



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 policies 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](#).

1530 and 1534 Fifth Ave.

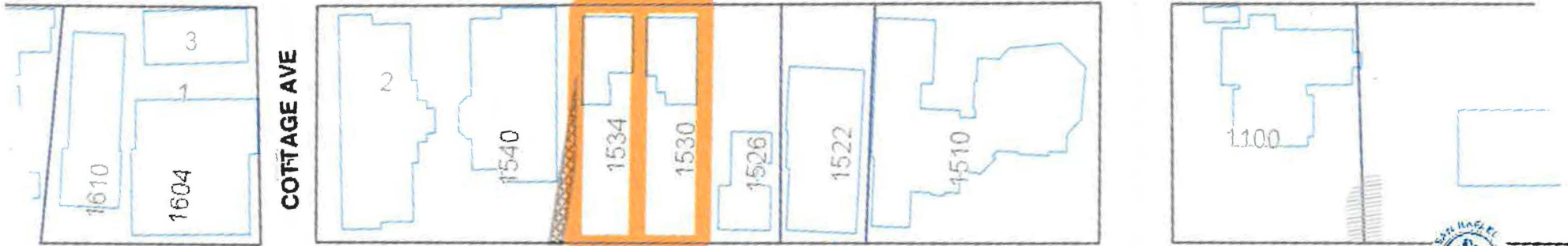
While we strive to produce maps with good accuracy and with current accompanying data, the accuracy of the information herein cannot be guaranteed. This map was prepared using programetric computer aided drafting techniques, and it does not represent legal boundary survey data.

1530 and 1534 Fifth Ave.

01/20/20



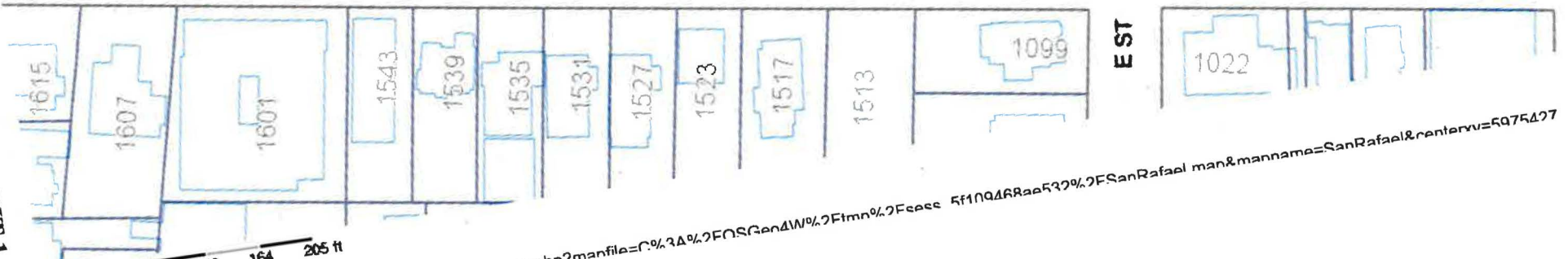
MISSION AVE



5TH AVE

5TH AVE

EXHIBIT 1



123 164 205 ft

ms.php?manfile=C%3A%2FOSGen4W%2Ftm%2Fees 5f109468aa592%2FSanRafael man&manname=SanRafael¢erx=5975427

RESOLUTION NO. 20-

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING 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 SCOREBOARD ON TWO ADJACENT DOWNTOWN PARCELS WITH A COMBINED AREA OF 18,737 SQ. FT.
AT 1530 AND 1534 FIFTH AVE.
(APNS: 011-195-05 AND 011-201-07)**

WHEREAS, on December 18, 2018, the Design Review Board (Board) provided Conceptual Design Review comments on the project, which included: 1) Supports relocating campus swimming pool to project site; 2) Noise and lighting impacts need to be mitigated; 3) Chain link fence design is not supported; 4) Reduce massing of courtyard wall along east elevation with 1526 Fifth Ave. by breaking up linear wall plane and/or variation in finishes, textures and colors; 5) Design of support building along Mission Ave. frontage needs greater detailing and better articulation; 6) Exceptional landscaping is needed; 7) Design of perimeter fencing/gates and courtyard wall needs improving to increase viewability into site; 8) Applicant encouraged to explore reducing swimming pool size to provide maximum flexibility in site design; 9) Formal project plans should include sections and visual simulations; 10) Applicant encouraged to seek conceptual review comments from the Planning Commission; and

WHEREAS, on February 1, 2019, formal project applications were submitted to the Community Development Department, Planning Division, requesting a Use Permit (UP19-005) and an Environmental and Design Review Permit (ED19-006) for the current project; and

WHEREAS, on July 21, 2020, the Board reviewed the formal project and unanimously (2-0 vote) recommended approval of the site and building design, subject to the following consensus comments: 1) Replace the chain link fencing with the higher-quality metal picket fencing throughout the project; 2) Re-evaluate the appropriateness of the proposed planting palette, particularly the use and/or location of the California Gray Rush; 3) Re-evaluate the appropriateness of the proposed location of the proposed new trees for conflict with the proposed drainage improvements and street trees; 4) 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; 5) 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 6) Include screening of the proposed backflow/mechanical equipment area along the Fifth Ave. frontage; and

WHEREAS, on October 20, 2020, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider the Use Permit (UP19-005) and Environmental and Design Review Permit (ED19-006) applications, accepted and considered all oral and written public testimony and the written report of Planning staff; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for the Use Permit (UP19-005) and the Environmental and Design Review Permit (ED19-006):

**Use Permit (UP19-005)
Findings**

- A. The proposed replacement and relocation of the aquatic center on the Marin Academy campus, as presented and conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the Fifth/Mission Residential/Office (5/M R/O) District, in which the project site is located, given that;
 - 1. As documented in the General Plan 2020 Consistency Table (Exhibit 4 of the 10/13/20 Planning Commission staff report), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 - 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report)), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 - 3. The proposed project will be consistent with the specific purposes of the 5/M R/O District, given that; education and civic uses are allowed in addition to residential and office uses (limited retail uses are also allowed on cross-streets from C St. east).

- B. The proposed replacement and relocation of the aquatic center on the Marin Academy campus, as presented and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, West End Village Neighborhood Association and Federation of San Rafael Neighborhoods), interested parties; and appropriate standard and site specific conditions of approval have been included; and

- C. The proposed replacement and relocation of the aquatic center on the Marin Academy campus, as presented and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance; as documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report).

**Environmental and Design Review Permit (ED19-006)
Findings**

- A. The project design, as revised, presented and conditioned, will be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), given that;

1. As documented in the General Plan 2020 Consistency Table (Exhibit 4 of the 10/13/20 Planning Commission staff report), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that;
 - a) The project will ensure that the location, design and material and colors of development blends with and enhances the natural setting, given that: the Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the project, finding the proposed site and building design adequately matched those existing on the Marin Academy campus;
 - b) The project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City, given that; the project proposes to install new site landscaping along both street frontage while will exceed the landscape requirement and new frontage improvements, include new street trees and sidewalk; and
 - c) The project will preserve and enhance view from other building and public property, given that; the project proposes two-story scale of the project will be consistent with the existing two-story scale on both the project site and the adjacent parcels (1526 and 1540 Fifth Ave).
- B. The project design, as revised, presented and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the Fifth/Mission Residential/Office (5/M R/O) District in which the project site is located, given that;
1. The proposed project will be consistent with property development standards for the 5/M R/O District, including:
 - a) The project will be consistent with the maximum height allowed for the project site, which is 36' (The project proposes a 16' building height);
 - b) The project will be consistent with the minimum required front yard setback, which is 15' along the Mission Ave. frontage (The project proposes a 77.5' front yard setback);
 - c) The project will be consistent with the minimum landscaping requirement for the site, which is 10% of the lot area (The project proposes 2,004 sq. ft. of new site landscaping, primarily along the Fifth Ave. frontage and to a lesser degree along the Mission Ave. frontage, where 1,874 sq. ft. of site landscaping is required); and

- d) The project will be consistent with the maximum Floor Area Ratio allowed for the site, which is 0.50 FAR or 9,368.5 sq. ft. of nonresidential development (The project proposes 0.12 FAR or 2,256 sq. ft. of nonresidential development);
2. The proposed project will be consistent with recommended site lighting levels of one (1) foot candle at ground level overlap at all exterior doorways and vehicle parking areas, one-half (1/2) foot candle at ground level overlap along all outdoor pedestrian walkways, and less than one (1) foot candle at ground level overlap at all property lines; and
 3. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), given that; at their July 21, 2020 meeting, the Design Review Board reviewed and unanimously recommended approval of the project design (site and building design).
- C. The project design, as revised, presented and conditioned, minimizes adverse environmental impacts, given that;
1. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined and recommended for approval by the City Engineer after reviewing submitted drainage plans for the project;
 2. The project site is already significantly developed and disturbed and neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found; and
 3. The project proposes to remove four (4) existing trees, two (2) of which are deemed 'significant' (i.e., any Oak tree more than 6" in diameter or any tree more than 12" in diameter, as measured 4.5' above the root crown, and in good health and form) and plant 11 replacement 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).
- D. The project design, as revised, presented and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; 1) The project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, West End Village Neighborhood Association and the Federation of San Rafael Neighborhoods), interested parties, and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the project; and 2) The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the site and building design, subject

to recommendations which have been incorporated as a condition of approval (Condition No. 2; ED19-006).

California Environmental Quality Act (CEQA) Findings

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects), Class 32 the project is an in-fill development project that meets the criteria listed below:

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 4 and 5, respectively);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project site is 18,737 sq. ft. (0.43 acre) in area. The project site is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development;
- c) The project site has no value as habitat for endangered, are or threatened species given that the project site, and all of Downtown, is not identified in the General Plan (Conservation Element; Exhibit 38, "Threatened and Endangered Species" map) as containing suitable or critical habitat to sustain threatened and endangered species;
- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and reviewed by the appropriate city departments. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Use Permit (UP19-005) and Environmental and Design Review Permit (ED19-006), based on the findings of fact above and, subject to the following conditions of approval:

Use Permit (UP19-005) Conditions of Approval

General and On-Going

Community Development Department, Planning Division

1. This Use Permit, generally, approves allows the expansion of the Marin Academy campus on the project site through the replacement and relocation of the existing aquatic center with site improvements (i.e., a new 25-yard 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 and LED-illuminated scoreboard).

