. In this situation, motorists exiting the garage driveways may not be able to see pedestrians in time to stop until the front end of the vehicle reaches the middle of the sidewalk, thus creating unsafe conditions for pedestrians. This is especially crucial for vehicles exiting (emerging) from the underground garage, which will make it even more difficult for motorists and pedestrians to see each other.

### Recommendation

Evaluate sight distance for pedestrians and vehicles exiting from the garage. Discuss the type of walls to be installed at the garage exits/entrances and indicate whether or not pedestrian warning systems such as warning sound systems and or mirrors are needed. Identify the number of lanes for the two proposed driveways, spacing between the two driveways, and traffic controls, and discuss any traffic operations at the driveways and the security gates.

- 2: As discussed earlier, the site access driveways are links between the project site and the adjacent street network. The report did not identify and discuss the number of entering and exiting lanes for the proposed driveways and traffic controls, signs, and security gates needed; and whether or not the driveway design and traffic entering and exiting the driveways would create conflicts with traffic circulation in Shaver Street.

### Recommendation

Identify the number of lanes for the two proposed driveways, traffic controls, and operation of security gate controls if there are any, and discuss any traffic operation issues and any potential conflict at the driveways and Shaver Street.

- 3: Shaver Street is a narrow two-way street with parking on both sides and narrow pedestrian sidewalks. The two proposed project access driveways will likely impact traffic operation, pedestrians, and residential access to and from Shaver Street and Latham Street.

### Recommendation

Consider reversing the site access plan by locating the vehicle driveways on E Street and the pedestrian access at Shaver Street. E Street is wider and the land use is mostly commercial. Reversing the driveways will minimize vehicle impacts and conflicts on residential access to and from Shaver Street and Latham Street, and conflict with the pedestrians on the narrow sidewalk.

### **Parking (On-Street and On-Site)**

- 1: The two proposed access driveways on Shaver Street will result in a loss of on-street parking spaces. Will the project provide parking spaces in the parking garage to compensate for the loss of street parking? The project includes 9,000 square feet of retail space on the ground floor. Are there parking spaces in the parking garage designated for retail use? Or will they be accommodated on the street?

### Recommendation

Identify how many parking spaces will be eliminated on Shaver Street as a result of the new project access driveways. Discuss whether or not the lost street parking spaces will be compensated in the garage. Discuss how parking for the retail portion of the project will be accommodated.

- 2: The report does not discuss the internal circulation, drive aisles and how vehicles will navigate within the parking garage, and whether or not some of the parking spaces will be designated for the ground floor retail use.

### Recommendation

Identify parking stall and drive aisle dimensions and discuss parking garage internal circulation, and whether or not vehicles can move between upper and lower levels of the garage internally.

### **Signals Warrant Study for Stop Control Intersections**

- 1: The intersection of 4th Street and Shaver Street is controlled by a stop sign at the Shaver Street approach. The report needs to discuss whether or not the intersection needs to be signalized with the addition of the project traffic and also traffic from other approved but not yet built projects in the area.

### Recommendation

Conduct signal warrant analyses to determine whether or not the intersection of 4<sup>th</sup> Street and Shaver Street needs to be signalized with the addition of the project traffic and traffic from other approved but not yet built projects in the short-term traffic scenario.

## **Study Area Traffic Safety**

1: The proposed project site is bordered by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, and 2<sup>nd</sup> Street further south. All of these streets are crosstown arterial streets that provide access to and from the Freeway US 101. These streets have on-street and must also must share the road with bicyclists. Traffic safety is a major concern.

### Recommendation

Conduct a traffic collision review for the area to identify collision hot spots and recommend remedial strategies as needed.

## **Conclusion**

In conclusion, I believe most of the issues we identified above could be addressed and resolved. The most significant concern is the project site access driveways as currently proposed at Shaver Street. Relocating the driveways to E Street, or even moving just one of the driveways to E Street, would greatly reduce the project impact on the residential access and traffic operation on Shaver Street and Latham Street. It will also minimize conflict between vehicles exiting the garage and pedestrians due to narrow sidewalks.

Please feel free to contact me if you have any questions regarding the above analysis. We appreciate the opportunity to review the project.

Regards,



Pang Ho, AICP  
Principal

**From:** Alexa Hilal Calabro [REDACTED]  
**Sent:** Thursday, April 27, 2023 10:52 AM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** Traffic and Pedestrian Safety Concerns in Downtown San Rafael

Hello,

I'm writing to express concern about potential traffic and pedestrian safety concerns in downtown San Rafael.

Our family recently became aware of a large planned apartment project slated to be built in downtown San Rafael. As a resident of this neighborhood and parent of two young children, I am very concerned about the increase in both the number of cars on the road and the increase in pedestrian traffic crossing those roads that this project will bring.

