

ORDINANCE NO. 2003

AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL APPROVING A PLANNED DEVELOPMENT REZONING FROM PLANNED DISTRICT – HILLSIDE DEVELOPMENT OVERLAY DISTRICT (PD-H) AND RESIDENTIAL – HILLSIDE DEVELOPMENT OVERLAY DISTRICT (R2A-H) TO PLANNED DEVELOPMENT DISTRICT (PD), FOR THE CONSTRUCTION OF A MIXED-USE PROJECT CONSISTING OF 192 RESIDENTIAL APARTMENT UNITS, A 5,600 SQUARE-FOOT MARKET, A 5,000 SQUARE FOOT COMMUNITY CENTER, AND 225 AT-GRADE AND SEMI-SUBTERRANEAN PARKING SPACES FOR THE 10.24 ACRE SITE LOCATED AT THE SOUTHERLY TERMINUS OF LOS GAMOS DRIVE NORTH OF OLEANDER DRIVE

**(THE NEIGHBORHOOD AT LOS GAMOS)
(APNS: 165-220-06 AND 165-220-07)**

WHEREAS, on December 22, 2020, the applicants submitted applications for a General Plan Amendment (GPA 20-001) from Hillside Resource Residential to Neighborhood Commercial Mixed Use; Zone Change (ZC 20-002) from Planned District – Hillside Development Overlay District (PD-H) and Residential – Hillside Development Overlay District (R2a-H) to Planned Development District (PD); Vesting Tentative Parcel Map to combine and adjust the boundaries of the existing parcels; and Environmental and Design Review (ED 20-058) for a mixed-use project with 192 multi-family residential units, an approximately 5,600-square-foot market, a 5,000-square-foot community center, and 225 at-grade and semi-subterranean parking spaces; on a 10.24 acre site located at the southerly terminus of Los Gamos Drive north of Oleander Drive; and

WHEREAS, the current zoning for the site does not allow the type of mixed-use development proposed 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, the proposed PD District land use and development regulations for the property are presented in Exhibit B. The PD proposes to:

- a) Create a new PD Zoning District for the property;
- b) Establish permitted land uses in the PD district; and
- c) Establish development standards appropriate for the district.

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines, staff determined that the applications for a general plan amendment, zone change, vesting tentative parcel map, and environmental and design review permits, are a 'project,' making it subject to environmental review. Pursuant to CEQA Guidelines Section 15063, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to determine the potential environmental impacts of the project. The IS/MND is supported by several technical studies including air quality, noise, geotechnical and traffic; and

WHEREAS, the IS/MND assesses the environmental impacts of the proposed amendment to San Rafael General Plan 2040 to change the existing Hillside Resource Residential (HRR) land use designation of the property to Neighborhood Commercial Mixed Use (NCMU) land use designation. The IS/MND finds that the proposed amendment to the General Plan will not result in significant unmitigable impacts; and

WHEREAS, as demonstrated in the preparation of the IS/MND, all potentially significant effects on the environment identified in the IS/MND can be mitigated to less-than-significant levels with implementation of the recommended mitigation measures, including impacts to aesthetics, air quality, biologic resources, cultural and tribal resources, geology and soils, and hydrology and water quality consistent with CEQA Guidelines; and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure implementation of, and compliance with, all conditions required to mitigate any environmental impact to a level of less than significant. All the identified mitigation measures have also been included as conditions of project approval; and

WHEREAS, the project, including the Notice of Availability of the IS/MND, along with the planning applications, was publicly noticed 30 days in advance of the Planning Commission hearing, through the following means: 1) the subject site was posted; 2) publishing a legal ad in the Marin Independent Journal, a local newspaper of general circulation in the area, on November 1, 2021; and 3) notices were mailed to surrounding property owners within 300 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups in conformance with the CEQA Guidelines; and