2. This Use Permit does not approve an increase in the maximum allowable enrollment capacity (450 students) under the current Master Use Permit (UP14-013) for Marin Academy.
3. This Use Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. This Use Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **by October 20, 2022** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' or submit a time extension request by the specified date will result in the expiration of this Use Permit.
4. This Use Permit shall run concurrently with the Environmental and Design Review Permit (ED19-006) approval. If the Environmental and Design Review Permit approval expires, this Use Permit approval shall also expire and become invalid.

Environmental and Design Review Permit (ED19-006) Conditions of Approval

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their October 20, 2020 hearing, and on file with the Community Development Department, Planning Division, shall be the same as submitted for building permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission and may require review and recommendation by the City's Design Review Board.
2. This Environmental and Design Review Permit approves the demolition of two (2) two-story office buildings and surface parking on the project site and the construction of a new aquatic center with miscellaneous site improvements (i.e., 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, subject to the following design modifications recommended by the Design Review Board at their July 21, 2020 meeting:
 - 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.
3. All 'off-haul' of excavation, delivery of materials and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
 4. Consistent with the standard noise ordinance requirements for construction (SRMC Chapter 8.13), all grading and construction activities shall be limited to 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m., Saturdays. All grading and construction activities are strictly prohibited on Sundays and State- or federally-recognized holidays.
 5. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
 6. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
 7. All other site improvements, including but not limited to the site lighting, hardscape, and fencing/gates shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
 8. The site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner.
 9. All public streets and sidewalks that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
 10. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
 11. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate

evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass.

12. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
13. Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.
14. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.
15. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, processing and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse the City for City Attorney expenses and costs within thirty (30) days following billing of same by the City.

16. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. This Environmental and Design Review Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **by October 20, 2022** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction, or failure to obtain a time extension within the two-year period, will result in the expiration of this Environmental and Design Review Permit.
17. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP19-005) approval. If the Environmental and Design Review Permit expires, the Use Permit approval shall also expire and become invalid.

Prior to Issuance of Demolition Permits

Community Development Department, Building Division

18. Prior to issuance of a demolition permit, the project sponsor shall submit verification that the requirements of the Bay Area Air Quality Management District (BAAQMD) have been met and necessary permits have been issued for demolition of the existing buildings.
19. Prior to the issuance of a demolition permit, the applicant shall submit written verification from a pest control consultant indicating that the project site has been serviced to eliminate rodents.
20. Prior to the issuance of a demolition permit, the applicant shall submit asbestos certifications and PG&E disconnect notices.

Public Works Department

21. Prior to demolition permit, the applicant shall submit a detailed traffic control plan for review and approval of the City's Traffic Engineer. This plan shall indicate the haul/off-haul truck routes, size of trucks to be used for hauling/off-haul and the frequency/times of any haul/off-haul. All traffic from any haul/off-haul shall be conducted outside of the A.M. or P.M. peak hours (after 9:00 A.M and before 4:00 P.M.).
22. All construction staging shall occur on-site or another site with appropriate approvals from property owner. No staging shall occur on City right-of-way without review and approval of the Department of Public Works

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

23. To reduce potential temporary construction and grading noise impacts on the project site to meet the City's 90 dBA noise limit, the applicant shall demonstrate to the satisfaction of the Community Development Department, Planning Division, that the project complies with the following:
 - A. Construction contracts specify that all construction and grading equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices.

- B. Property owners and occupants located within 250 feet of the project boundary shall be sent a notice, at least 15-days prior to commencement of construction or grading of each phase, regarding the construction or grading schedule of the project. A sign, legible at a distance of 50 feet (50') shall also be posted at the project site. All notices and signs shall be reviewed and approved the Community Development Director (or designee), prior to mailing or posting and shall indicate the dates and duration of construction or grading activities, as well as provide a contact name and a telephone number where residents and business owners can inquire about the construction or grading process and register complaints.
 - C. The General Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction or grading activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction or grading noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the Community Development Department, Planning Division, within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Director (or designee). All notices that are sent to residential units and business owners immediately surrounding the project site and all signed posted at the project site shall include the contact name and telephone number for the Noise Disturbance Coordinator.
 - D. The applicant shall demonstrate to the satisfaction of the Community Development Director (or designee) that construction and grading noise reduction methods shall be used where feasible. These reduction methods include shutting-off idling equipment, installing temporary acoustic barriers around stationary construction and grading noise sources, maximizing the distance between construction and grading staging areas and occupied residential and commercial areas, and electric air compressors and similar power tools.
 - E. Construction and excavation/grading off-haul truck routes shall be designed to avoid noise sensitive uses (e.g., residences, assisted senior living facilities, hospitals, etc.) to the greatest extent feasible.
 - F. During construction and grading, stationary equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
24. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
25. Any outstanding Planning Division application processing fees shall be paid prior to grading or building permit issuance.
26. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the building shall be fully-screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.

27. As recommended by the submitted acoustical study (Charles M. Salter Associates Inc., dated January 29, 2019), the project design and operations shall incorporate the following items to meet the San Rafael Noise Ordinances' "intermittent" noise goals or standards:
- a) To reduce "nighttime" noise limits at the northern property line, provide the following lengths of lined ductwork:
 - 1) EF-2: 5-feet of sheetmetal ductwork internally-lined with minimum 1-inch thick internal duct liner prior to the rooftop return air opening.
 - 2) FCU-2: 5-feet of sheetmetal ductwork internally-lined with minimum 1-inch thick internal duct liner prior to the return air opening.
 - b) To meet nighttime noise limits at all property lines, the Public Address (PA) system shall be limited to the following:
 - 1) During "daytime" hours (i.e., between 7 a.m. and 9 p.m. Sunday through Thursday, and between 7 a.m. and 10 p.m. Fridays and Saturdays), the PA system shall be limited to 95 dB at 3-feet. Loudspeakers shall be oriented so as to minimize sound propagation to adjacent property lines but, rather, focus on the pool occupants and spectators.
 - 2) During "nighttime" hours (i.e., between 9 p.m. and 7 a.m. Sunday through Thursday, and between 10 p.m. and 7 a.m. Fridays and Saturdays), the PA system shall be limited to 85 dB at 3-feet.
 - c) Marin Academy shall use only the Fox 40 Pearl and Fox 40 Pear whistles (which have a maximum sound power level of 90 dB, quieter than more common sports whistles), so as to ensure that the intermittent noise levels are not exceeded at property lines.
28. As recommended by the submitted lighting study (Auerbach-Glasow, dated March 19, 2020), the lighting design for the project shall include both photosensors and vacancy sensors to control lighting on the site.
29. The project's design and construction shall comply with the recommendations provided in the submitted Geotechnical Investigation Report (Miller Pacific Engineering Group, dated July 16, 2018).
30. A Construction Management Plan (CMP) shall be prepared and submitted to the Community Development Department, Planning Division, for review and approval of both Community Development Department and Department of Public Works. The CMP shall include
- a. Projected schedule of work,
 - b. Projected daily construction truck trips,
 - c. Proposed construction truck route, location of material staging areas,
 - d. Location of construction trailers, location of construction worker parking,
 - e. Designated contact information for contractor and property owner to be posted on site in case of noise or other construction-related activities.
 - f. Statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code),

- g. Statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and
 - h. Statement that the existing roadway conditions on Fifth and Mission Avenues shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic.
 - i. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
31. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval. This Dust Control Plan shall implement BAAQMD (Bay Area Air Quality Management District) established standard measures (*Basic Construction Mitigation Measures*) for reducing fugitive dust emissions, including but not limited to:
 - All exposed surfaces (e.g., parking areas, staging areas soil piles, graded areas and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure; Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for grading and construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
32. The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
33. A dust control / noise control coordinator shall be designated for the Project.
 - a. A publicly visible sign shall be posted on the site with the telephone number and the name of person regarding dust or construction complaints. This person shall be the applicant or contractor team and shall have the authority to take corrective action. The coordinator shall respond to any complaints and take corrective action within 48 hours of receipt. The BAAQMD phone number and City of San Rafael phone numbers shall also be visible to ensure compliance with applicable regulations.
 - b. Prior to issuance of the building permit, the form, design and content of the sign shall be reviewed and approved by the Planning Division.

Department of Public Works

34. The two lots that form the project site (APNS: 011-195-05 and 011-201-07) shall be consolidated. It appears portions of the proposed improvements also encroach onto the adjacent lot at 1540 Fifth Ave. and, therefore, will require the project site to be consolidated with the adjacent parcel.
35. A new or relocated drainage easement shall be provided for the revised storm drain alignment. This easement shall include a statement that it is the owner's responsibility to maintain the storm drain.
36. The proposed turn-out loading/unloading or parking area along the Mission Ave. frontage results in the sidewalk being partially on-site. A new public access or sidewalk easement shall be provided in order to accommodate the new loading/unloading or parking area. Signage for the new loading/unloading or parking area shall be reviewed and approved by the Department of Public Works.
37. Frontage improvements shall include sidewalk, curb and gutter for the full frontage along both Fifth and Mission Aves. New Street lighting may be required.
38. The interior edge of the sidewalk around the loading/unloading or parking bay shall be flared to reduce the change in direction for pedestrians.
39. An encroachment permit shall be required from the Department of Public Works prior to any work within the Right-of-Way. Please note that both Fifth and Mission Avenues are currently moratorium streets and full-width resurfacing is required.
40. Flow from the new swimming pool shall not be directed into the storm drain (The overflow shown on Sh. No. SP.11 and pool deck area drains are currently shown as connected to the storm drain, which flows to the Bay.).
41. The plans shall show how the bioretention areas and drainage management areas are calculated and routed. The hardscape areas shall be directed to the various treatment areas prior to leaving the site, such that there are no direct connections from impervious surfaces to the storm drain.

The plans shall show how the drainage areas will be treated and the sizing of the retention areas. Please refer to MCSTOPPP's (Marin County Stormwater Pollution Prevention Program) website and the BASMAA manual for more information:

<http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>.

