

ORDINANCE NO. 1979

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT (PD1594) TO A REVISED PD (ZC19-002), INCLUDING THE RESCISSION OF PD 1594, AND CREATION OF A NEW PD DISTRICT, TO ALLOW THE DEMOLITION OF EXISTING ONE-STORY BUILDINGS AND CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A TOTAL OF 45 “FOR SALE” MULTI-FAMILY RESIDENTIAL UNITS (INCLUDING 9 BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY (MERRYDALE TOWNHOMES)
(APN’S: 179-041-27 AND 179-041-28)**

WHEREAS, on September 17, 1990, the San Rafael City Council adopted Ordinance No. 1594, which established a Planned Development (PD) allowing the land use regulations for use of the property as a day care for training up to 120 developmentally disabled adults, consistent with conditions of approval in the Use Permit (UP90-22) approved by the Planning Commission on August 14, 1990; and

WHEREAS, the current Planned Development (PD1594) District zoning for this site does not allow residential development and does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of Title 14 of the San Rafael Municipal Code (Zoning Ordinance); and

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted an application for PD Rezoning (ZC19-002) requesting to establish the required development standards for the proposed redevelopment of the site to allow the construction of 45 residential “for sale” condominium units, including parking, landscaping and creekside enhancements; and

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, also submitted accompanying applications for Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Subdivision Exception (EX19-012), Use Permit (UP18-039) and Environmental Review/Initial Study (IS18-001) and these accompanying applications are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

WHEREAS, the application for the PD rezoning proposes to rescind the current PD 1594 and establish a new PD District for the property that would allow for multi-family residential use; and

WHEREAS, the proposed PD District land use and development regulations for the property are presented in Exhibit B attached hereto and incorporated by reference. The PD proposes to:

- a. Rescind the current PD 1594;
- b. Create a new PD Zoning District for the 350 Merrydale Rd/3833 Redwood Highway property;
- c. Establish permitted land uses in the new PD, that would mirror the current allowances in the High Density Residential (HR1) Zoning District;
- d. Establish development standards, including parking requirements, consistent with the HR1 Zoning District; and

WHEREAS, consistent with the requirement of the City of San Rafael Environmental Assessment Procedures Manual and the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared finding that the proposed new 45-unit townhome development would not result in significant environmental effects, in that revisions to the project have been made and mitigation measures are required to mitigate any potential adverse impacts to less-than-significant levels. Mitigation Measures were identified to reduce the level of significance to less than significant in the following topical areas (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources); and

WHEREAS, consistent with the provisions of CEQA, a Mitigation Monitoring and Reporting Program has been prepared to implement the project mitigation measures and to accompany the Mitigated Negative Declaration; and

WHEREAS, on July 17, 2018, the Design Review Board (“DRB” or “Board”) reviewed the project as a conceptual review item. The Board was largely supportive of the proposed building design but recommended changes, including greater sensitivity to the neighbors resulting from the roof decks, increasing the front setback along Merrydale Rd. to comply with the required 15-foot front setback, improving recreational activities for children on the site, addition of a Community Room, and provide information for the required trash enclosure; and

WHEREAS, on July 25, 2019, the applicant hosted a neighborhood meeting to have a more informal presentation and discussion with surrounding neighbors; and

WHEREAS, the applicant revised the project in response to the Board’s comments, as well as to public comments during the DRB and neighborhood meetings, including 1) providing a broader range of unit types and sizes, 2) providing a community room and outdoor patio complete with furnishings, 3) increasing the creek setback to a minimum of 25 ft.; 4) providing crane pads for creek maintenance; 5) increasing the front setback on the Merrydale frontage from 8 feet 1 inch to 15 feet, 2 inches from the Merrydale property line; 6) eliminating the proposed roof decks; 7) eliminating the proposed Accessory Dwelling Units (ADU’s); 8) eliminating the California Pepper tree species; 9) providing more details on the creek promenade area (which will also have amenities for youth to play); and 10) adding bio-retention information to the landscape plan. The side yard setback along the south property line was *reduced* from 10 feet to a setback of 7-9 feet (approximately) and some street parking was eliminated in order to re-design and eliminate the proposed building encroachment into the required 25’ creek setback; and

