



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: October 13, 2020
Agenda Item: 2
Case Numbers: UP19-005 and ED19-006
Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: 1530 and 1534 Fifth Ave. (Marin Academy Aquatic Center) – Request for a Use Permit (UP19-005) and an Environmental and Design Review Permit (ED19-006) to allow the replacement and relocation of an existing aquatic center with a new 22.86-meter x 33-meter uncovered swimming pool, a two-story, 2,256 sq. ft. support building (restrooms, indoor and outdoor showers, changing and office areas, mechanical equipment and chemical storage areas), flat work (concrete decking), site lighting and landscaping, perimeter metal fencing and courtyard walls, bleacher seating, public address (PA) system and LED-illuminated scoreboard on two adjacent Downtown parcels with a combined lot area of 18,737 sq. ft.; APNS: 011-195-05 and 011-201-07; Fifth/Mission Residential/Office (5/M R/O) District; Marin Academy, Owner; Mike Joyce for Marin Academy; Downtown Neighborhood.

EXECUTIVE SUMMARY

The project proposes to construct a new aquatic center, 2,256 sq. ft. support building and associated site improvements (i.e., concrete decking, bleacher seating, public address (PA) system, landscaping, scoreboard, LED lighting and perimeter fencing) on two adjacent underutilized Downtown parcels. The aquatic center is proposed to be relocated from its current location, from the north portion of the Marin Academy (MA) campus above the athletic fields, to the south portion of campus below the athletic fields. The current swimming pool is proposed to be demolished due to extensive and costly upgrades needed to meet strict health and safety standards. The project will require consolidation of the two Downtown parcels into the Marin Academy campus which is located immediately west and north of the project site. The existing development on the sites, 2-story medical office buildings with associated surface parking, is proposed to be demolished. Staff has reviewed the project and recommends that the project is categorically exempt from further CEQA review based (Class 32; In-Fill Development Section 15332 of the CEQA Guidelines).

The Design Review Board (Board) reviewed the site and building design proposed by the project on two (2) occasions; once as a conceptual project and once as a formal project. On July 21, 2020, the Board unanimously recommended approval of the proposed site and building design, subject to recommendations listed in staff's report further below.

Staff finds the proposed project meets the applicable General Plan land use policies and standards and findings under the Zoning Ordinance (see discussion under the *Analysis* section of this report). The project proposes to replace and relocate an existing aquatic facility on the MA campus. The project proposes no changes or increases to the existing enrollment capacity at Marin Academy.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution approving the requested Use Permit and Environmental and Design Review Permit for the project (Exhibit 2).

PROPERTY FACTS

Address/Location:	1530 and 1534 Fifth Ave.	Parcel Number(s):	011-195-05 & 011-201-07
Property Size:	18,737 sf (combined)	Neighborhood:	Downtown

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Fifth/Mission Residential/Office (5/M R/O)	5/M R/O	Medical Offices
North:	Public/Quasi Public (P/QP)	P/QP	Marin Academy
South:	25/M R/O	5/M R/O	Professional Offices
East:	5/M R/O	5/M R/O	Marin Academy
West:	P/QP	P/QP	Marin Academy

BACKGROUND

Site Description/Setting:

The project site is comprised of two (2) adjacent developed Downtown parcels with a combined 18,737 sq. ft. lot size. The project site has two frontages, Fifth Ave. to the north and Mission Ave. to the south. It is relatively flat (approximately 4% average cross-slope; north-to-south trending) and located outside the Downtown parking district. It is currently developed with two, 2-story medical office buildings and surface parking areas, which are unoccupied.

The Marin Academy campus is located immediately west (current library and classrooms at 1540 Fifth Ave. and 2 Cottage Way) and north (athletic fields) of the project site. A medical office building is located immediately east of the project site, which is also owned by Marin Academy. A combination of medical offices and professional offices are located south of the project site, across Fifth Ave.