42. It appears that the project site proposes over 5,000 square feet of total new impervious area and is regulated under MCSTOPPP requirements, even after reducing the area for the swimming pool when connected to the sanitary sewer. Provide a stormwater control plan, which includes a written document, in addition to an erosion control plan and drainage plan show on the plans. A stormwater facilities maintenance agreement shall be required. More specific information is available from MCSTOPPP, hosted on the Marin County website referenced above.
43. Connection to the storm drain shall be limited to one location, which allows for better separation from the on-site and through-site drainage.

44. Footing and retaining wall back-drains shall be kept separate from storm drains so that flows from the storm drains do not back up into the perforated pipe systems.
45. The location of the storm drain manhole near Mission Ave. shall be located where it is easily accessible, such as in the new sidewalk. The storm drain line from the catch-basin shall be kept straight. This may result in the necessary removal of an existing street tree, which shall be replaced in an appropriate location where it does not conflict with the utilities.
46. The bioretention detail indicates it will be located close to the foundation and waterproofed. This waterproofing should be extended up to an elevation above the overflow inlet.
47. The hydrostatic valve is located within the intake well for the pumping system. Please confirm that the pumping system can be operated without affecting the valve.
48. A grading permit is required from the Department of Public Works prior to any earthwork on the site. Any grading permit submittal shall include a site-specific erosion and sediment control plan, and a construction management plan with truck routing and an estimated number of truck trips. The number of truck trips may be limited during peak hours (6-8 a.m. and 4-6 p.m.) and school drop-off/pick-up.
49. Confirm the elevations shown throughout the plans (Sh. No. DP.1 does not appear to be consistent with the grading plan).
50. Provide an updated campus plan for traffic to include the new aquatic center. Include analysis for the intersection of Mission and Cottage Avenues, with respect to pedestrians and signal warrants. Signalization may be required to accommodate the pedestrian and vehicular circulation.
51. 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 (SRSD)

52. All sewer related work shall be performed in accordance to SRSD Standards.
53. The Utility Plan (Sh. No. C2.20) shall be revised, as follows:
 - a) Indicate the material type of the proposed new sewer lateral.
 - b) The project shall connect directly to the sewer manhole located in the sidewalk along the Fifth Avenue frontage. The existing 4"-diameter manhole shall be removed and replaced with a 5"-diameter manhole to meet the required additional capacity.
 - c) Add the following note: "Notify the San Rafael Sanitation District Inspector, Rolando Calvo, a minimum 72 hours prior to the start of the sanitary sewer construction at (415) 485-3194 or Rolando.Calvo@cityofsanrafael.org".
54. A new sewer connection fee is required prior to building permit issuance, based on the following credits and calculations:

Existing Plumbing Fixtures			
Description	No. of Fixtures	No. of Units Per Fixture	Total Fixture Units
Water Closet	10	4.0	40.0
Bathroom Sink, Single	39	1.0	39.0

Shower	1	2.0	2.0
		Total Existing	81.0

Proposed New Plumbing Fixtures			
Description	No. of Fixtures	No. of Units Per Fixture	Total Fixture Units
Water Closet	9	4.0	36.0
Urinal	4	2.0	8.0
Bathroom Sink, Sets	2	2.0	4.0
Bathroom Sink, Single	1	1.0	1.0
Service Drain	1	3.0	3.0
Floor Drain	17	2.0	34.0
Shower	12	2.0	24.0
Drinking Fountain	2	0.5	1.0
		Total New	111.0

SRSD: 30.0 FU x \$228.73 per Fixture Unit = \$6,861.90

CMSA: 30.0 FU x \$390.79 per Fixture Unit = \$11,723.70

Total Connection Fees Due to SRSD: \$18,585.60 (Effective July 1, 2019 to June 30, 2020. Subject to change after June 30, 2020)

Community Development Department, Building Division

55. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

56. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:

- a) Architectural plans
- b) Structural plans
- c) Electrical plans
- d) Plumbing plans
- e) Mechanical plans
- f) Site/civil plans (clearly identifying grade plan and height of the building)
- g) Structural Calculations
- h) Truss Calculations
- i) Soils reports
- j) Green Building documentation
- k) Title-24 energy documentation

57. 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.

58. A demolition permit is required.

59. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility

improvements for persons with disabilities may 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) All public 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.)

60. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. 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.

61. 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

62. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off- load area. Additionally, one in every eight required handicap spaces shall be van accessible.

63. Minimum shower size in the fully accessible room is either 60"-wide by 30"-deep or 42"-wide by 48"-deep.

64. This project is subject to the City of San Rafael Green Building Ordinance. A sliding scale is applied based on a valuation of the project. Upon submittal of a building permit application, incremental energy-efficiency tools will need to be included as part of the application such as documentation that LEED Prerequisites WE P1 and EA P3 and Credit EA C1.3 have been addressed in the project plans, and waste management.
65. Review and approval by the Marin County Health Department may be required prior to building permit submittal.

San Rafael Fire Department, Fire Prevention Bureau

66. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.
67. 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 Underground plans (Deferred Submittal to the Fire Prevention Bureau)
 - c) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
68. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
 - a) Fire Department Connection (FDC).
 - b) Double detector check valve.
 - c) Street address sign.
 - d) Recessed Knox Box.
 - e) Fire Alarm annunciator panel.
 - f) NFPA 704 placards.

69. A Knox Box is required at the primary point of first response to the new building. A recessed mounted Knox Box # 3275 Series 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. See <https://www.knoxbox.com/commercial-knoxboxes/>.

70. Hazardous Materials Placards shall be installed in accordance with NFPA 704

71. Provide a Hazardous Material Management Plan to be submitted to Marin County Department of Public Works, CUPA.

72. The project sponsor shall contact MMWD (Marin Municipal Water District) to make arrangements for the water supply serving the fire protection system.

During Construction

Community Development Department, Planning Division

73. Applicant/contractor shall comply with all conditions of approval related to Construction Management Plan, and other conditions related to construction impacts.
74. The following measures shall be implemented during the demolition process:

- a. Watering shall be used to control dust generation during demolition of structures and breakup of pavement.
- b. All trucks hauling debris from the site shall be covered
- c. Dust-proof chutes shall be used to load debris into trucks whenever feasible.
- d. A dust control coordinator shall be designated for the project. The name, address and telephone number of the dust coordinator shall be prominently posted on-site and shall be kept on file at the Planning Division. The coordinator shall respond regarding dust complaints promptly (within 24 hours) and shall have the authority to take corrective action.

Marin Municipal Water District (MMWD)

75. District records indicate that the property's current annual water entitlement of 2.70 acre-feet may be insufficient to meet the water demand for the project and the purchase of additional water entitlement may be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:

- a) Complete a High-Pressure Water Service Application.
- b) Submit a copy of the building permit.
- c) Pay the appropriate fees and charges.
- d) Complete the structure's foundation within 120 days of the date of application.
- e) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a meter per structure per use.
- f) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
- g) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- h) Comply with Ordinance No. 429 requiring the installation of gray water recycling systems when practical for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.

Pacific Gas & Electric

76. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.

77. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.

78. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Prior to Occupancy

Community Development Department, Planning Division

- 79. Prior to occupancy, a post-construction report from a lighting engineer shall be submitted to the Planning Division verifying that the lighting levels of the project comply with the lighting levels approved for the project
- 80. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
- 81. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.

After Occupancy

Community Development Department, Planning Division

- 82. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 20th day of October 2020.

Moved by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

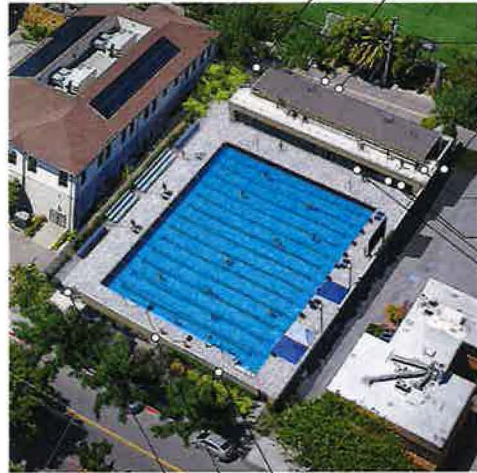
ATTEST: _____
Paul A. Jensen, Secretary

COLOR + MATERIAL BOARD MARIN ACADEMY AQUATIC CENTER

SAN RAFAEL ZONING APPLICATION
JULY 10TH, 2020



MATERIAL LEGEND



- PICKET METAL GATE: MT - 1
- WINDOW FRAME/LOUVERS/DOORS ON NORTH FACADE: MT - 1
- WINDOW GLASS ON NORTH FACADE: GL - 1 TRANSLUCENT INSULATING GLASS
- POOL HOUSE EXTERIOR WALL: PLASTER FINISH: PL- 1
- ROOF DECK FLOOR: CON-2
- DOORS AND WINDOW FRAME ON SOUTH FACADE: MT - 2 (TO MATCH TL-1)
- WINDOW GLASS ON SOUTH FACADE: GL-2 (CLEAR INSULATING GLASS)
- POOL HOUSE SOUTH FACADE: TL- 1