WHEREAS, on August 6, 2019, the DRB conducted a duly noticed public meeting and reviewed the formal application and plans submitted for the project. The Board found that the changes had adequately addressed their prior comments during conceptual review and in conclusion, the Board voted to recommend approval of the project design, with some minor changes. The motion was made by Member Saude and second by Member Rege. Motion to recommend approval of the project design passed 3-0-2 with Members Paul, Rege and Saude voting “aye” and Members Kent and Summers absent. The recommended modifications included:

- Community /Recreation Room and adjacent Paseo promenade needs to provide a more integrated indoor/outdoor common amenity for the residents.
- Visual impacts of AC units need to be mitigated better along public areas (Paseo and creek trail) and Merrydale frontage. The applicant is encouraged to explore greater landscape screening and/or relocating and grouping the AC units to the interior ends of the buildings.
- The project needs to incorporate greater sustainability into the design, including, but not limited to, pre-wiring all garages for EV charging stations and pre-wiring all roofs for PV rooftop solar systems.

WHEREAS, the applicant has incorporated all recommended changes in the revised plans;

WHEREAS, the project, including the Notice of Availability of the Initial Study/Mitigated Negative Declaration, along with the planning applications were publicly noticed 30 days in advance of the scheduled December 3, 2019 Planning Commission hearing, through the following means: 1) publishing a legal ad in the Marin Independent Journal on November 9, 2019; 2) subject site was posted with a public notice regarding the Mitigated Negative Declaration and the project applications; and 3) notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

WHEREAS, on December 10, 2019, the Planning Commission held a duly noticed public hearing on the proposed project accepting and reviewing public comment. On a 6-0-1 vote (Commissioner Samudzi absent) the Planning Commission adopted Resolutions Nos. 19-11 and 19-12 to recommend to the City Council: a) adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project, and b) adoption of the PD District Rezoning, and c) conditional approval of the Environmental and Design Review Permit (ED18-100), Master Use Permit (UP19-039), Tentative Subdivision Map (TS18-006) and Subdivision Exception (EX19-012); and

WHEREAS, on February 3, 2020, by adoption of a separate resolution, the City Council adopted a Mitigated Negative Declaration and approved a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on February 3, 2020, the City Council held a duly noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

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

WHEREAS, as required by San Rafael Municipal Code Sections 14.07.090 and 14.27.060, the City Council makes the following findings in support of an ordinance to rescind the existing Planned Development (PD) District (PD 1594), as shown on the map contained in Exhibit "A" and further described in Exhibit "C," and to establish a new PD District as outlined in Exhibit "B" (350 Merrydale Residential Townhomes):

1. The Development Plan is consistent in principle with the San Rafael General Plan 2020 and other applicable City plans or policies in that the 350 Merrydale Rd. Residential Townhomes - *Planned Development District* document includes appropriate development standards, and is subject to an Environmental and Design Review Permit and a Master Use Permit, implementing the intent of Chapters 22 (Use Permit) and 25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance (Title 14 of the San Rafael Municipal Code), Subdivision Ordinance (Title 15 of San Rafael Municipal Code), and the applicable General Plan land use policies, including:
 - a. The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-8 (*Density of Residential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-23 (*Land Use Compatibility*), LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) 3) would not exceed the maximum density allowed in the GC Land Use category (34-72 units); 4) would not

exceed the maximum building height of 36 feet allowed for this area of San Rafael; and 5) has been designed to minimize potential visual impacts on the surrounding residential properties by limiting bulk, mass and height;