PROJECT DESCRIPTION

Use:

The project proposes to replace and relocate an existing aquatic facility on the Marin Academy (MA) campus, from the north portion of the MA campus above the athletic fields to the south portion of campus below the athletic fields. Required upgrades to the existing pool have proven to be cost-prohibited and the existing pool is proposed to be demolished. MA does not propose re-use of the existing swimming pool site as part of the project. The existing 2-story medical office buildings, located on each of the two parcels constituting the project site, will be demolished as well.

The project does not include any change or increase to the Master Use Permit for the MA campus, which caps maximum enrollment at 450 students.

Planning Applications:

The project requires the following Planning entitlements:

- A 'major' Environmental and Design Review Permit, for the new public/quasi-public structure;
- A Use Permit to allow the expansion of the Marin Academy campus through the proposed project; and

- A Lot Line Adjustment for the consolidation of the two adjacent parcels within the project site and to consolidate the project site with adjacent parcel (APN: 011-195-06) located immediately west which contains MA's Library/Classroom building (This is a condition of approval that will require separate submittal and administrative approval of a Lot Line Adjustment/Consolidation application).

Site Plan:

The project proposes to construct a new, 22.86-meter x 33-meter uncovered swimming pool, a two-story, 2,256 sq. ft. support building (restrooms, indoor and outdoor showers, changing and office areas, mechanical equipment and chemical storage areas), flat work (concrete decking), site lighting and landscaping, perimeter metal fencing and courtyard walls, bleacher seating, public address (PA) system and LED-illuminated scoreboard. Primary pedestrian access to the new aquatic center is proposed along the Fifth Ave. frontage with additional pedestrian access along the Mission Ave. frontage. No vehicular access is proposed by the project. No on-site parking is proposed by the project. The project proposes a dedicated, bus loading/unloading area (approx. 9.5' x 50') along the Mission Ave. or rear frontage.

The project plans may be reviewed [here](#).

Architecture:

The proposed 2,256 sq. ft. support building will relate with the contemporary design of the more recently constructed buildings on the MA campus, including roof form (flat) and exterior colors (off-white exterior walls with dark gray window trim) and materials (lime plaster finish). The new building includes a 769.5 sq. ft. roof deck (9.5' x 81') with bleacher seating facing the pool area.

A Material and Color Board was prepared by the applicant and submitted with the formal project; a photo of the Material and Color Board is included in staff's report as Exhibit 3.

Parking:

The project proposes no on-site parking.

Fencing:

The project proposes to secure the project site with combination of eight foot (8')-tall CMU with plaster finish 'courtyard' wall and metal 'picket' perimeter fencing. (At their July 21, 2020 meeting, the Board recommend approval of the site and building design subject to minor changes. These recommended changes included substituting eight foot (8')-tall metal 'picket' in lieu of chain link fencing.)

Landscaping:

The project proposes 2,004 sq. ft. of new landscaping in a combination of trees, shrubs, grasses, vines and groundcovers. Nearly all of the new landscaping is proposed to be location at the entrances to the site, primarily along the Fifth Ave. frontage and to a lesser degree along the Mission Ave. frontage. Accent shrub plantings are proposed at the base of the fencing along the interior west elevation and accent vine plantings are proposed at the base of the plaster courtyard wall along the interior east elevation. The project proposes to remove four (4) existing trees (2 'significant' trees) on the project site and plant 11 new trees. The project also proposes to plant five (5) new street trees where there is none currently (3 new street trees along the Fifth Ave. frontage and 2 new street trees along the Mission Ave. frontage).

Lighting:

The project proposes six (6) new, 28'-tall LED lighting standards with fixtures on the concrete pool decking, two (2) new, 12'-tall LED lighting standards along the primary entrance along the Fifth Ave. frontage and miscellaneous recessed LED light fixtures throughout the interior roof deck and stairwells leading to along the Mission Ave. frontage. A photometric study is provided on their proposed illumination in the project

plans (see Sh. No. E003). In addition, LED accent lighting is proposed to 'wash' behind the "Marin Academy" sign located on the plaster courtyard wall along the Fifth Ave. entry frontage.