WHEREAS, on October 5, 2021, the project was considered by the Design Review Board (DRB) which recommended approval of the project subject to conditions to reconsider a darker color palette for the walls of the structures, to try to provide a more natural and less formal arrangement of the proposed trees on the project, to mitigate the impact of the tall retaining walls in the Village Commons, and for the project to come back for final review of the design details by the DRB when building permits were submitted; and

WHEREAS, the applicant has agreed to all the recommended changes and they have been incorporated into the conditions of approval for the project; and

WHEREAS, on December 14, 2021, following a public hearing and deliberation on the project, the Planning Commission voted 5-0-2 (Commissioners Mercado and Previtali absent) and adopted Planning Commission Resolutions 21-10, 21-11 and 21-12 recommending that the City Council 1) adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project; 2) approve Zone Change application ZC 20-002; c) conditionally approve the Vesting Tentative Parcel Map; and d) conditionally approve Environmental and Design Review application 20-058; and

WHEREAS, on February 7, 2022, 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, on February 7, 2022, by adoption of separate resolution, the City Council adopted the IS/MND and approved an MMRP for the project; and

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

WHEREAS, 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 rezone the property from Planned District – Hillside Development Overlay District (PD-H) and Residential – Hillside Development Overlay District (R2a-H) to Planned Development District (PD), 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** (The Neighborhood at Los Gamos):

1. The Development Plan is consistent in principle with the San Rafael General Plan 2040 and other applicable City plans or policies in that the project includes appropriate development standards, and is subject to an Environmental and Design Review Permit implementing the intent of Chapter 14.25 (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, as described

in the General Plan Consistency Analysis included herein by reference as **Exhibit D**.

2. The applicant proposes to add 192 units of new residential development, including 20 below market rate (BMR) units, which will help serve to accommodate the projected need for 1,007 additional housing units in the City by the year 2023. The 4 and 5-story mixed-use development creates a reasonable transition between the existing residential properties south and west of the site and the commercial properties southeast, northeast and across the 101 Freeway to the east. Further, the development plan has been reviewed and recommended for approval by the Design Review Board.
3. The local utility agencies have reviewed the plans and confirmed that the proposed development can be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development adjacent to the site.
4. The applicant has accepted the City's direction to use the Neighborhood Commercial Mixed Use (NCMU) property development standards for the new PD zoning, as this General Plan Land Use designation most closely approximates the proposed property development standards. The proposed new development has been designed to comply with the applicable NCMU property development standards, with the exception of the Waiver requested for height and the Concession for commercial parking as provided by State Density Bonus Law, and the proposed project is not requesting any other deviations (Variances) from land use regulations.
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; b) emergency vehicle ingress and egress from the development would be provided through the existing portion of Los Gamos Drive that provides access to the site; and c) the access and site layout have been reviewed by the appropriate City departments and have been found to be adequate by the City of San Rafael Fire and Police Departments.
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 2040; b) would conform to City standards for safety; c) as proposed, and conditioned, it would be consistent with the recommended mitigation measures presented in the Initial Study/Mitigated Negative Declaration prepared for this project; and d) would address potential project impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Tribal Cultural Resources the inclusion of conditions of approval, including the Mitigation Monitoring and Reporting Program, 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 Planned District – Hillside Development Overlay District (PD-H) and Residential – Hillside Development Overlay District (R2a-H) to Planned Development District (PD) – Ordinance No. 2003. Said property so reclassified is located at the southerly terminus of Los Gamos Drive, San Rafael, as shown on County Assessor's

Parcel No's: 165-220-06 AND 165-220-07, 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 in Exhibit "B", *The Neighborhood at Los Gamos – 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.


KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. 2003 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 7th day of February 2022 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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 22nd day of February 2022.