- b. The proposed project as designed and conditioned would be consistent with Housing Element Policies H-2 (*Designs that Fit Into Neighborhoods*), H-3 (*Public Information and Participation*), H-14 (*Adequate Sites*), H-15 (*Infill Near Transit*), and H-19 (*Inclusionary Housing*), in that: 1) residential development is allowed on the site per the General Commercial General Plan Land Use designation; 2) the project design has been subject to review by the public and has been recommended for approval by the Design Review Board; 3) the project would add 45 units of housing within walking distance of mass transit, including the Civic Center SMART Train station, ½ mile from the project site of the SMART Train; and 4) the project would include nine (9) below-market-rate (BMR) units, five (5) affordable at the low-income level and four (4) at moderate-income level.
- c. The project is partially consistent with the applicable Neighborhoods Element Policy NH-2 (*New Development in Residential Neighborhoods*), NH-3 (*Housing Mix*), NH-17 (*Competing Concerns*), NH-151 (*New Development*), NH-86 (*Design Considerations for Development in the Vicinity of the Civic Center*), NH-128 (*Sidewalk Improvements*), NH-129 (*Neighborhood Parking*), NH-142 (*Redwood Highway Improvements*), and NH-148 (*Residential Uses at the end of Merrydale Rd.*) in that: 1) the proposed new 45-unit development has been designed to be a transitional use between existing commercial development and residential development on Merrydale Rd. The building design minimizes impacts to surrounding residential properties by providing code compliant front and side setbacks and preserving some existing trees at the perimeter of the project site and proposing 55 new trees on site; 2) 94 parking spaces are provided on the site in compliance with the required parking requirement for 45 units, and 4 new on-street parking spaces would be created along the east side of Merrydale Rd.; and 3) Redwood Highway would be extended and provide secondary access through the project site, allowing pedestrian access to the proposed new “creek promenade” on the north side of the site as well as vehicular access to Merrydale Rd.
- d. The project as proposed and as conditioned would be consistent with Community Design Element Policies CD-2 (*Neighborhood Identity*), CD-3 (*Neighborhoods*), CD-5 (*Views*), , CD-11 (*Multifamily Design Guidelines*), CD-14 (*Recreational Facilities*), CD-15 (*Participation in Project Review*), CD-18 (*Landscaping*), CD-19 (*Lighting*) in that the project design: 1) preserves, to the greatest extent possible, views the Civic Center from the adjacent one-story residential neighborhood. The building height is 33.5’ (less than the 36’ height limit allowed); 2) is generally in keeping with the mass and scale of adjacent commercial and residential development on the east side of Merrydale Rd. and would introduce a higher quality architectural design than currently present on the site; 3) provides landscaping to screen and enhance the project and site; 4) provides new “creek promenade” with landscaping and recreational amenities along Las Gallinas Creek to the north of the development; 5) creates adequate lighting without spillover onto adjacent properties or natural areas; and 6) has been reviewed by the Design Review Board and found to be consistent the applicable design policies of the General Plan and the City’s Residential Design Guidelines.
- e. The project as proposed and as conditioned would be consistent with Circulation Policies C-5 (*Traffic level of Service Standards*), C-7 (*Circulation Improvements Funding*), C-8 (*Eliminating and Shifting Peak Hour Trips*), C-9 (*Access for*

Emergency Services), C-26 (*Bicycle Plan Implementation*) and C-31 (*Residential Area Parking*) in that the project: 1) would not exceed the acceptable level of service standards (LOS), LOS E, for both intersections or arterials; 2) would be required to pay its fair share towards traffic impacts to fund circulation impacts in order to maintain acceptable LOS standards for the General Plan; 3) would maintain adequate access for emergency services as determined by the City's Public Safety Departments; and 4) would create a new Class III Bike Lane along Meerydale Rd. and install a new sidewalk along the east side of Merrydale, thereby facilitating better pedestrian access along Merrydale Rd. as well as pedestrian access to the new creek promenade area,