Signage:

The project proposes new signage limited to the Fifth Ave. frontage, the primary public entrance to the project site. The project proposes 30 sq. ft. (12' x 30') of total new signage, limited to 12'-tall metal letters attached to the front courtyard wall.

Grading/Drainage:

The project will include 2,790.8 CY of net excavation for the new swimming pool (2,850.5 CY of 'cut' and 59.7 CY of 'fill'). The project will also include 752 CY of 'fill' for the existing swimming pool.

ANALYSIS

San Rafael General Plan 2020 Consistency:

There are numerous General Plan policies applicable to this project. The General Plan contains many competing policies that need to be weighed and considered. Consistency with a General Plan is determined by reviewing and weighing the goals and polices of *all* elements of the San Rafael General Plan 2020. Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies.

The General Plan land use designation for the project site is Fifth/Mission Residential/Office (5/M R/O). The 5/M R/O designation allows residential and office uses, with limited ground-floor commercial retail and personal services uses on cross streets east of C St. Land Use Policy LU-23 (*Land Use Map and Categories*) does not specifically identifying that quasi-public buildings and facilities, like the proposed new aquatics center on the Marin Academy campus, also would be allowed within the 5/M R/O designation. However, a further review of the allowable land uses in the 5/M R/O District zoning indicates that quasi-public buildings and facilities are allowed, subject to Use Permit approval by the Planning Commission.

The project is in accordance with Land Use Policy LU-9 (*Intensity of Nonresidential Development*) with a proposed FAR (Floor Area Ratio) of 0.12 (2,256 sq. ft.) and a maximum allowable FAR of 0.50 (9,368.5 sq. ft.). The project also is in accordance with Land Use Policy LU-12 (*Building Height*) with a proposed building height of 16' and a maximum allowable height of 36'. The project is further in accordance with Community Design Policy (CD-19 (*Lighting*)) by proposing adequate lighting levels for safety while controlling light spillover and off-site glare. The project plans include a photometric study (see Sh. E003) which calculate the proposed exterior lighting levels based on the proposed lighting fixture details. The lighting levels are proposed to comply with minimum recommended standards of both the City for generally development and the Illuminating Engineering Society Handbook (2018) for competition pools on academic campuses.

A complete analysis of the pertinent policies and programs is presented in the attached *General Plan Consistency Table* (Exhibit 4).

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. A complete analysis of the pertinent regulations (standards and criteria) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 5). Overall, the project is consistent with all applicable regulations of the Zoning Ordinance.

Chapter 5 – Commercial and Office Districts

The project site is located within the Fifth/Mission Residential/Office (5/M R/O) District, a Downtown zoning district. The proposed project requires consistency with the property development standards for the 5/M R/O District, including minimum setbacks (15' front), building height (36') and minimum landscaping (10%). As currently designed, the project will be consistent with all applicable development standards (minimum setbacks, maximum height and landscaping) for the 5/M R/O District.

Chapter 16 – Site and Use Regulations

Floor Area Ratio (FAR)

Under both the City's General Plan (Land Use Policy LU-9; *Intensity of Nonresidential Development*) and Section 14.16.150 (A) of the Zoning Ordinance (*Floor Area Ratios and Densities Applicable to Nonresidential and Mixed-Use Development*), the maximum allowable intensity of nonresidential development on the project site is 0.50 FAR (Floor Area Ratio), or 9,368.5 sq. ft. (based on the 18,737 sq. ft. combined lot area for the project site). The proposed development on the site is 0.12 FAR for the 2,256 sq. ft. new support building (restrooms, indoor and outdoor showers, changing and office areas, mechanical equipment and chemical storage areas).

Light and Glare

Pursuant to Section 14.16.227 (*Light and Glare*) of the Zoning Ordinance, the City recommends the following illumination standards:

- A minimum one (1) foot-candle of ground-level overlap at building entries;
- A minimum one-half (½) foot-candle of ground-level overlap at walkways and parking areas; and
- Less than one (1) foot-candle of ground-level overlap at all property boundaries.