- METAL SIGNAGE ON PLASTER WALL: SIN-1
- SOLID FENCE - PLASTER FINISH: PL- 1
- METAL PICKET FENCE AND GATE: MT - 1



PL - 1



SIN - 1



MT - 1



GL-2



GL-1



CON - 2



TL - 1

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

LAND USE ELEMENT	
<p>LU-2. Development Timing. For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ul style="list-style-type: none"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; c. Environmental review of needed circulation improvement projects has been completed; d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent</i></p> <p>The project proposes to replace and relocate the existing aquatic center at Marin Academy (MA), a private high school, from the north portion of the MA campus above the athletic fields to the south portion of campus below the athletic fields. 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 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 subject site is currently developed with two, two-story medical office buildings and surface parking areas, which are currently served by City infrastructure and services. A condition of approval (Condition No. 50; ED19-006) has been included requiring the submittal of an updated campus plan for traffic to include the new aquatic center with analysis emphasizing on the intersection of Mission and Cottage Avenues for both pedestrians and signal warrants. Since the project does not propose to increase the maximum student enrollment capacity at MA (maximum of 450 students under the Master Use Permit UP14-013), no additional parking is required. Lastly, the quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project.</p>
<p>LU-9. Intensity of Nonresidential Development. Commercial and industrial areas have been assigned floor area ratios (FAR's) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FAR's are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.</p>	<p><i>Consistent</i></p> <p>The project proposes 2,256 sq. ft. of new gross floor nonresidential development on the MA campus. The maximum allowable floor area ratio (FAR) or intensity of development allowed on the project site is 0.50 FAR or 9,368.5 sq. ft. (based on the 18,737 sq. ft. combined lot area for the project site). This constitutes a maximum FAR of 0.12 FAR, well below the maximum intensity of development allowed for the site.</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent</i> According to Exhibit 7 (<i>Building Heights Limits in Central San Rafael</i>) of the General Plan, the maximum height limit for this property is 36 feet. The proposed height of the new support building will be 16’ above finished grade. The proposed project is therefore consistent with the height limits for this site.</p>
<p>LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent</i> According to Exhibit 11 (<i>Land Use Categories</i>) of the General Plan, 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 (<i>Land Use Map and Categories</i>) 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.</p>
<p>HOUSING ELEMENT</p>	
<p>H-19a. Inclusionary Housing. Engage with the local development community and affordable housing advocates to evaluate the Inclusionary Housing Ordinance and in-lieu fee requirements for effectiveness in providing affordable housing under current market conditions. Evaluate the Inclusionary Housing Ordinance in light of recent court decisions. Amend as necessary, consistent with State law.</p>	<p><i>Exempt</i> The project is exempt from the City’s affordable housing requirement, which exempts non-residential development under 5,000 sq. ft. The project proposes 2,256 sq. ft. of new nonresidential development.</p>
<p>NEIGHBORHOODS ELEMENT</p>	
<p>NH-29. Downtown Design. New and remodeled buildings must contribute to Downtown’s hometown feel. Design elements that enhance Downtown’s identity and complement the existing attractive environment are encouraged, and may be required for locations with high</p>	<p><i>Consistent with Condition</i> See CD-3, CD-5 and CD-18 discussion below. The project meets all of the applicable development standards, including minimum site landscaping, height and FAR (floor area ratio). The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>visibility or for compatibility with historic structures. Design considerations include:</p> <ul style="list-style-type: none"> • Varied and distinctive building designs, • Sensitive treatment of historic resources, • Generous landscaping to accent buildings, • Appropriate materials and construction, and • Site design and streetscape continuity. 	<p>formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the project, finding the proposed site and building design adequately met the review criteria for Environmental and Design Review Permits and matched the context and scale of the existing buildings on the Marin Academy campus.</p>
<p>NH-45. Fifth/Mission Residential/Office District Design Considerations.</p> <hr/> <p>c. Fifth/Mission design. Encourage an interesting diversity of building styles in the Fifth/Mission District ranging from historic Victorians to well-articulated new office buildings. On Fifth Avenue west of E Street and on the east and west ends of Mission Avenue:</p> <ul style="list-style-type: none"> • Design infill office and residential development to be compatible with existing neighborhood qualities, and • Include landscaped front yards and historic building characteristics. <p>d. Fifth/Mission pedestrian character. Enhance the pedestrian character by preserving mature landscaping, planting more street trees and by enhancing views down the cross streets. In addition, establish a strong visual and pedestrian access connection on B Street from Boyd Park to Albert Park, and stronger connections between the Fifth/Mission District and surrounding neighborhood.</p> <p>e. Height. Heights of individual buildings will vary, but be similar in scale to existing buildings west of E Street, and on the east end of Mission. Two to three story offices are anticipated east of B Street.</p>	<p><i>Consistent</i></p> <p>See CD-3, CD-5 and CD-18 discussion below. The proposed two-story scale of the project would be consistent with the existing two-story scale on the project site and the adjacent MA campus buildings.</p>
<p>COMMUNITY DESIGN ELEMENT</p>	
<p>CD-3. Neighborhoods. Recognize, preserve and enhance</p>	<p><i>Consistent</i></p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p>The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the project, finding the proposed site and building design adequately met the review criteria for Environmental and Design Review Permits and matched the context and scale of the existing buildings on the Marin Academy campus.</p>
<p>CD-5. Views. Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p><i>Consistent</i> The proposed two-story scale of the project would be consistent with the existing two-story scale on the project site and the adjacent MA campus buildings. The proposed project would not impact views of Mt. Tamalpais or hills or ridgelines or St. Raphael’s church bell tower from public streets beyond those already existing.</p>
<p>CD-10. Nonresidential Design Guidelines. Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.</p>	<p><i>Consistent</i> See CD-3 and CD-5 discussion above.</p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following: a) design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers; b) distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; c) standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and d) effective public participation in the review process.</p>	<p><i>Consistent</i> The proposed project has provided for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of Conceptual Design Review by the Design Review Board to the appropriate neighborhood groups (i.e., West End Village Neighborhood Association, the Downtown Business Improvement District and the Federation of San Rafael Neighborhoods), notice of the Conceptual Design Review, the Boards review of the Conceptual Design Review and this Planning Commission hearing for formal project review. All noticing has been in compliance with Chapter 29 of the Zoning Ordinance (Public Notice). Notice of the Board meeting and this Planning Commission hearing were mailed to all property owners and occupants within a 300-foot radius of the site, interested parties and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meeting or hearing, and notice was posted on the project site along both the Fifth Ave. and Mission Ave. frontages. Staff has received three (9) public comments throughout the review of the project, all in support of the project. Prior to Conceptual Design Review, one (1) public comment was received in support of the project by a swimmer on the Tamalpais Aquatic Masters 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</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	<p>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. Comments received from other City departments and non-City agencies on the project have been incorporated in the review and action of the project.</p>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping and make it a significant component of all site design.</p>	<p><i>Consistent</i></p> <p>The project will be consistent with the minimum landscaping requirement for the site, which is 10% of the lot area. The project proposes 2,004 sq. ft. of new site landscaping, primarily along the Fifth Ave. frontage and to a lesser degree along the Mission Ave. frontage, where 1,874 sq. ft. of site landscaping is required. In addition, the project proposes to remove four (4) existing trees, two (2) of which are deemed ‘significant’ (i.e., any Oak tree more than 6” in diameter or any tree more than 12” in diameter, as measured 4.5’ above the root crown, and in good health and form) and plant 11 replacement trees. On non-hillside parcels, it is <u>recommended</u> that ‘significant’ trees be replaced at a 3:1 ratio. The project exceeds ‘significant’ tree replacement objectives. The project further 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).</p>
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent with Condition</i></p> <p>A lighting plan (location and type) with photometric study (lighting levels) was submitted with the project. It was reviewed by the Board, along with the other design elements of the project, and recommend for approval with the project. The proposed photometric lighting levels meet the City’s recommended minimum illumination standards:</p> <ul style="list-style-type: none"> • All exterior lighting shall be shielded down. • A minimum of one (1) foot candle at ground level overlap shall be provided at all exterior doorways and throughout the vehicle parking area. • A minimum of one-half (1/2) foot candle at ground level overlap shall be provided on all outdoor pedestrian walkways and common areas. <p>In addition, the proposed photometric lighting levels meet the Illuminating Engineering Society Handbook recommended <u>average</u> illumination levels for competition swimming pools on high school campuses:</p> <ul style="list-style-type: none"> • 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.

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	<p>A condition of approval (Condition No. 82; ED19-006) requires that, following the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 90-day lighting level review by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents.</p>
<p>CIRCULATION ELEMENT</p>	
<p>C-5. Traffic Level of Service Standards. a. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p><i>Consistent with Condition</i> See LU-2 discussion above. The project proposes to replace and relocate an existing campus facility, the existing aquatic center, at Marin Academy. Since the project does not propose an increase in the maximum enrollment capacity at MA beyond the 450 students allowed under the Master Use Permit (UP14-013), no additional parking is required and no additional traffic impacts are anticipated. However, the City’s Traffic Engineer is requesting the submittal of an updated campus plan for traffic to include the relocated aquatic center with analysis emphasizing the intersection of Mission and Cottage Avenues for both pedestrians and signal warrants. This request has been made a condition of approval (Condition No. 50; ED19-006).</p>
<p>C-12. Transportation Demand Management. Work cooperatively with governmental agencies, non-profits, businesses, institutions and residential neighborhoods to create new and effective Transportation Demand Management (TDM) programs to minimize single occupancy automobile use and peak period traffic demand.</p>	<p><i>Consistent</i> See C-5 discussion above. The existing Master Use Permit (UP14-013) approved a Transportation Demand Management Program (TDMP) with annual reporting emphasizing vehicle trip reduction strategies and implementation measures at Marin Academy. The TDMP was required as a condition of approval of prior development on the MA campus (the Science and Technology Center) without additional required parking. The TDMP monitoring continues and the project will not require it to be re-evaluated or modified since the project effectively is proposing to replace and relocate an existing campus facility.</p>
<p>C-13. School-Related Automobile Traffic. Actively encourage public and private schools to implement trip reduction programs and reduce congestion caused by commuting students and staff. C-13a. School Transportation. Actively support efforts to improve transportation options for students and reduce school-related traffic congestion. Examples include advocating for funding for the Safe Routes to Schools program, encouraging transit providers to offer free passes or awards to students to use transit, supporting increased funding of school buses and</p>	<p><i>Consistent</i> See C-5 and C-12 discussions above.</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>crossing guards, and staggering school hours. C-13b. TDM for Schools. Require TDM programs for new or expanded private schools.</p>	
<p>C-29. Better Use of Parking Resources. Improve use of existing parking and create new parking opportunities through innovative programs, public/private partnerships and cooperation, and land use policies.</p>	<p><i>Consistent</i> See C-5 and C-12 discussions above.</p>
<p>SUSTAINABILITY ELEMENT</p>	
<p>SU-6. New and Existing Trees. Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.</p>	<p><i>Consistent with Conditions</i> See CD-18 discussion above.</p>
<p>SAFETY ELEMENT</p>	
<p>S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.</p>	<p><i>Consistent</i> Geoseismic dangers have been evaluated through the City’s Geotechnical Review process and found that the project would not pose potential danger to the health, safety and welfare of the community.</p>
<p>S-3. Use of Hazard Maps in Development Review. Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.</p>	<p><i>Consistent</i> According to Exhibit 27 (Geology and Stability) and 29 (Flood Hazard Areas) of the General Plan, the site is not located in a 100-year flood hazard area and located in an area of Franciscan Complex Melange (fsr). These conditions equate to a geoseismic hazard zone rating of 3. Given this rating, the Geotechnical Review Matrix requires Geotechnical Investigation Report and the results are discussed in S-4 below.</p>
<p>S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as set forth in the City’s Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural</p>	<p><i>Consistent</i> A Geotechnical Investigation Report was prepared by Miller Pacific Engineering Group (dated July 16, 2018) and, after review by the City Engineer, was found to meet the requirements set forth in the Geotechnical Review Matrix and consistent with the City’s safety policies and standard engineering practices.</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>requirements, and the feasibility and desirability of a proposed facility in a specified location.</p>	
<p>S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent with Condition</i> The proposed project would entail all new construction and would be built in accordance with the most current building and seismic codes as required by the City’s Municipal Code.</p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p><i>Consistent</i> The proposed project has been reviewed by the City Engineer which implements the Stormwater Pollution Prevention standards and regulations. As designed, the proposed project includes adequate measures to reduce stormwater run-off consistent with the standards established by the RWQCB. The proposed project includes storm water retention areas or ‘bioswales’ which will have the effect of reducing peak flow runoff to below pre-development rates, as determined by the hydrology/stormwater drainage report on the project by Sherwood Design Engineers (dated January 24, 2019).</p>
<p>S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p>	<p><i>Consistent</i> The San Rafael Fire Department, Fire Prevention Bureau, reviewed and recommended approval of the proposed project, determining it adequately meets all applicable fire safety codes and requirements.</p>
<p>NOISE ELEMENT</p>	
<p>N-5. Traffic Noise from New Development. Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L_{dn} is 65 dB or greater at a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than L_{dn} 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p>	<p><i>Consistent with Condition</i> An Acoustical Study was prepared by Charles M. Salter Associates, Inc. (dated January 29, 2019, which determined the project design and operations shall incorporate the following items to meet the San Rafael Noise Ordinances’ “intermittent” noise goals or standards:</p> <ul style="list-style-type: none"> a) To reduce “nighttime” noise limits at the northern property line, provide the following lengths of lined ductwork: <ul style="list-style-type: none"> 1) EF-2: 5-feet of sheetmetal ductwork internally-lined with minimum 1-inch thick internal duct liner prior to the rooftop return air opening. 2) FCU-2: 5-feet of sheetmetal ductwork internally-lined with minimum 1-inch thick internal duct liner prior to the return air opening.