- f. The project as proposed and as conditioned would be consistent with Infrastructure Element Policies I-2 (*Adequacy of City Infrastructure and Services*), and I-10 (*Sewer Facilities*) in that: 1) the appropriate utility agencies have reviewed the project and determined that the property is currently being served. However, 1) Marin Municipal Water District (MMWD) has determined that the property's current annual water entitlement may be insufficient for the new uses and the purchase of additional water entitlement may be required, as well as compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation; and 2) the Las Gallinas Valley Sanitation District (LGVSD) would continue to provide service to the project site, although the 45 proposed residential townhome units would result in an increase in intensity of development over existing uses. The LGVSD has reviewed the project, provided comments and will require that the development project submit an Application for Allocation of Capacity and pay additional capacity fees prior to submittal of a building permit. The project design incorporates sanitary sewer infrastructure that connects all residences to the current LGVSD sanitary system, including two possible infrastructure improvements: a) a gravity system and flow diversion with an updated LGVSD pump station, or b) a lift-station (with control cabinet) located in the southeastern corner of the project site for pumping sanitary sewer to the main LGVSD pump station (which would also be updated). Either design solution would satisfy LGVSD requirements for sanitary sewer service.
- g. The project as proposed and as conditioned would be consistent with the Sustainability Element Policies SU-5 (*Reduce Use of Non-Renewable Resources*), SU-6 (*Resource Efficiency in Site Development*), SU-7 (*New and Existing Trees*), SU-10 (*Zero Waste*) in that given that: 1) the revised project plans include a provision that all townhome units and stacked flats (to the extent practicable) will be provided with pre-wiring for photovoltaic rooftop solar systems; 2) all garage units will be provided with 220-volt power points suitable for EV charging; 3) the project will comply with the most recently adopted CBC (California Building Code) CalGreen and Title-24 Energy regulations; 4) conditions subject the project to the Marin Municipal Water District's most recently adopted water conservation and gray water regulations; 5) 55 new trees will be planted on site and 13 existing trees will be preserved on site; and 6) The project is proposing a covered and screened trash enclosure, the design and location of which has been reviewed and approved by Marin Sanitary Service (MSS).
- h. The project as proposed and as conditioned would be consistent with the Culture and Arts Element Policy CA-15 (*Protection of Archaeological Resources*) in that: 1) The existing buildings were constructed in 1967 or 1968 as a school facility but does not meet criteria as defined in CEQA Guidelines Section 15064.5. The existing structures and site have been modified over the years and do not appear to have any historical significance; and 2) the site for original construction

of existing buildings would have disrupted any archaeological deposits if they were present. Indications of the disturbance would likely still be apparent when examining remnant soils. Based on the results of the cultural resources investigation conducted for the proposed project, no prehistoric or historic-period archaeological resources were identified within the project area. However, mitigation measures have been included in the IS/MND MMRP (CULT-1 and CULT-2) to protect any resources found during construction activities.

- i. The project as proposed and as conditioned would be consistent with Park and Recreation Element Policy PR-10 (*On-site Recreation Facilities*) in that the project will provide a 500 sq. ft. "community room" for the residents which will include a kitchen area and bathroom. The community room will also have sliding glass doors that open onto an approximately 500 sq. ft. patio area, with planters seating, and a BBQ area.
- j. The project as proposed and as conditioned would be consistent with Safety Element Policies: S-1 (*Location of Future Development*), S-3 (*Use of Hazard Maps in Development Review*), S-4 (*Geotechnical Review*), S-6 (*Seismic Safety of New Buildings*), S-18 (*Storm Drainage Improvements*), S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure and use in a 500-year flood zone; 6) an erosion control plan would be required during construction of the project; 7) the drainage plan would direct all new run-off from the site into vegetative bio-retention areas before being released into the storm drain system; and 8) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.
- k. The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-2 (*Exterior Noise Levels for Residential Use*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), and N-5 (*Traffic Noise from New Development*) in that the project: 1) Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Rd. up to 58 dBA Ldn. These levels are in the "Clearly Unacceptable" range in Exhibit 31 of the General Plan 2020. Therefore, the Acoustical Report recommended additional mitigation measures required prior to issuance of the building permit to required force-air ventilation and the appropriate STC window ratings to maintain interior noise levels at acceptable levels (see Environmental and Design Review Permit COA #25; 2) conditions and

- I. The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-14 (*Special Status Species*), and CON-16 (*Landscape with Native Plant Species*) in that the proposed project: 1) would maintain setbacks from the creek and provide creek enhancements with added landscaping and pedestrian access point; 2) would not impact a wildlife corridor since the site is currently developed and biological assessments have found no such corridors; 3) would not impact any sensitive or threatened/endangered species or habitats; 4) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during construction; and 5) would provide new trees and shrubs throughout the site, as well as bio-retention areas to facilitate proper site drainage.
- m. The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*), AW-2 (*Land Use Compatibility*), AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), and AW-8 (*Reduce Pollution from Urban Runoff*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; and 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.