In addition, the Illuminating Engineering Society Handbook recommends the following average illumination levels:

- 30 foot-candles for the pool surface;
- 50 foot-candles for the "starts" and "stops" portions of the pool (east and west sides of the pool; 5'-wide);
- 10 foot-candles for the pool deck; and
- A minimum one (1) foot-candle of ground-level overlap along all path of travel for the public observation deck.

The project proposes the following average illumination levels:

- 45.38 foot-candles for the pool surface (76.1 foot-candles max, 23.5 foot-candles min);
- 45.40 foot-candles for the "starts" and "stops" portions of the pool (5'-wide east and west sides of the pool; 61.2 foot-candles max, 32.5 foot-candles min);
- 18.69 foot-candles for the pool deck (50.2 foot-candles max, 6.4 foot-candles min); and
- 6.46 foot-candles for all path of travel for the public observation deck and stairs (16 foot-candles max, 1.7 foot-candles min.).

The project plans include a photometric study (see Sh. E003) which calculates the proposed exterior lighting levels based on the proposed lighting fixture details. This photometric study shows the proposed lighting levels will comply with the City's recommended lighting levels. The proposed lighting design includes photosensor 'vacancy' controls to automatically dim and then turn off select light fixtures when the area underneath is unoccupied.

Unlike recommend lighting levels, the Zoning Ordinance does not provide quantifiable standards to reduce or mitigate off-site glare. Instead, Section 14.16.227 requires a 90-day lighting review period at occupancy, as a condition of project approval (Condition #82; ED19-006) to allow adjustment(s) in the lighting design, such as installing shields to the light fixtures or reduce fixture height while adding more fixtures, if necessary. Additionally, a condition of approval (Condition # 79; ED19-006) requires a post-installation photometric study to confirm lighting levels, as presented.

Sight Distance

Pursuant to Section 14.16.295 (*Sight Distance*) of the Zoning Ordinance, driveways on the project site, and those existing on an immediately adjacent site, shall provide a sight distance triangle of 15' from the curb return, or as determined by the City Engineer. While the project proposes no driveways or parking on-site, existing driveways on the immediate adjacent parcels to the west (1540 Fifth Ave / 2 Cottage Ave.) and east of the project site (1526 Fifth Ave.) do create a sight distance triangle which require the project to comply with. The project plans show the sight distance triangle (Sh. L1.00B) which indicates the proposed project generally will be consistent with the required sight distance triangle.

Chapter 18 – Parking Standards

Parking Requirement

Pursuant to Section 14.18.040 (*Parking Standards; Parking Requirements*) of the Zoning Ordinance, the proposed improvements to the project site, including construction of a new 2,256 sq. ft. support building, does not require on-site parking, given that; parking requirements for private high school uses, like Marin Academy, are based on maximum enrollment capacity with one (1) parking space per four (4) students. The current Master Use Permit (UP14-013) for Marin Academy allows a maximum enrollment of 450 students and this project to replace and relocate the existing campus swimming pool does not include a request to increase the maximum enrollment limit.

Bicycle Parking

Pursuant to Section 14.18.090 (*Parking Standards; Bicycle Parking*) of the Zoning Ordinance, construction of the new 2,256 sq. ft. support building, requires the installation of short-term bicycle parking spaces or racks. The specific amount of short-term bicycle parking spaces is determined by parking study or as specified by Use Permit, but is typically a percentage of the required automobile parking spaces. Since no additional automobile parking spaces are required and since the MA campus already provides bicycle parking throughout the campus, no additional bicycle parking spaces are required.

Chapter 19 – Signs

Pursuant to Section 14.19.065 (*Signs; Downtown Districts*) of the Zoning Ordinance, the proposed project is allowed two (2) non- or externally-illuminated signs with a maximum 36 sq. ft. of total signage for the project site. The project proposes one (1), externally-illuminated wall sign, approx. 30 sq. ft. in size (12" x 30'), located on the 8'-tall courtyard wall, at the front or primary pedestrian entrance to the project site, along the Fifth Ave. frontage.