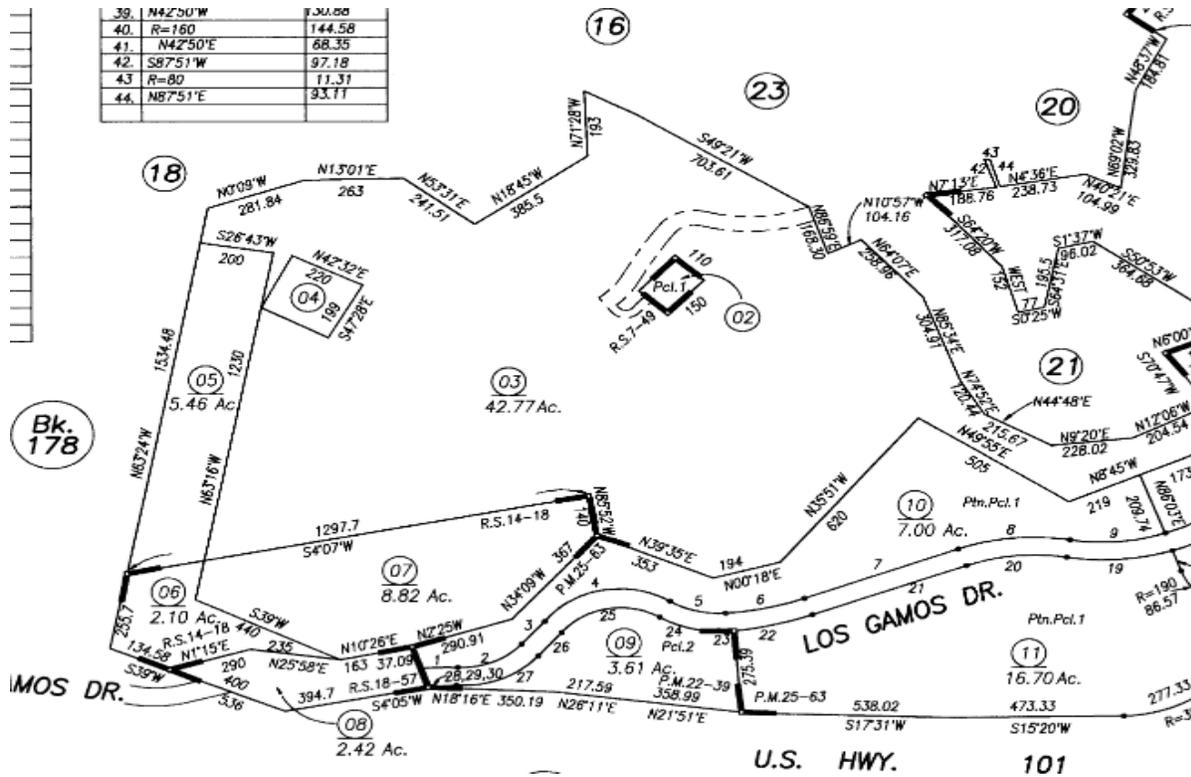


LINDSAY LARA, City Clerk

- Exhibit A: Zone Change Map
- Exhibit B: Planned Development District Standards
- Exhibit C: Legal Property Description
- Exhibit D: General Plan Consistency Analysis

Exhibit A

REZONING MAP



APN 165-220-006

APN 165-220-007

PD Rezoning to create a new PD for these two properties for The Neighborhood at Los Gamos (near the southerly terminus of Los Gamos Drive)

EXHIBIT B

THE NEIGHBORHOOD AT LOS GAMOS – PLANNED DEVELOPMENT DISTRICT

1. **PURPOSE OF PLANNED DEVELOPMENT DISTRICT**

The purpose of the Planned Development District for the mixed-use project known as The Neighborhood at Los Gamos is to regulate the development on the 10.24 acre site.

2. **LAND USE REGULATIONS**

- a) This PD permits the following site characteristics:
- 192 residences;
 - a 5,574 square-foot market;
 - a 5,003 square foot community center;
 - 225 parking spaces;
 - the South Park recreational and open space area;
 - The Commons recreational and open space area; and
 - landscaping, roadways, recreational features and other improvements.
- b) Land uses permitted on the property shall be those described in the staff report dated February 7, 2022, and shown on the plans considered by the City Council on that date or any other use permitted as a matter of right in the Neighborhood Commercial zoning district pursuant to San Rafael Municipal Code (SRMC) Section 14.05.020. Any other land uses will require application and review as a zoning amendment as provided by SRMC Section 14.07.150.
- 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) All site improvements shall be installed as shown on the approved plans.