- Attachment 2-7

4. The applicant has accepted the City's direction to use the HR1 property development standards for the new PD zoning, as this zoning district most closely approximates the adjacent property development standards. The proposed new development has been designed to be in compliance with the applicable HR1 property development standards, and the proposed project is not requesting any deviations (Variances) from the HR1 setbacks. However, the City standard per San Rafael Municipal Code Section 15.06.050(c) is that local streets provide a minimum right-of-way of 60 feet and a minimum pavement width of 40 feet. Due to site constraints (creek and utility easements) the applicant is requesting an exception to allow a private street with an easement of 30 feet and a minimum pavement width of 20 feet and providing at least one sidewalk. This requires approval of an Exception request, pursuant to San Rafael Municipal Code Section 15.01.120(c). The City Engineer has reviewed the project and is in support of the Exception request.
5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan are adequately designed for circulation needs and public safety in that: a) the Development Plan proposes sidewalks throughout the development for pedestrian access, including access to the proposed new creek promenade area; b) the project triggers the creation of a new Class III Bike Lane along Merrydale Rd.; c) the emergency vehicle ingress and egress from the development would be provided through the existing roadway, as well as from an extension of Redwood Highway (allowing traffic to pass through the development and access Merrydale Rd.) and has been found to be adequate by the City of San Rafael Fire and Police Departments; d) the access and site layout has been reviewed by the appropriate City Departments and it has been determined that an Exception to street width standards is appropriate and acceptable; and e) code compliant parking (94 spaces) will be provided on site, with an additional 4 new on-street spaces added to the east side of Merrydale Rd.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement housing and environmental goals and policies adopted for this site in the San Rafael General Plan 2020; b) would conform to City standards for safety; c) would be consistent with the recommended mitigation measures presented in the Initial Study/Mitigated Negative Declaration prepared for this project; and d) would address project impacts to privacy, traffic, and parking through the inclusion of conditions of approval on the Master Use Permit and Environmental and Design Review Permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 1.

The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the San Rafael Municipal Code is amended by reclassifying the following real property from PD-1594 (Planned Development District 1594) to PD (Planned Development – Ordinance No. 1979) District. Said property so reclassified is located at 350 Merrydale Rd/3833 Redwood Highway, San Rafael, as shown on County Assessor's Parcel No's: 179-041-27 and 179-041-28), as shown on the map attached as Exhibit "A" and described in Exhibit "C", which are incorporated by reference.

DIVISION 2.

Any development of this property shall be subject to the conditions outlined Exhibit "B", the *Merrydale Townhomes – Planned Development District*, which is attached hereto and made a part hereof.

DIVISION 3.

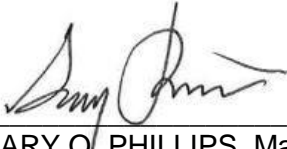
If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

DIVISION 4.

A summary of this ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this ordinance along with the names of those Councilmembers voting for or against the ordinance.


GARY O. PHILLIPS, Mayor

ATTEST:


LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1979 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 3rd day of February 2020 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Bushey

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 18th day of February 2020.


LINDSAY LARA, City Clerk

Exhibit A: Rezoning Map
Exhibit B: Planned Development District Standards
Exhibit C: Legal Property Description

Exhibit A
REZONING MAP



PD Rezoning to Rescind PD 1594 to create a new PD for these two properties known as 3833
Redwood Highway/350 Merrydale Rd

Exhibit B

MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT

1. PURPOSE OF PLANNED DEVELOPMENT DISTRICT

The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site known as the Merrydale Townhomes located at 350 Merrydale Road/3883 Redwood Highway.