Chapter 22 – Use Permits

Pursuant to Section 14.05.022 (*Land Use Regulations; 5/M R/O District*) of the Zoning Ordinance, the relocation of the swimming pool and expansion of the Marin Academy campus on the project site requires Use Permit approval by the Planning Commission.

Chapter 25 – Environmental and Design Review Permits

The project requires Environmental and Design Review Permit approval by the Planning Commission (Commission), given that it proposes to construct a new public/quasi-public structure or facility. The

pertinent review criteria for Environmental and Design Review Permits, pursuant to Section 14.25.050 (*Review Criteria; Environmental and Design Review Permits*), are as follows:

- *Site Design. There should be a harmonious relationship between structures within the development and between the structures and the site. Proposed structures and site development should relate to the existing development in the vicinity. Major views of ridgelines should be preserved and enhanced from public streets and public vantage points. Development should respect site features and recognize site constraints by minimizing grading, erosion and removal of natural vegetation. Sensitive areas such as highly visible hillsides, steep, unstable or hazardous slopes, creeks and drainageways, and wildlife habitat should be preserved and respected.*
- *Architecture. The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The design should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity. Design elements and approaches which are encouraged include: a) creation of interest in the building elevation; b) pedestrian-oriented design in appropriate locations; c) energy-efficient design; d) provision of a sense of entry; e) variation in building placement and height; and f) equal attention to design given to all facades in sensitive location.*
- *Materials and colors. Exterior finishes should be consistent with the context of the surrounding area. Color selection shall coordinate with the predominant colors and values of the surrounding landscape and architecture. High-quality building materials are required. In hillside areas, natural materials and colors in the earth tone and wood tone range are generally preferred. Concrete surfaces should be colored, textured, sculptured, and/or patterned to serve design as well as a structural function.*
- *Walls, Fences and Screening. Walls, fences and screening shall be used to screen parking and loading areas, refuse collection areas and mechanical equipment from view. Screening of mechanical equipment shall be designed as an integrated architectural component of the building and the landscape. Utility meters and transformers shall be incorporated into the overall project design.*
- *Landscape Design. The natural landscape should be preserved in its natural state, as much as practical, by minimizing grading and tree and rock removal. The landscaping shall be designed as an integral enhancement of the site, sensitive to natural site features. Water-conserving landscape design shall be required. Smaller scale, seasonal color street trees should be proposed along pedestrian-oriented streets while high-canopy, traffic-tolerant trees and landscape setbacks should be proposed for primary vehicular circulation streets.*

The review criteria for Environmental and Design Review Permits requires that the proposed design (architecture, form, scale, materials and color, etc.) of all new development 'relate' to the predominant design or 'character-defining' design elements existing in the vicinity.

Site Design

The project proposes, essentially, to replace the current swimming pool and relocate it from the northern portion of Marin Academy campus to an expanding southern portion of campus. The primary pedestrian access to the aquatic center is proposed through a landscaped entrance along the Fifth Ave. frontage with a secondary pedestrian access provided along the Mission Ave. frontage. No on-site parking and no vehicle access is proposed by the project.

Architecture

Staff also generally supports the proposed contemporary architecture of the new 2,256 sq. ft. support building (restrooms, indoor and outdoor showers, changing and office areas, mechanical equipment and chemical storage areas), which will relate with contemporary design features of the more recently constructed buildings on the Marin Academy campus, including roof form (flat) and exterior colors (off-white exterior walls with dark gray window trim and medium gray doors) and materials (lime plaster finish). The proposed single-story support building is a significant reduction in scale from the current two (2), 4,000-4,500 sq. ft., two-story medical office buildings on the project site. Due to grade differences on the project site and the two and one-half-foot (2 ½')-high parapet screening wall, the new support building will have the visual appearance of two-story, (19'-tall) scale, which is similar to that of the other adjacent MA campus buildings located immediate west of the project site (1540 Fifth Ave. and 2 Cottage Way).