3. **DEVELOPMENT STANDARDS**

The Planned Development shall be developed in conformance with the approved development plans, associated drawings and reports submitted with the Planned Development as listed in Exhibit 6 to the Planning Commission staff report dated December 14, 2021. Deviations from those plans that are deemed minor or incidental by the Planning Director may be processed administratively.

Exhibit C

LEGAL 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 ONE:

BEGINNING at the most Southern corner of that certain parcel of land described in the Deed to Trans Western Title Company, a California corporation, recorded January 31, 1984 in Book 1775 of Official Records at Page 442; thence from said point of beginning, along the Western line of said Trans Western Title Parcel, North 01° 15' 00" East 290.00 feet, North 25°58' 00" East 235.00 feet, North 10° 26' 00" East 183.00 feet and North 02° 25' 00" West 37.085 feet to the Southwestern corner of Parcel One, as described in the Deed of Jack H. Bennett, recorded March 14, 1967 in Book 2114 of Official Records at Page 392; thence along the general Western line of said Parcel One North 2° 25' 00" West 290.915 feet, and North 34° 09' 00" West 387.00 feet; thence leaving said Western line North 85° 52' 37" West 140.00 feet; thence South 4° 07' 23" West 1298 feet more or less to a point in the boundary described in an agreement recorded March 1, 1951 in Book 681 of Official Records at Page 76; thence along said boundary South 63° 16' 30" East 256 feet more or less to an angle point therein which bears South 39° 03' 00" West from the point of beginning; thence continuing along said boundary line North 39° 03' 00 " East 135.00 feet, more or less, to the point of beginning.

PARCEL TWO:

AN EASEMENT for vehicular and pedestrian access and public utility services, including sewer service described as follows:

BEGINNING at the Southwesterly corner of the land shown on that certain record of survey entitled, "Los Gamos Drive Extension", recorded in Book 6 at Page 8 of Official Surveys, Marin County Official Records, said point also being the intersection of the lines on said survey shown as South 87° 35' West 143.09 feet and North 2° 25' West 328.00 feet; thence from said point of beginning along the following courses and distances; South 2° 25' 00 " East 37.09 feet, thence South 10° 26' 00" West 2.99 feet, thence North 87° 35' 00" East 119.04 feet, thence North 4° 07' 23" East 40.26 feet, thence South 87° 35' 00" West 122.96 feet to the point of beginning.

APN: 165-220-06 and 165-220-07.