After reviewing the plans, there does not appear to be a clear plan to protect pedestrians from both the increased traffic nor the entrance/exit for the building. In addition, there does not appear to be a plan on how to efficiently route and/or accommodate traffic through the downtown area.

**If there is a plan in place, could you please share it? If not, we ask that this project be delayed until these issues are resolved and presented to the community.**

We've all seen and experienced enough traffic accidents, pedestrian injury and, sadly, deaths as a result of the San Rafael downtown traffic. Why risk more?

Alexa and Robert Calabro  
[REDACTED]  
San Rafael

**From:** Brad Sears [REDACTED]  
**Sent:** Tuesday, May 2, 2023 12:29 PM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** Please forward

This article to the city council. Thanks.

<https://marinpost.org/blog/2023/5/2/san-rafael-development-appealed-on-traffic-and-public-safety-concerns>

**From:** CHRISE de Tournay Birkhahn [REDACTED]  
**Sent:** Thursday, April 27, 2023 8:19 AM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** Development Project at 1515 4th Street

Hello,

I am a former commissioner for the 2020 General Plan, and before that, was a member of the Our Neighborhood and Homes advisory committee. It was a thorough process resulting a visionary and well-executed plan. Smart planning and the ABAG/State Housing Element were guiding lights, and the plan reflected how seriously we took the mandate, while also balancing the choice of sites for new development on virgin land or in-fill projects.

So I am a fan of Smart Planning - when well done, with extensive thought and sensitivity to the parcel and the neighborhood.

I would like to see a mixed use, residential building on that site. The site is well chosen. But this seems like a desperate attempt to get as many units in place to fulfill the Housing Element, and not contextualize the neighborhood, transportation routes (yes on bus route), access and traffic.

I am advocating for a re-look at the project that may not render 162 units, but still ample gains if it were to be less stories, with limited parking (not more than per unit, for instance) and of course, an affordable housing element (woefully less than 10%, which is frankly, lame.)

This is not a downtown area. Downtown itself already struggles with retail vacancies, so the large residential buildings did not really help revitalize the neighborhood, though did grab some residential units to help meet the mandates.

The West End cannot successfully accommodate a building of 7 stories. I don't think it needs an "art gallery", which frankly is lipstick on a pig. But it should accommodate a more modest proposal, since the element of Community Character in the Smart Planning doctrine seems to have thrown out the window. It should be LEED certified, with sustainable building and energy in mind.

Berkeley has done a very good job with where they are placing building of that size. But Berkeley is dense and already urban. The current plan looks exactly like what buildings have gone up on major traffic corridors - typically four lane, not two. But retail store rates are too high for anything but chain stores...vacancies abound.

San Rafael can do better for its neighborhoods. We need the housing, we need the building. This project is not suited to the neighborhood in elevation and sustainable goals of less cars near transit (parking spaces outnumber units). Let's do better and a bit smaller - 5 stories? Less parking stalls? Affordable rents for retailers and residents? Green building?



Reign it in a bit. You will get more support.

Best,

Chrise de Tournay Birkhahn

Fan of Smart Planning and moderated growth meeting our sustainable goals.

[REDACTED]

[REDACTED]

**From:** Jan Booth [REDACTED]  
**Sent:** Thursday, April 27, 2023 10:26 AM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** Traffic concern about proposed building at 1515 4th Street

Hello,

As a resident of the Sun Valley neighborhood, I'm on Fourth Street frequently and I cannot imagine the traffic congestion and ensuing safety problems if so many units are built at 1515 4th.

Please approve something with fewer units. This is out of whack with the capacity of Fourth Street and our surrounding neighborhoods.

Sincerely,

Jan Booth  
[REDACTED]

**From:** Jackie Dagg [REDACTED]  
**Sent:** Monday, May 1, 2023 10:48 AM  
**To:** Eli Hill <[eli.hill@cityofsanrafael.org](mailto:eli.hill@cityofsanrafael.org)>  
**Subject:** Proposed Apartment building at 4th and Shaver

Mr. Hill,

I live in the West End Neighborhood and want to object to the construction of the above referenced building. It is too large for the neighborhood and parking/traffic issues have not been properly addressed.

Jacqueline Dagg  
[REDACTED]

**From:** Jackie Dagg [REDACTED]  
**Sent:** Monday, May 1, 2023 10:44 AM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** 4th Street apartment complex

I am against the construction of this new complex for two reasons:  
it is too large for the neighborhood; and  
parking concerns have not been addressed.

Jacqueline Dagg

[REDACTED]

San Rafael, CA

**From:** Laurene Schlosser [REDACTED]  
**Sent:** Wednesday, May 3, 2023 10:47 AM  
**To:** Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org>; Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** RE: 162-apt complex for SR's West End

Hello:

I am planning on attending the May 8<sup>th</sup> meeting but wanted to reach out and protest the inadequate assessment of public safety by the project's traffic consultants, AMG.