Colors and Materials

The project proposes exterior colors for both the site and the new support building in the 'cool' off-white and gray shade colors. The proposed exterior material of both the new building and the 8'-tall courtyard wall is lime plaster finish, like the other Marin Academy campus buildings. The proposed exterior material of the new 8'-tall metal pedestrian gates is dark gray. While the project also proposes dark gray chain link fencing along a portion of the west property line, between the project site and the other MA campus buildings, the Design Review Board included in their recommendations that the design of all fencing should be consistent with the higher-quality metal "picket" design of the pedestrian gates.

A Material and Color Board was prepared by the applicant and submitted with the formal project; a photo of the Material and Color Board is included in staff's report as Exhibit 3.

Walls, Fences and Screening

The project proposes 8'-tall courtyard walls along the south and east property lines, 8'-tall metal picket pedestrian gates at the primary entrance along the Fifth Ave. frontage and the secondary entrance along the Mission Ave. frontage, and a combination of 8'-tall metal picket and chain link fencing along the west property line. As stated earlier in staff's report, the Board recommended that the design of all fencing should be consistent with the higher-quality metal "picket" design of the pedestrian gates.

Exterior Lighting

As stated earlier in staff's report, the project proposes a comprehensive lighting design for the site which complies with minimum recommended standards of both the City for generally development and the Illuminating Engineering Society Handbook (2018) for competition pools on academic campuses. The project plans include a photometric study of the proposed lighting levels (see Sh. E003). For comparison, the Design Review Board has historically recommended maximum lighting levels of 30 foot-candle for new and redeveloped service stations. However, the City and the Board has had no prior experience to help determine the appropriate lighting levels for competitive outdoor pools on academic campuses. To staff, the lighting levels needed for pumping fuel has no comparison to the lighting levels needed to ensure safety on competitive outdoor pools.

The project also proposes an LED scoreboard. This scoreboard is proposed to be located 18' 4" above the concrete pool deck or approximately 10' above the 8'-tall courtyard plaster wall. This scoreboard will be located along the east property boundary, facing west, and will be shielded from public view along both eastbound Fifth Ave. and Mission Ave. by either existing MA campus buildings (1540 Fifth Ave./ 2 Cottage Ave.) or the proposed support building itself. However, staff believes limited public view of the scoreboard may still exist along eastbound Fifth Ave. The project proposes 8'-tall metal picket fencing along those portions not screened from public view by the existing MA campus buildings (library and classrooms) located immediately west of the project site. The design of this metal fencing proposes pickets spaced 6"

on-center so, while the possibility of public views of the scoreboard along eastbound Fifth Ave. remains, it would be limited.

Landscape Design

The project's landscape plans propose 2,004 sq. ft. of new landscaping in a combination of trees, shrubs, grasses, vines and groundcovers. Nearly all of the new landscaping is proposed to be location at the entrances to the site, primarily along the Fifth Ave. frontage and to a lesser degree along the Mission Ave. frontage. Accent shrub plantings are proposed at the base of the fencing along the interior west elevation and accent vine plantings are proposed at the base of the plaster courtyard wall along the interior east elevation. The project proposes to remove four (4) existing trees (2 'significant' trees) on the project site and plant 11 new trees. The project also proposes to plant five (5) new street trees where there is none currently (3 new street trees along the Fifth Ave. frontage and 2 new street trees along the Mission Ave. frontage).

On July 21, 2020, the Design Review Board unanimously recommended approval of the proposed site and building design, determining that it adequately met the applicable design criteria for Environmental and Design Review Permits, subject to recommended minor design changes listed further in staff's report.

San Rafael Design Guidelines:

The [San Rafael Design Guidelines](#) have been developed as interim criteria that implement design-related General Plan Policies. The site is located within the *Fifth / Mission District and Environs*.