Exhibit D

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

LAND USE ELEMENT	
<p>LU-1.2: 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) The project is consistent with adopted Vehicle Miles Traveled (VMT) standards, as well as the requirements for Level of Service (LOS) specified in the Mobility Element. b) Planned circulation improvements necessary to meet City standards for the project have funding commitments and completed environmental review. c) Water, sanitary sewer, storm sewer, and other infrastructure improvements needed to serve the proposed development have been evaluated and confirmed to be in place or to be available to serve the development by the time it is constructed. d) The project has incorporated design and construction measures to adequately mitigate exposure to hazards, including flooding, sea level rise, and wildfire. 	<p><i>Consistent with Conditions</i></p> <p>The project proposes development on a vacant site. 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. Marin Municipal Water District (MMWD) has indicated that a pipeline extension is required to serve the site. This requirement has been added to the conditions of approval. Las Gallinas Valley Sanitation District (LGVSD) has determined that they can serve the project subject to several conditions which have been added to the conditions of approval.</p> <p>The City Traffic Engineer has reviewed the project and the Traffic Impact Study prepared by W-Trans. The City Traffic Engineer concurs that this project would generate 78 additional a.m. and 102 additional p.m. peak hour vehicular trips. The City Traffic Engineer concurs with the conclusion made in the Traffic Impact Study that the project would have a less-than-significant impact for LOS levels at the studied intersections and below the VMT significance thresholds. The project is conditioned on the payment of traffic mitigation fees based on the 180 total new a.m./p.m. peak hour vehicle trips that would be generated by the project.</p> <p>The analysis in the Mitigated Negative Declaration (MND) determined that the project was not subject to flood hazard. The project incorporates a Vegetation Management Plan and a fuel break buffer around the proposed development to reduce risk of uncontrolled wildfire spread. In addition, the project would be constructed pursuant to City of San Rafael development standards for new construction, including installation of fire sprinklers and fire-retardant building materials. Since the project is 30 to 200 feet above sea level, it is not expected to be subject to sea level rise.</p>
<p>LU-1.8: Density of Residential Development. Use the density ranges in the Land Use Element to determine the number of housing units allowed on properties within the Planning Area. The following provisions apply:</p> <ul style="list-style-type: none"> a) The density “range” includes a maximum and minimum. A given General Plan designation may have multiple corresponding zoning districts, including at least one district in which the maximum density may 	<p><i>Consistent</i></p> <p>The project proposes to construct 192 dwelling units on the 10.24 acre site, for a density of 18.75 units per acre; therefore, it would not exceed the maximum density allowed in the Neighborhood Commercial Mixed Use Land Use category where up to 24.2 units per acre are allowed.</p> <p>The applicant has proposed that 10% of the units be affordable at the Low Income Level. As an affordable housing project, the project is eligible for a Density Bonus under State law. The</p>

<p>be achieved. Other zoning districts may have maximum densities that are less than the maximum indicated by the General Plan.</p> <p>b) Calculation of allowable units shall be rounded to the nearest whole number. Where the number is less than 0.5, it shall be rounded down. Where the number is 0.5 or greater, it may be rounded up.</p> <p>c) The number of units permitted on a given parcel may be affected by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, City design policies, and prevailing densities in adjacent areas.</p> <p>d) The maximum net density shown on the General Plan excludes density bonuses that may be provided for affordable housing or other community benefits, in accordance with State law and local policies.</p>	<p>applicant has applied for a density bonus of 0, in that no increase in the number of units is proposed, but the application is accompanied by a request for a Waiver of the height limit of 30' and a Concession to allow reduced parking for the project. Both the Waiver and the Concession are allowed pursuant to State Density Bonus Law.</p>
<p>LU-1.9: Clustering. Allow clustering of development as a way to conserve environmentally sensitive or hazardous portions of a site (such as unstable slopes or flood plains) and enhance wildlife corridors. In such instances, the density calculation shall be made based on the area of the entire site (minus streets and easements), with the resulting number of units transferred to the less sensitive areas. The result would be a denser housing product on a portion of the site, with the balance conserved as open space.</p>	<p><i>Consistent</i></p> <p>The project clusters the structures on the site in a way that minimizes the grading and preserves more of the existing vegetation including a majority of the mature trees. It also allows to the use of the South Park area, just over an acre in size, as a significant recreational amenity on the property. This area will include both natural open space and improvements including paths and children's play structures.</p>
<p>LU-1.10: Intensity of Non-Residential Development. Use the Floor Area Ratio limits on Figure 3-2 to determine the square footage of building space allowed on properties with non-residential General Plan designations. The following provisions apply:</p> <p>a) As with density, FAR is calculated on a "net" basis, and is based on the area of each parcel excluding streets and easements.</p> <p>b) The maximum FAR stated by the General Plan is not guaranteed. The square footage permitted on a given</p>	<p><i>Consistent</i></p> <p>The project proposes a commercial use that conforms to the maximum FAR of 0.01.</p>