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	<p>b) To meet nighttime noise limits at all property lines, the Public Address (PA) system shall be limited to the following:</p> <ol style="list-style-type: none"> 1) During “daytime” hours (i.e., between 7 a.m. and 9 p.m. Sunday through Thursday, and between 7 a.m. and 10 p.m. Fridays and Saturdays), the PA system shall be limited to 95 dB at 3-feet. Loudspeakers shall be oriented so as to minimize sound propagation to adjacent property lines but, rather, focus on the pool occupants and spectators. 2) During “nighttime” hours (i.e., between 9 p.m. and 7 a.m. Sunday through Thursday, and between 10 p.m. and 7 a.m. Fridays and Saturdays), the PA system shall be limited to 85 dB at 3-feet. <p>c) Marin Academy shall use only the Fox 40 Pearl and Fox 40 Pear whistles (which have a maximum sound power level of 90 dB, quieter than more common sports whistles), so as to ensure that the intermittent noise levels are not exceeded at property lines.</p> <p>These recommendations from the acoustical study have been made a condition of approval (Condition No. 27; ED19-006).</p>
<p>AIR AND WATER QUALITY ELEMENT</p>	
<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal standards for air quality for the benefit of the Bay Area.</p>	<p><i>Consistent with Condition</i> See C-5 discussion above. The project would not generate any permanent air quality impacts and would be consistent with the Bay Area Air Quality District requirements; project impacts to air quality would be limited as temporary during the construction and grading periods only. The proposed project was reviewed by the City Engineer and determined to create no additional traffic impacts with the continued implementation of the existing TDMP, though a traffic analysis has been requested (Condition No. 50; ED19-006) focusing on the intersection of Mission and Cottage Avenues for both pedestrians and signal warrants. Furthermore, the proposed development is within the additional intensity of development assumed under the San Rafael General Plan 2020 and, therefore, cumulative impacts have been analyzed and found to be acceptable</p>
<p>AW-2. Land Use Compatibility. To ensure excellent air quality, promote land use compatibility for new development by using buffering techniques such as</p>	<p><i>Consistent with Condition</i> See LU-2 and CD-18 discussion above. The immediate adjacent parcels to the project are also commonly-owned by Marin Academy. The project has been designed to include buffering techniques including</p>

Exhibit 4

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>landscaping, setbacks and screening in areas where different land uses abut one another.</p>	<p>landscaped setbacks along both the Fifth Ave. and Mission Ave. frontages, the support building located along the Mission Ave. frontage and 8'-tall stucco plaster courtyard wall located along the south and east elevations. The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the site and building design, subject to recommendations which have been incorporated as a condition of approval (Condition No. 2; ED19-006).</p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent</i> The project would be required to comply with the City's Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The proposed drainage plan is designed to be consistent with the stormwater pollution standards by treating roof rainwater runoff on-site in landscape bioswale filtration areas, located through the project area, before it enters into the City's storm drain system.</p>
<p>AW-8. Reduce Pollution from Urban Runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring Best Management Practices quality.</p> <ul style="list-style-type: none"> • Support alternatives to impervious surfaces in new development, redevelopment or public improvement projects to reduce urban runoff into storm drain system, creeks and the Bay. • Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems. • Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants. 	<p><i>Consistent</i> See AW-7 discussion above.</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