Fifth / Mission District and Environs

Fifth and Mission Streets are less active than Fourth Street, the core Downtown commercial district. Projects should help create a more attractive and comfortable walking environment. The project site is located within the boundaries of the *Fifth / Mission District and Environs* area of the Downtown, where the following specific design guidelines apply:

- *To provide visual interest, long and monotonous walls should be avoided;*
- *Where retaining walls are needed, they should be low, or terraced and landscaped;*
- *Entries should be well-defined and orient to the street rather than to a parking lot;*
- *Where setbacks are provided, they should be landscaped; and*
- *Street trees are an important element and should be retained and enhanced.*

The project proposes to create the primary pedestrian access to the project site along the Fifth Ave. frontage, which also includes a 15' required setback. Staff finds the proposed landscaped entries to the site to be consistent with the *Downtown Design Guidelines*

On July 21, 2020, the Design Review Board unanimously recommended approval of the proposed site and building design, determining that it adequately met the applicable San Rafael Design Guidelines, subject to recommended minor design changes listed further in staff's report.

Downtown Vision:

The proposed project is located with the Downtown and should be consistent with as many of the applicable policies in the adopted *Our Vision of Downtown San Rafael; Fifth / Mission District Design Principles*, including:

- Enhance the small scale, interesting pedestrian character of the streets by: 1) Making sidewalks and crossings safer; 2) Preserving mature landscaping; and 3) Planting more street trees; and
- Preserve the pleasing scale and character of the District, especially on Fifth Avenue west of “E” Street and on the east and west ends of Mission Avenue by: 1) Including landscaped front yards and historic building characteristics; and 2) Respecting the low scale and profile of existing development.

On July 21, 2020, the Design Review Board unanimously recommended approval of the proposed site and building design, determining that it adequately met the applicable design principles of the Downtown Vision, subject to recommended minor design changes listed further in staff’s report.

“Good Design” Guidelines:

On August 14, 2017, an Ad Hoc City Council Sub-Committee convened to discuss “Community Design,” with a primary focus on Downtown development. The Ad Hoc Sub-Committee included Mayor Phillips, Council Member Andrew McCullough, two members of the Design Review Board (former Board Member Spielman and Board Member Summers) and two members of the Planning Commission (former Commissioners Paul and Robertson). The initial purpose of the meeting was to determine if there are adequate tools and resources to facilitate and achieve good design in development in San Rafael. The Sub-Committee was provided with an inventory of our current resources (all referenced in this report), which are abundant and comprehensive. The inventory of documents and regulations include the following:

- ✓ Downtown San Rafael Vision – 1993
- ✓ General Plan 2020 Policies & Programs for Downtown – 2004
- ✓ San Rafael Design Guidelines (Interim) – 2004
- ✓ Zoning Regulations for Downtown – 2004
- ✓ Downtown San Rafael Station Area Plan – 2012

Mayor Phillips assigned former Commissioner/now Board Member Paul the task of forming a working group to review these resources and to develop a more concise and consolidated list of key criteria. The goal was to develop an informational handout (“City of San Rafael Expectations for Good Design”) that can be provided to developers/applicants. Former Commissioner Paul formed a small Working Group of local design professionals and residents to review the above planning documents and regulations and consolidate them into more concise criteria. This working group presented their findings and a “Good Design Guidelines for Downtown” slideshow to the Council at their February 5, 2018.

There are next steps, which include creating a checklist of these good design principles and adopting them; however, staff is providing the applicable criteria from this presentation as Exhibit 6.

On July 21, 2020, the Design Review Board unanimously recommended approval of the proposed site and building design, determining that it adequately met the applicable criteria of “Good Design” Guidelines for the Downtown, subject to recommended minor design changes listed further in staff’s report.

Zoning Ordinance Consistency:

The project proposes construction of the proposed improvements, including the support building, concrete flatwork, fencing and courtyard walls, and landscaping over the current property boundaries of two adjacent Downtown parcels. In addition, the project proposes construction of the proposed improvements over the current property boundaries of the adjacent parcel (1540 Fifth Ave. / 2 Cottage Way; APN: 011-195-06) located immediately west of the project site, which is also owned by Marin Academy and is part of the MA campus. The project is subject to the lot consolidation provisions pursuant to Chapter 15.05. of the

Subdivision Ordinance. The project submittal did not include a Lot Line Adjustment/Consolidation application, so the recommended conditions of approval (Condition #34; ED19-006) require the subsequent approval and recording of the lot consolidations prior to building permit issuance.