2. LAND USE REGULATIONS

- a) This PD permits a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a “Creek Promenade” area for use as a recreational amenity, as per approved plan Sheet SP-2.
- b) All other land uses shall follow the land use regulations set forth in the High Density Residential (HR1) District land use classification as contained in Zoning Ordinance (SRMC 14.04.020).
- c) Private Usable Open Space: Balconies provided for the units shall remain open and not be enclosed or otherwise screened with mesh or other materials.
- d) Common Usable Open Space on site to include:
 - Community Room: A flexible space to be used by residents with a clear interior dimension of 14’ 6” x 20’ 6” space, a kitchen area (with sink, stove and refrigerator) and bathroom and storage area. A ping pong table and stacking tables shall be provided for the space. The Community Room would have access to an exterior 500 sf patio area with planters, seating and a BBQ as shown in approved Plan Sheet L4. This community room shall remain available as a recreational space to all residents and shall not be converted into a living unit or a leasing office or storage space.
 - Creek Promenade: A creek promenade area shall be established along the north side of the project site, adjacent to the Las Gallinas Creek. The creek promenade shall be design with landscaping, removable fencing/benches/light bollards as per approved Plan Sheet L1 through L3. Passive play area activities shall be installed for children as per approved Plan Sheet L3. The promenade shall be used as a recreational amenity and is also designed to provide access to equipment for creek maintenance activities.
- e) Site Lighting fixtures (number and type) shall be installed as per approved Plan Sheet L11.

3. DEVELOPMENT STANDARDS

The Planned Development shall be developed in conformance with the development plans, associated drawings and reports submitted with the Planned Development as listed in the Exhibit section and the development standards set forth below.

a) Maximum Lot Coverage

The maximum lot coverage for the site shall be 60% as shown on the development plan.

b) Floor Area Ratio: N/A

- c) **Residential Density:** Maximum of 45 residential units. Accessory dwelling units (ADU’s) or Junior Dwelling Unit (JDU’s) are allowed on the site and do not count against the maximum residential density. Future ADU’s on site shall be subject to the same regulations stipulated in the Zoning Ordinance or as modified by State law.

Exhibit B

MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT

d) **Minimum Yards:**

- Front: 15'
- Side: 5'
- Rear: 5'

e) **Maximum Building Height**

- Building height limits for this site is 36' per Exhibit 7 in San Rafael General Plan 2020.
- Exclusions to the maximum height limits shall be as prescribed by Section 14.16.120 of the Zoning Ordinance, as amended.

f) **Parking**

- Residential parking shall be provided as proposed: 94 on-site parking spaces (87 garage spaces, including 20 tandem spaces) and 7 uncovered on-site, on-street spaces (including 1 ADA space). The ADA space and on-street spaces on site shall be located as shown on approved Plan Sheet SP-2.
- Parking for ADU or JADU's shall follow the prescribed parking requirement in the Zoning Ordinance.

4. **EXHIBITS**

- a) Architectural Plans prepared by WHA Architects - Sheets SP1 through SP-7, and Architectural Plan Sheets A-1 through A-13.
- b) Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1 through C-5.
- c) Landscape Plan prepared by Ripley Design Landscape Architects, consisting of Sheets L1 through L12.
- d) Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.

5. **AMENDMENTS**

- a) Amendments to uses that exceed the standards prescribed by this PD or propose uses that are not consistent with the land use regulations of the PD shall require an amendment to the PD District.
- b) Amendments to the design, color or materials of the structures or minor site modifications to site improvements or addition of minor accessory structures, shall be administered through an Environmental and Design Review Permit.

Exhibit C

Legal Property Description

The land referred to is situated in the County of Marin, City of San Rafael, State of California, and is described as follows:

Parcel B, as shown upon that certain Parcel Map entitled "Parcel Map Division of the Lands of Jacobson & Clayton Lots 1 to 13 and 22 to 31 Map of Subdivision "A" Gold Links Tract (2 Maps 7) City of San Rafael, California October 1982", filed for record November 9, 1983 in Book 21 of Parcel Maps, at Page 6, Marin County Records.

APN: 179-041-27
179-041-28