CHAPTER 5 – COMMERCIAL AND OFFICE DISTRICTS (5/M R/O)	
<p>14.04.010 - Specific Purposes. In addition to the general purposes listed in Section 14.05.010, the specific purposes of each commercial district follow: U. Fifth/Mission Residential/Office (5/M R/O). 1. Existing Character. The Fifth/Mission residential/office district is a mixed-use residential and office area between the Fourth Street retail core and nearby residential areas. Many cultural and civic uses, such as city hall, the Falkirk Cultural Center and the San Rafael Mission, are in or adjacent to this district. Fifth and Mission Avenues have some of downtown's nicest places because of their beautiful street tree canopies, historic buildings, and Boyd Park. 2. Allowable Uses. The Fifth/Mission district should continue to have residential, office, civic and cultural uses. The district provides suitable sites for a wide variety of office uses, including medical, bank, professional and administrative offices. These uses are compatible with residential uses, provide a sensitive transition between the core and the neighborhoods, and are better located along Fifth and Mission than on downtown's retail streets. Cultural and educational uses are allowed throughout, and ground floor retail and personal service uses are allowed from "C" Street east, on cross streets between Fourth Street and Fifth Avenue. 3. Design Intent. Infill development will preserve the scale and elegant character of existing buildings along Fifth and Mission Avenues. Building heights will typically range from one to three (3) stories, with larger scale buildings closer to the center of downtown</p>	<p><i>Consistent</i> The project proposes to replace and relocate the existing aquatic center at Marin Academy (MA), a civic facility, from the north portion of the MA campus above the athletic fields to the south portion of campus below the athletic field. The existing aquatic center not only meets the demands of MA but also provides opportunities for community use. The project proposes to continue the use of the new aquatic center as a civic facility.</p> <p>The proposed two-story scale of the project would be consistent with the existing two-story scale on the project site and the adjacent MA campus buildings.</p>
<p>14.05. 022 - Land Use Regulations (5/M R/O). Schools, parochial or private</p>	<p><i>Consistent</i> Marin Academy (MA) is a private high school use, which is identified as allowed with a conditional Use Permit in the 5/M R/O District. In 1997, the Planning Commission (Commission) conditionally approved a Use Permit for MA (UP97-004) which has been amended both in 2002 (UP02-027), 2004 (UP04-033) and, most recently, in 2014 (UP14-013).</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>14.05.032 - Property Development Regulations (5/M R/O)</p> <ul style="list-style-type: none"> • Maximum density: 1,000 sq. ft of lot area/unit • Minimum yards: 15’ front • Maximum height: 36’ • Minimum landscaping: 10% 	<p><i>Consistent</i> As designed, the project is consistent with all of the applicable property development standards with the exception of density; the site currently has no residences and the project proposes no new residences.</p>
<p align="center">CHAPTER 16 – SITE DEVELOPMENT STANDARDS</p>	
<p>14.16.030 - Affordable Housing Requirement. Any new residential development project with dwelling units intended or designed for permanent occupancy shall be developed to provide affordable housing units to very low, low- and moderate-income households in perpetuity.</p>	<p><i>Exempt</i> The project is exempt from the City’s affordable housing requirement, which exempts non-residential development under 5,000 sq. ft. The project proposes 2,256 sq. ft. of new nonresidential development.</p>
<p>14.16.150 - Floor Area Ratio (FAR). The intensity and density of development in nonresidential and mixed-use districts is identified by floor area ratio (FAR) and by the number of units allowed per one thousand (1,000) square feet of lot area for the location and zoning district in which a site is located. The FAR is the total building square footage (gross floor area) divided by the lot area excluding public streets. Total building square footage excludes parking areas or garages (covered and uncovered), residential components of a mixed-use project, hotels, and non-leasable covered atriums. Floor area for permanent child care facilities in nonresidential structures may be excluded in the FAR, subject to the provisions of Chapter 14.22, Use Permits.</p>	<p><i>Consistent</i> The project proposes 2,256 sq. ft. of new gross floor nonresidential development on the MA campus. The maximum allowable FAR or intensity of development on the site is 0.50 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 constitutes 0.12 FAR from the new support building (restrooms, indoor and outdoor showers, changing and office areas, mechanical equipment and chemical storage areas), well below the maximum intensity of development allowed for the site.</p>
<p>14.16.170 - Geotechnical Review Development applications require geotechnical reports consistent with the geotechnical matrix in the general plan appendices to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement and hazardous soils conditions to determine the optimum location for structures, to advise of special structural requirements and to evaluate the feasibility and desirability of a proposed facility in a specific location</p>	<p><i>Consistent with Conditions</i> The project was reviewed consistent with the City’s Geotechnical review matrix contained as an appendix to the General Plan 2020. A Geotechnical Investigation Report was prepared for this project. In conclusion, the investigation found that the project would be consistent with the geotechnical policies of the General Plan and that the project would be feasible from a geotechnical engineering standpoint. The report included recommendations that would have to be incorporated during preparation of the construction plans and construction of the project. The City Engineer reviewed the project submittals, including the Geotechnical Investigation Report, and recommended approval subject to conditions,</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>which have been incorporated into conditions of approval.</p>
<p>14.16.277 – Light and Glare Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department: A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas. B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties. C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots and fall below one (1) foot-candle at the property line. D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting. E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review). F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits. G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section.</p>	<p><i>Consistent with Conditions</i> 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 in the project plans (see Sh. No. E003), which shows the proposed lighting levels will comply with the City’s recommended lighting levels. In addition, the photometric study shows the proposed lighting levels will comply with Illuminating Engineering Society Handbook recommended average lighting levels for high school competition swimming pools:</p> <ul style="list-style-type: none"> • 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. <p>The project proposes the following <u>average</u> illumination levels:</p> <ul style="list-style-type: none"> • 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 min, 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.). <p>The proposed lighting design includes photosensor ‘vacancy’ controls to automatically dim and then turn off select light fixtures when the area underneath is unoccupied. 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.</p> <p>A condition of approval (Condition No. 28; ED19-006) has been incorporated requiring the lighting design for the project to include both photosensors and vacancy sensors to control</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>lighting on the site A condition of approval (Condition No. 82; ED19-006) has been incorporated requiring a 90-day lighting level review period by the City, at issuance of occupancy, to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary.</p>
<p>14.16.295- Sight Distance. Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any intersection or driveway, or as determined by the director of public works. In general, fencing and improvements or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.</p>	<p><i>Consistent with conditions.</i> While the project site has no driveway, it is within the sight distance of existing driveways along the Fifth Ave. frontage, at 1526 and 1540 Fifth Avenue. The landscape plans (Sh. L1.00B) includes the required sight distance and shows the project design will comply.</p>
<p>14.16.243 – Mechanical Equipment Screening. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See Chapter 14.16 for exclusions to maximum height requirements and Chapter 14.25 for design review requirements</p>	<p><i>Consistent</i> The design of the new science building proposes to fully screen rooftop mechanical equipment behind a parapet.</p>
<p>14.16.365 – Water-Efficient Landscaping A. Purpose and Authority. Effective January 1, 2011, certain new construction and rehabilitation projects that include landscape and irrigation improvements are required to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California Government Code Section 65595(c). For the purpose of administering this state mandate, the City of San Rafael hereby adopts by reference, the Marin Municipal Water District (MMWD) Ordinance (Water Conservation), as adopted and periodically amended, and designates MMWD, the local water provider, to implement, enforce, and monitor the requirements of this ordinance. For projects that are subject to the water-efficient landscape requirements, the city defers</p>	<p><i>Consistent with Conditions.</i> The project proposes over 500 sq. ft. of new nonresidential landscape area and is, therefore, required to comply with the provisions of Marin Municipal Water District’s (MMWD) most recent water-conservation ordinance (currently Ordinance 429). Final landscape and irrigation plans for the project shall be included in all construction drawing sets submitted for issuance of building/grading permit and shall be pre-approved by MMWD and stamped as approved by MMWD. A condition of approval has been included requiring the building permit application submittal include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>to MMWD to administer the provisions of this chapter, which include:</p> <ol style="list-style-type: none">1. The application and monitoring of a "maximum applied water allowance," that is established for applicable projects.2. The review of required landscape and irrigation plans, specifications and supportive documents prepared for applicable projects for compliance with water-efficient landscape restrictions, including limitations on the type and amount of landscape materials and plant species.3. The review, inspection and approval of landscape and irrigation that is installed for applicable projects to ensure compliance with the approved landscape and irrigation plans and specifications.4. The post-installation monitoring of water usage for irrigation by applicable projects. <p>B. Applicability. The provisions of this section and the MMWD Ordinance as adopted and periodically amended are applicable to the following projects:</p> <ol style="list-style-type: none">1. Any project that proposes new or rehabilitated landscapes which are developer-installed in single-family residential and all other residential developments, regardless of size, where the proposed landscape area is equal to or greater than two thousand five hundred (2,500) square feet;2. Any project that proposes new or rehabilitated landscapes which are homeowner provided and/or homeowner-hired in single-family residential, two-family residential and multiple-family residential developments, where the proposed landscape area is equal to or greater than five thousand (5,000) square feet;3. Any new nonresidential construction projects exceeding one thousand (1,000) square feet of landscaped area;4. Any project that proposes new or rehabilitated landscapes which are developer-installed in nonresidential developments where the proposed landscape area is equal to or greater than two thousand five hundred (2,500) square feet. <p>C. City Review of Applicable Projects. City review of applicable projects shall be processed as follows:</p> <ol style="list-style-type: none">1. Projects Requiring Approval of an Environmental and Design Review Permit. When an applicable project is subject to an environmental and design review permit pursuant to chapter 14.25 of	
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Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>this title, the landscape and irrigation plans required by and submitted with this permit application shall be designed and prepared to comply with the provisions and requirements of MMWD Ordinance as adopted and periodically amended. The approval of an environmental and design review permit shall be conditioned to require the applicant to provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit.</p> <p>2. Projects Requiring a Building Permit and/or Grading Permit only. When an applicable project is not subject to an environmental and design review permit but is required to secure a building permit and/or grading permit, such permits shall not be issued until the applicant has secured, in writing, MMWD approval of the landscape and irrigation plans confirming compliance with MMWD Ordinance as adopted and periodically amended.</p> <p>D. Inspections and Post-Installation Monitoring and Enforcement. MMWD shall be responsible for:</p> <ol style="list-style-type: none"> 1. Inspecting and approving all landscape and irrigation installed for applicable projects prior to project completion and/or occupancy; and 2. Monitoring water usage for installed landscapes to ensure compliance with MMWD Ordinance as adopted with amendments. All enforcement actions for ordinance noncompliance or violations shall be administered by MMWD. 	
<p>CHAPTER 22 – USE PERMIT</p>	
<p>14.22.080 - Findings The following findings must be made to approve a Use Permit:</p> <ol style="list-style-type: none"> A. Proposed use is in accord with the general plan, the objectives of the zoning ordinance and the purposes of the district in which the site is located; B. Proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City; and C. Proposed use complies with each of the applicable provisions of the Zoning Ordinance. 	<p><i>Consistent</i></p> <ol style="list-style-type: none"> A. The proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the Fifth/Mission Residential/Office (5/M R/O) District in which the site is located in that: <ol style="list-style-type: none"> 1. As documented in the General Plan 2020 Consistency Table (Exhibit 4 of the 10/13/20 Planning Commission staff report), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020; 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report)), the proposed

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>project will be consistent with the objectives of the Zoning Ordinance; and</p> <p>3. The proposed project will be consistent with the specific purposes of the 5/M R/O District, given that; education and civic uses are allowed in addition to residential and office uses (limited retail uses are also allowed on cross-streets from C St. east).</p> <p>B. The proposed replacement and relocation of the aquatic center on the Marin Academy campus, as presented and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, West End Village Neighborhood Association and Federation of San Rafael Neighborhoods), interested parties; and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the project; and</p> <p>C. The proposed replacement and relocation of the aquatic center on the Marin Academy campus, as presented and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance; as documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report).</p>
<p>CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT</p>	
<p>14.25.050 - Review Criteria Projects must meet the following design review criteria: A. Consistency with General Plan design polices. B. Consistency with Specific Plans C. Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and harmony within a neighborhood, promotes excellence in design, and preserves and enhances views.</p>	<p><i>Consistent</i> The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the project, finding the proposed site and building design adequately met the review criteria for Environmental and Design Review Permits and matched the context and scale of the existing buildings on the Marin Academy campus.</p>

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>D. Site design is harmonious amongst structures within the development and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage.</p>	
<p>14.25.090 - Findings The following findings must be made to approve a Design Review Permit</p> <p>A. Project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter;</p> <p>B. Project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located</p> <p>C. Project design minimizes adverse environmental impacts</p> <p>D. Project design will not be detrimental to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity.</p>	<p><i>Consistent</i></p> <p>A. The project design, as revised, presented and conditioned, will be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (<i>the Zoning Ordinance</i>) and the purposes of Chapter 25 of the Zoning Ordinance (<i>Environmental and Design Review Permits</i>), given that;</p> <ol style="list-style-type: none"> 1. As documented in the General Plan 2020 Consistency Table (Exhibit 4 of the 10/13/20 Planning Commission staff report), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020; 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 5 of the 10/13/20 Planning Commission staff report), the proposed project will be consistent with the objectives of the Zoning Ordinance; and 3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; <ol style="list-style-type: none"> a) The project will ensure that the location, design and material and colors of development blends with and enhances the natural setting, given that: the Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the project, finding the proposed site and building design adequately matched those existing on the Marin Academy campus; b) The project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City, given that; the project proposes to install new site landscaping along both street frontage while will exceed the landscape requirement and new frontage improvements, include new street trees and sidewalk; and

Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>c) The project will preserve and enhance view from other building and public property, given that; the project proposes two-story scale of the project will be consistent with the existing two-story scale on both the project site and the adjacent parcels (1526 and 1540 Fifth Ave).</p> <p>B. The project design, as revised, presented and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the Fifth/Mission Residential/Office (5/M R/O) District in which the project site is located, given that;</p> <p>1. The proposed project will be consistent with property development standards for the 5/M R/O District, including:</p> <p>a) The project will be consistent with the maximum height allowed for the project site, which is 36' (The project proposes a 16' building height);</p> <p>b) The project will be consistent with the minimum required front yard setback, which is 15' along the Mission Ave. frontage (The project proposes a 77.5' front yard setback);</p> <p>c) The project will be consistent with the minimum landscaping requirement for the site, which is 10% of the lot area (The project proposes 2,004 sq. ft. of new site landscaping, primarily along the Fifth Ave. frontage and to a lesser degree along the Mission Ave. frontage, where 1,874 sq. ft. of site landscaping is required); and</p> <p>d) The project will be consistent with the maximum Floor Area Ratio allowed for the site, which is 0.50 FAR or 9,368.5 sq. ft. of nonresidential development (The project proposes 0.12 FAR or 2,256 sq. ft. of nonresidential development);</p> <p>2. The proposed project will be consistent with recommended site lighting levels of one (1) foot candle at ground level overlap at all exterior doorways and vehicle parking areas, one-half (1/2) foot candle at ground level overlap along all outdoor pedestrian walkways, and less than one (1) foot candle at ground level overlap at all property lines; and</p>
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Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>3. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (<i>Chapter 14.25 of the Zoning Ordinance</i>), given that; at their July 21, 2020 meeting, the Design Review Board reviewed and unanimously recommended approval of the project design (site and building design).</p> <p>C. The project design, as revised, presented and conditioned, minimizes adverse environmental impacts, given that;</p> <p>1. The project design includes storm water retention areas or ‘bioswales’ which will have the effect of creating a ‘no net change’ in the rate of storm water drainage on the project site, as determined and recommended for approval by the City Engineer after reviewing submitted drainage plans for the project;</p> <p>2. The project site is already significantly developed and disturbed and neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (<i>Exhibit 38 – Threatened and Endangered Species</i>) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found; and</p> <p>3. The project proposes to remove four (4) existing trees, two (2) of which are deemed ‘significant’ (i.e., any Oak tree more than 6” in diameter or any tree more than 12” in diameter, as measured 4.5’ above the root crown, and in good health and form) and plant 11 replacement 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).</p> <p>D. The project design, as revised, presented and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that;</p> <p>1) The project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, West End Village Neighborhood Association and the Federation of San Rafael Neighborhoods), interested parties, and</p>
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Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the project; and 2) The Design Review Board reviewed the project on two (2) separate meetings (conceptual review on December 18, 2018 and formal design review on July 21, 2020) and, on July 21, 2020, the Board unanimously recommended approval of the site and building design, subject to recommendations which have been incorporated as a condition of approval (Condition No. 2; ED19-006..</p>
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“Good Design” Criteria for Downtown San Rafael
****Summary of Applicable Criteria****

General

- Each project should have an internally consistent design vocabulary
- Forms and materials should express the building’s design intent and context
- Design strategies such as “base middle and top” are encouraged but not the sole design alternative
- Height and bulk can be mitigated by step backs, articulation, use of different materials
- Projections over public right of ways shall be limited to bay windows, balconies and marquees *
- Provide architectural interest such as strategic placement of forms and applied features and special treatment at corners especially at intersecting streets
- Concentrate premium materials at points of maximum enjoyment:
 - At street level
 - At building entrances
 - On highly visible architectural forms and elements • Maintain pedestrian scale, especially at the
 - lower floors
- Buildings should relate to established streetscape elements such as cornice lines, fenestration or other shared elements
- New building design may include high quality contemporary architecture
- Use landscape to humanize and frame the built environment
- Use durable, reusable, flexible, permeable and repairable pavement materials
- All mechanical equipment shall be screened and shall not project above its enclosure
- Exceptional design is encouraged and may be allowed to deviate from the design guidelines. However:
 - Projects must be exemplary
 - They must make a significant contribution to their surroundings
 - They must contribute public benefit beyond great design
- Projects should conform with General Downtown Design Guidelines and District Design Guidelines
- Different districts of Downtown have different design priorities

Gateway District:

- Provide active street fronts along Tamalpais
- Articulate elevations to avoid a “building as wall” parallel to the freeway
- Create a sense of arrival with welcoming gateway elements such as:
 - Distinctive building form massing and detailing
 - Public plazas

Gateway – Transit District:

- Enhance the Tamalpais greenway from 2nd to Mission as a complete street
- Anchor the district with a high-quality transit center

2nd /3rd Corridor & Lindaro:

- Reduce building mass along the boulevards with 3rd or 4th floor setbacks and at ground level corner entrances
- Use distinctive forms and detailing at corners particularly those facing oncoming traffic
- Locate retail at intersections and along pedestrian N - S streets
- Enhance the boulevard, by providing continuous curbside planting strips and/or ample tree pockets with grates
- Consider increasing the 5' setback requirement along 2nd and 3rd Street
- Varied setback depths are encouraged particularly on NS streets for pedestrian amenities and landscaping Place back flow preventers, transformers, and other utilities out of site or in undersidewalk vaults

Steve Stafford

From: Judy [REDACTED]
Sent: Thursday, October 1, 2020 4:17 PM
To: Steve Stafford
Subject: MA Pool

Hi Steve,

Is there a way to examine the plans for the new MA pool prior to the Planning Commission meeting?

I kept looking for the second Design Review meeting announcement but just read it was not open to the public and was not taped. That is disappointing.

Did anyone ever bring up how late the water polo games will run into the evening hours? It will not be unusual for the games to run from 5 pm to 9 pm with another ½ hour of clean up after the conclusion of the fourth game. The lights and noise will go much later than what Travis mentioned in the first Design Review meeting (from 3 pm to 7 pm).

I am not opposed to the pool but feel MA should be transparent about the noise and lights.

And one last thing. On page 12 of the July 21, 2020 Design Review report it states:

“The size of the relocated pool (25 yards x 33 meters) is the same as the existing pool on the MA campus.”

This cannot be any more inaccurate. The existing pool is indeed 25 yards long but I believe less than 35 feet in width, not yards. It has 5 lanes that are very narrow. This new pool is more than 3 times the size of the old pool.

Respectfully,

Judy Ferguson

Steve Stafford

From: Martha Olsen [REDACTED]
Sent: Wednesday, September 30, 2020 8:50 AM
To: Steve Stafford
Subject: Support for the Marin Academy Aquatic Center

Dear Mr. Steve Stafford,

I'm writing to express my enthusiastic voice of support for the Marin Academy Aquatic Center project. Relocating the pool to a new location on Fifth Avenue creates a huge opportunity -- not just for the school, but for many of us in the larger community.

As a member of the Tamalpais Aquatic Masters (TAM) swim team, I'm a part of that community. Our team of 60+ swimmers has been practicing at the current MA pool for more than 40 years. To swim in this pool has been a gift -- a gift of camaraderie and community. We swim to compete, or just to stay fit. We represent all ages and swimming backgrounds, but we have one thing in common -- a love for swimming.

We're also incredibly lucky to have had a dedicated place to swim all these years, thanks to Marin Academy's partnership and support for our program. In Marin, and particularly in San Rafael, there are simply not enough pools to support all who want to use them -- Masters swimmers, triathletes, youth leagues, school sports, not to mention lap swimmers or folks and families who just want to cool off. We're all vying for limited pool time. The COVID-19 pandemic has brought this into sharp relief. When the first two pools opened for community use -- HS 1327 and Tam High -- we were setting our alarms for 12:01am just to get a shot at booking the following week's 50-minute swim slots as they became available. Those 90 lanes each day at HS 1327 would be gone by 8:00 am.

While we are incredibly grateful to MA for affording us precious pool space, we also recognize that its size and its antiquated condition limit us. Like goldfish, our growth is constrained by size of our fishbowl. A larger, modern facility will enable us to embrace the many swimmers who want to join a Master's program but haven't been able to find space on a team, or a practice time conducive with work schedules, or can't drive long distances each day to make practices in Petaluma, Santa Rosa, Richmond, Berkeley, or San Francisco.

All of us at TAM Masters are very excited about this project. We look forward to bringing fitness and competitive opportunities to more lifelong swimmers in San Rafael and surrounding areas. MA has included us at key steps in the design process and we are incredibly impressed with the thoughtfulness that they've brought to the project -- not just the needs of the school but the impact on neighbors and the opportunities for community partners like TAM. Please say yes to this exciting and much needed project. Marin Academy's investment in an aquatic center will benefit so many.

Martha Olsen
[REDACTED]

Steve Stafford

From: Rich Burns [REDACTED]
Sent: Tuesday, September 29, 2020 10:59 AM
To: Steve Stafford
Subject: In support of the Marin Academy Pool Steve Stafford

To: Mr. Steve Stafford
San Rafael City Planner

I've been a member of Tamalpais Aquatic Masters since before our swim team was extended Marin Academy's hospitality. The school's generosity has assured TAM a welcoming home for over 40 years. As evidenced by our demographics, Masters swimmers participate for many reasons, from health to competition or the simple joy of being in the water. I urge you to visit usms.org for a full picture of Masters Swimming.

That said, one of the greatest challenges Masters Swimming perpetually faces is the availability of places to swim. Across the country, Masters teams have difficulty finding pool time. Most facilities are either public, prioritizing access for the general public, or private clubs focused on the interests of their members. Marin County is especially constrained in facilities and availability for Masters programs.

There is no question of the value that aquatic facilities bring to any community. The range of programs and activities could keep most facilities busy 24/7. The health, safety, fitness and pleasure they provide is indisputable. Marin has great high school pools but with very limited access for the public. Private facilities are even less available. San Rafael can see the popularity and demand for pool availability at its Terra Linda and McNears Beach facilities.

That Marin Academy will make the investment in, and manage a first class aquatic facility with comprehensive programs that will make the pool a community asset for San Rafael, is a gift that should not be denied. For over 40 years, the Academy had demonstrated their commitment to broad constituencies beyond their students and faculty. There is no question that they will continue to do so with this new treasure. On behalf of our members, our team and the entire community, we urge you to allow the school to move forward with this exciting project. Thanks for your support.

Richard Burns

[REDACTED]

Steve Stafford

From: MARGARET JANE HOOK [REDACTED]
Sent: Tuesday, September 29, 2020 3:38 PM
To: Steve Stafford
Subject: Marin Academy Pool --Proposed

Dear Mr. Stafford"

I write in support of the Marin Academy Pool Proposal. While not a resident of San Rafael, I have been a team member of Tamalpais Aquatic Masters (TAM) for over 25 years and have enjoyed my association with the swim Team and the Marin Academy (MA) campus. I see a diverse group of students arrive each day as I arrive and depart the pool located at the rear of their campus. I see MA respectfully integrate with the surrounds, limiting parking, noise, and traffic patterns. It is to be applauded.

I believe the new pool will open wider a needed door into Marin's community, more importantly San Rafael, by providing opportunities for community events, swimming lessons and fitness. At least once a year, I hear " ... I am scared in the water, where can I learn to swim better?" TAM promotes wellness and community support in its events and status as a USMS Gold Club member will hold advancement and learn to swim opportunities. The TAM swimming hours also provide time for coached swimming of different levels, and will be able to expand its services to more individuals, and potentially open lane swimming hours as well.