DESIGN REVIEW BOARD RECOMMENDATION

On July 21, 2020, the Design Review Board (Board) reviewed the proposed project and unanimously (2-0 vote) recommended approval of the site and building design, subject to the following consensus comments:

- Replace the chain link fencing with the higher-quality metal picket fencing throughout the project;
- Re-evaluate the appropriateness of the proposed planting palette, particularly the use and/or location of the California Gray Rush;
- Re-evaluate the appropriateness of the proposed location of the proposed new trees for conflict with the proposed drainage improvements and street trees;
- Explore providing a greater and better 'vine pocket' planting area at the base of the retaining wall along the east elevation by off-setting or recessing the footings. Include a section of the retaining wall in the plans;
- Improve the radii of the curb cut for the vehicle pull-off area along the Mission Ave. frontage and widen the sidewalk behind the west curb cut; and
- Include screening of the proposed backflow/mechanical equipment area along the Fifth Ave. frontage.

These recommendations by the Board have been incorporated as conditions of approval (Exhibit 2; Condition 2; ED19-006). Please note that, due to a Policy Statement adopted by the City Manager on April 1, 2020 (Exhibit 7), Board meetings are currently held as a smaller, 2-member subcommittee without notice or public comments and no video of the July 21, 2020 Board meeting is available.

ENVIRONMENTAL DETERMINATION

Per CEQA Guidelines Section 15060, staff conducted a "preliminary review" of the project application, plans and supportive studies and reports. In completing this preliminary review, staff determined that the application is defined as a "project" under CEQA. Next, CEQA Guidelines Section 15061 (*Review for Exemption*) was reviewed to determine whether the project is exempt from CEQA. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff has determined that the project qualifies for an exemption under CEQA Guidelines Section 15332. Section 15332 exempts "infill development projects" that meet the following conditions:

- 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.*

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of the Conceptual Design Review by the Board and this Planning Commission hearing were conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site, the appropriate neighborhood groups (the Downtown Business Improvement District, West End Village Neighborhood Association and the Federation of San Rafael Neighborhoods) and all other interested parties, at least 15 calendar days prior to the Board meeting and Planning Commission hearing date. Additionally, notice was posted on the project site, along both the Fifth Ave. and Mission Ave. frontages, at least 15 calendar days prior to the date of this hearing.

Prior to Conceptual Design Review, one (1) public comment was received in support of the project by a swimmer on the Tamalpais Aquatic Masters (TAM) swim team. Prior to formal project review by the Board, one (1) public comments was received by the then-owner of the adjacent parcel immediately east of the site (1526 Fifth Ave.), supporting the project and rescinding prior comments made during the Conceptual Design Review meeting in opposition of the project. At the time of printing and distributing staff's report to the Planning Commission, staff received seven (7) additional public comments, mostly (6 of 7 comments) also in support of the project. Concerns include noise and lighting impacts and late night use. All public comments are attached to the Planning Commission staff report as Exhibit 7.

CONCLUSION

The project proposes to replace and relocate an existing aquatic facility on the Marin Academy campus. The swimming pool has been determined by Marin County Environmental Health Services to not comply with current health and safety code requirements. The proposed project allows Marin Academy to continue upgrading their existing facilities on campus while mitigating new potential impacts (light and noise). The project will provide an opportunity to improvement landscape character on the project site and along both Fifth and Mission Avenues. The project does not propose to increase the maximum allowable student enrollment capacity for Marin Academy. On July 21, 2020, the Design Review Board reviewed the proposed project and unanimously recommended approval of the site and building design, subject to the minor recommended design changes which are conditions of approval (Condition No. 2, ED19-006).

EXHIBITS

1. Vicinity/Location map
2. Draft Resolution recommending approval of the project
3. Photo of Material and Color Board
4. General Plan 2020 Consistency Table
5. Zoning Ordinance Consistency Table
6. Summary of "Good Design Principals" for Downtown
7. Public comments

The project plans may be reviewed on the Planning webpage under "Major Planning Projects" or [here](#).