Everything that SR resident Vikram Seshadri wrote in his appeal letter to the City of SR Planning Dept on May 1, 2023, rings true. Pedestrian and traffic safety will be a **major** issue. This proposed complex is too big, period. There are not enough parking spaces for all the people who will be living in this complex; this will directly effect traffic on 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> Streets as well as Latham & Shaver. Plus – the narrowing of 2<sup>nd</sup> and 3<sup>rd</sup> Streets to accommodate a bike lane is going to NOT PROGRESS but a MAJOR HEADACHE. I do not understand how this is going forward with so many red flags being raised. I'm completely baffled. Yes we need housing – but not something that large as it will only cause traffic / parking issues for everyone. Build something of this magnitude elsewhere in SR.....like off of East Francisco Blvd....lots of open land there or Northgate Mall.

Narrower roads, less parking, huge influx of more cars = terrible idea and a terrible reality for those of us who live in this section of the city.

Sincerely,  
Laurene Schlosser  
[REDACTED] SR

**From:** Tom Cummings [REDACTED]  
**Sent:** Tuesday, May 2, 2023 2:48 PM  
**To:** Vikram Seshadri [REDACTED] Distrib- City Clerk <city.clerk@cityofsanrafael.org>; jeff.balantine@cityofsanrafael.org  
**Subject:** West End Traffic Safety

To: San Rafael City Council

From: Tom Cummings  
[REDACTED]  
San Rafael, CA 94901

I am writing in regard to the appeal filed by Vikram Seshadri to the traffic study conducted by AMG Traffic Consultants in conjunction to the proposed 1515 4th Street apartment project development.

Mr. Seshadri has submitted an independent traffic study by PHA Traffic Consultants that contradicts the original AMG traffic study in every way possible. I concur with the PHA traffic study 100%.

The original AMG traffic study glossed over the many traffic, parking and safety concerns we West End residents have been concerned about since the initial building proposal at 1515 4th Street.

If the proposed 1515 4th Street apartment complex was of a more modest scope, the traffic, parking and safety concerns would themselves be modest. But, unfortunately, that is not the case. Due to the colossal size of the proposed building, the staggering number of units contained therein and the subsequent introduction of hundreds of new vehicles in our small neighborhood, the AMG traffic study completely fails to take into consideration the many important traffic, parking and safety concerns of neighborhood residents and the residents of the greater City of San Rafael as well.

For starters, the AMG traffic study failed to properly assess the public health and traffic safety impacts at the following intersections:

3rd Street and Shaver Street  
2nd Street and Shaver Street  
Latham Street and Shaver Street

How could a supposedly professional traffic study consulting firm, AMG Traffic Consultants, fail to assess the traffic, parking and safety concerns at key intersections around an enormous new apartment building?

Did their engineers notice the extremely narrow streets in this historic turn-of-the-century neighborhood? Did they take into consideration the 75 year old business of Cain's Tires located at 4th Street and Shaver Street whose clients' cars frequently clog up the sidewalk at that location? Were they aware that it's extremely difficult even now to execute a left turn at the top of Shaver Street onto 4th Street due to the constant flow of heavy traffic on Eastbound 4th street? And that's prior to erecting any huge apartment building next door.

Further, the decision by Monahan Pacific to locate the driveways to their giant building on Shaver Street, rather than on E Street, boggles the mind. E Street is the obvious choice. It's wider, it's mostly

level, it does not have an extremely busy car-centric business located across the street and it has an existing traffic light at 4th Street and E Street. I suspect there's some reason Monahan Pacific prefers Shaver Street as their parking garage entrance to E Street. It's probably more cost effective for them to excavate on Shaver Street, where they already need to dig deep for the building foundation, than to excavate the deep parking ramps on E Street. Frankly, we appear to be handing this developer everything he's asking for, can we at least show some common sense and demand that he locate his underground parking garage ramps on E Street rather than on narrow Shaver Street? Putting the parking garage ramps on congested Shaver Street will be an unmitigated disaster.

The PHA Traffic Consultants study identifies many other concerns and shortcomings to the original AMG traffic study. I'm not going to attempt to list them all in this email. Suffice it to say I'm extremely concerned about the weak, half-hearted, watered-down traffic safety report submitted by AMG. We need to do better. You need to do better.

I can't express how strongly I feel about these issues. As a 25 year West End home owner, I already feel my concerns about the size of this project were ignored. Obviously, this project is WAY too big for this location. If this project is to be foisted upon us, can we please do an honest traffic, parking and safety assessment? The AMG traffic study appears to be a rubber stamp sham.

Sincerely,  
Tom Cummings