Marin has a wide spectrum of socio economic groups in its population, as does the TAM team. I have recently learned about MA's partnership with Aim High, and applaud their programs. I understand the MA wants to expand their aquatic offerings within both the school and the community. I am all for that.

The current pool is greatly antiquated and needs to be replaced. Permitting Marin Academy to do so as proposed will serve Marin well, in health and fitness.

I recommend you support the project as planned.

Respectfully submitted,

Jane Hook

Sausalito Resident

Steve Stafford

From: Kelley Warner [REDACTED]
Sent: Monday, September 28, 2020 4:45 PM
To: Steve Stafford
Subject: Planning Commission meeting - MA Pool approval support letter

Dear Mr. Steve Stafford,

I have been a member of the Tamalpais Aquatic Masters (TAM) swim team for the past 23 years. I am writing to express my enthusiastic support for the Marin Academy Aquatic Center project. Relocating the pool to the 5th Avenue site will improve visibility and access to quality aquatic programs for students, teachers, parents and community members, like me and the TAM Masters swim team.

TAM Masters is registered as a US Masters swim program and embraces swimmers of all skill levels, providing a healthy recreational outlet for many Marin County residents. The team has been swimming in the Marin Academy pool for more than 40 years, made possible by a generous partnership with the school that we value and appreciate. Our team age span is 20-85! There are not too many club teams that can boast that type of age range.

It's no secret that the current Marin Academy pool is extremely antiquated. After more than 90 years of use, the MA pool has served many swimmers of all ages and has used up it's useful life. Significant upgrades would be required to make it useful and more relevant to current aquatic programs. The new location provides an opportunity to create a modern pool for student athletes and community groups as well as move the pool to a commercial corridor for easier access.

I grew up in the East Bay in the Lamorinda area where community and public pools are plentiful - and I was so surprised to learn when I moved to Marin 25 years ago that this wasn't the case in this County. Community pool access is, in fact, at a premium and over the years we've seen old pools that were demolished rather than upgraded or replaced (ex: Branson School pool in Ross).

The new Marin Academy Aquatic Center project is an exciting event in the swimming community and San Rafael and really the County - more pool space in a new, modern facility is truly novel. There is that much demand for a limited supply.

All of us at TAM Masters are very excited and fully supportive of this project. We look forward to continuing our partnership with Marin Academy and enjoying this beautiful new investment in the San Rafael community.

Thank you for your time and consideration of this project.

Best,

Kelley Warner

[REDACTED] San Anselmo

Steve Stafford

From: Brad Sears <[REDACTED]>
Sent: Friday, September 25, 2020 10:01 AM
To: Steve Stafford; Mike Joyce
Subject: Marin Academy Pool

Gentlemen,

My neighbors and I are concerned about operating hours and lighting, noise in particular. Swimming is not a loud activity in fact it is practically silent. I realize that this area of 5th Ave is seen as transitional but it is and has been amazingly quiet except for the occasional fire truck. Dimmable lighting technology and earbuds will go a long way to keeping this environment peaceful. Our concern is about the intensity, proximity and duration of loud noise. Swim meets are the exception and like soccer games it is great to hear cheers erupting and happy and healthy people doing positive life enhancing activities.

Recently earbud technology has progressed to a point where waterproof bluetooth buds provide amazing sound quality for coaches and swimmers and are inexpensive. It may be a tradition that coaches rely on whistles, yelling and guns to get attention but there is no reason technically. Besides swimmers wear earplugs as protection.

We are glad to have MA as a neighbor and trust that simple technologic accommodations will be adopted instead of a PA system. Underwater speakers work amazingly well too.

Marin Academy has always been sensitive to the environment both architecturally and socially and we are lucky to have them as neighbors. I plan to present a petition at the Planning Commision meeting but please forward this note to relevant parties.

Thank You, the neighborhood.

Steve Stafford

From: Larry Smith [REDACTED]
Sent: Friday, September 18, 2020 11:28 AM
To: Steve Stafford
Subject: Marin Academy Pool Project

Dear Mr. Steve Stafford,

My name is Lawrence Smith and I'm the owner of Smith and Company, a full-service CPA firm headquartered here in San Rafael. Our office is located at 1527 Fifth Avenue, which is directly across the street from the proposed new Marin Academy pool facility.

We are in support of the proposed relocation of the school's aquatic center and appreciate the school's ongoing outreach efforts on this proposal. We have been a neighbor to Marin Academy since the year 2005 or so. During this time, we have had a very positive experience with the school and value their ongoing communication and commitment to being a good neighbor.

Marin Academy is a tremendous asset to San Rafael and we look forward to the opening of their new aquatic center. This project will be a great addition to their campus and support the ongoing development of their student athletes.

Warm regards,

Lawrence S. Smith, CPA
1527 5th Avenue
San Rafael, CA 94901



Lawrence S. Smith, CPA
1527 5th Avenue, San Rafael, CA 94901
82 West Portal Avenue, San Francisco, CA 94127
Tel 415-458-5100
Fax 415-458-5105
smith@smithcpas.com

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**Building Owners
1526 Fifth Avenue
San Rafael, CA 94901**

June 22, 2020

Steve Stafford
Senior Planner
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Support for the Marin Academy Aquatic Center Project (1530 and 1534 Fifth Ave.)

Dear Mr. Stafford:

We are the owners of the multi-tenant commercial building located at 1526 Fifth Avenue in San Rafael ("1526 Building"). This letter is concerning the Marin Academy Aquatic Center project ("Project") proposed to be located directly next door to our 1526 Building. Specifically, we are writing to rescind any and all previous opposition we expressed towards the Project, and to now communicate our full support.

We hereby retract our opposition comments, both oral and/or written, made in conjunction with the Design Review Board's December 18, 2018, consideration of the Project. We now fully support the Project.

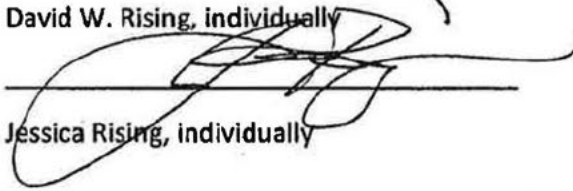
In light of our support, and the fact that the 1526 Building would arguably be the property most-impacted by a new aquatic center next door, we strongly encourage the City to approve the Project.

Thank you.

Michael J. Scianamblo for the Michael J.
Scianamblo Family Real Estate, LLC, a
Florida limited liability company



David W. Rising, individually



Jessica Rising, individually

Susan Rosenberg, as Trustee of the
Rosenberg Inter Vivos Trust dtd 11.29.79

Robert J. Rosenberg, as Trustee of the
Rosenberg Inter Vivos Trust dtd 11.29.79

**Building Owners
1526 Fifth Avenue
San Rafael, CA 94901**

April 28, 2020

Steve Stafford
Senior Planner
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

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Thank you.

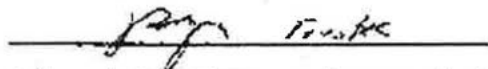
Michael J. Scianamblo for the Michael J. Scianamblo Family Real Estate, LLC, a Florida limited liability company

David W. Rising, individually

Jessica Rising, individually



Susan Rosenberg, as Trustee of the Rosenberg Inter Vivos Trust dtd 11.29.79



Robert I. Rosenberg, as Trustee of the Rosenberg Inter Vivos Trust dtd 11.29.79

**Building Owners
1526 Fifth Avenue
San Rafael, CA 94901**

April 28, 2020

Steve Stafford
Senior Planner
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Support for the Marin Academy Aquatic Center Project (1530 and 1534 Fifth Ave.)

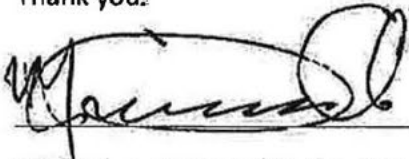
Dear Mr. Stafford:

We are the owners of the multi-tenant commercial building located at 1526 Fifth Avenue in San Rafael ("1526 Building"). This letter is concerning the Marin Academy Aquatic Center project ("Project") proposed to be located directly next door to our 1526 Building. Specifically, we are writing to rescind any and all previous opposition we expressed towards the Project, and to now communicate our full support.

We hereby retract our opposition comments, both oral and/or written, made in conjunction with the Design Review Board's December 18, 2018, consideration of the Project. We now fully support the Project.

In light of our support, and the fact that the 1526 Building would arguably be the property most-impacted by a new aquatic center next door, we strongly encourage the City to approve the Project.

Thank you.

 6/15/2020

Michael J. Scianamblo for the Michael J. Scianamblo Family Real Estate, LLC, a Florida limited liability company

Susan Rosenberg, as Trustee of the Rosenberg Inter Vivos Trust dtd 11.29.79

David W. Rising, individually

Robert J. Rosenberg, as Trustee of the Rosenberg Inter Vivos Trust dtd 11.29.79

Jessica Rising, individually

From: Jane Hook [REDACTED]
Sent: Sunday, December 16, 2018 3:02 AM
To: planning
Subject: For Design Review Board regarding Marin Academy Aquatic Center

Dear DRB Committee Members:

I write this letter in support of the planned Marin Academy Aquatic Center proposed construction between Fifth and Mission Streets. I reviewed the design plans and see them as well conceived. The design presents low impact to the surrounding area ,currently mixed commercial and a few residential, some multi unit. Parking should not be conflicted as it is now spaces are readily available on Fifth Avenue.

San Rafael as a community would benefit from a pool which has the ability to be utilized by the community as well by Marin Academy who intends to incorporate a swimming module into their students fitness regime. Given the proposed mixed use, its a win for San Rafael.

Personally, I swim with Tamalpais Aquatic Masters a swim team who uses the current pool until 9:30 AM and a little in the evening as the school schedule permits. Tamalpais Aquatic Masters is a long standing aquatic program based in San Rafael which offers individuals the opportunity to gain healthful exercise & technique coaching. It is an adult swim team with nationally ranked athletes, welcoming all swimmers, in addition to providing open swimming hours for those wishing lap swimming. The team is community minded, and respectful of the surrounding neighborhood and campus.

The new Aquatic Center as proposed is an asset for San Rafael as well as Marin Academy and I urge you to approve their design concept without contention.

Respectfully submitted,

Jane Hook
[REDACTED]
Sausalito, CA 94965