<p>parcel may be affected by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, and City design policies.</p> <p>c) The maximum FARs shown in Figure 3-2 exclude any residential development on the property. In the event that residential uses or mixed use projects are proposed on these sites, the maximum area is the sum of the FAR allowance plus the residential density allowance for the property. This Clause does not apply to Downtown San Rafael, which is regulated by the Downtown Precise Plan.</p>	
<p>LU-1.15: Planned Development Zoning. Encourage the use of Planned Development (PD) zoning for development on parcels greater than five acres when the application of traditional zoning standards would make it more difficult to achieve General Plan goals. The PD zoning designation allows flexible design standards that are more responsive to site conditions as well as the transfer of allowable General Plan and zoning density between contiguous sites under common ownership.</p>	<p><i>Consistent</i> The project proposes Planned Development zoning on a site larger than 5 acres.</p>
<p>LU-1.17: Building Heights. Use General Plan Figures 3-3 and 3-4 as the basis for determining “baseline” maximum building heights in San Rafael. Maximum heights should continue to be codified through zoning and any applicable Specific Plans or Precise Plans. In addition, the following specific provisions related to building heights shall apply:</p> <p>a) Height of buildings existing or approved as of January 1, 1987 shall be considered as conforming to zoning standards.</p> <p>b) Hotels outside of the Downtown Precise Plan boundary have a 54-foot height limit. Within Downtown, the height provisions of the Downtown Precise Plan apply (see Figure 3-4).</p> <p>c) As provided for by Policy LU-1.18, “baseline” building heights are subject to height bonuses where specific</p>	<p><i>Consistent with Waiver per State Density Bonus Law</i> Although the project would exceed the maximum building height of 30 feet allowed for this area of San Rafael, the project has applied for a Density Bonus and a waiver from the height limit as permitted under State Density Bonus law, so the General Plan standard has been superseded by State law.</p>

<p>community benefits are provided, where a Variance or zoning exception is granted, or where a Transfer of Development Rights (TDR) is being implemented.</p> <p>d) Heights may be increased by up to six (6) feet above the baseline building heights as necessary to mitigate the exposure of properties to sea level rise and other flooding hazards (e.g., raising the first floor of habitable floor space above anticipated tidal flood elevations).</p>	
<p>LU-2.2: Mixed Use Development. Encourage mixed-use development (combining housing and commercial uses) in Downtown San Rafael and on commercially designated properties elsewhere in the city. Mixed-use development should enhance its surroundings and be compatible with adjacent properties.</p>	<p><i>Consistent</i> The project is a mixed-use development with both residences and commercial uses.</p>
<p>LU-3.3: Housing Mix. Encourage a diverse mix of housing choices in terms of affordability, unit type, and size, including opportunities for both renters and owners.</p>	<p><i>Consistent</i> The project proposes apartments, including 10% of the units affordable at the Low Income level.</p>
<p>COMMUNITY DESIGN AND PRESERVATION ELEMENT</p>	
<p>CDP-1.3: Hillside Protection. Protect the visual integrity and character of San Rafael’s hillsides and ridgelines. Where hillside construction is permitted, structures should be designed to provide slope and foundation stability, erosion control, and adequate emergency access, drainage and parking. Hillside buildings should be sited to protect the natural landscape, avoid excessive tree loss, and preserve scenic vistas from public vantage points.</p>	<p><i>Consistent with Conditions</i> The project has been designed according to the Hillside Design Guidelines by utilizing clustering, the use of setbacks for the walls of the structures, the use of tuck-under parking, and the use of materials and colors that help the buildings blend into the appearance of the hillside. The project has been reviewed by the Design Review Board. Recommendations from the Board for project design improvements have been incorporated into the conditions of approval.</p>
<p>CDP-4.2: Public Involvement in Design Review. Provide for public involvement in design review through effective noticing, adequate comment timelines, and clear project review opportunities, while still achieving development streamlining objectives.</p>	<p><i>Consistent</i> The project has been reviewed by the Design Review Board and found, as conditioned, to be consistent with the applicable design policies of the General Plan and the City’s Multi-family Design Guidelines. All public hearings have been, or will be, properly noticed as required by the Zoning Ordinance. In addition, the project applicant conducted a neighborhood outreach meeting on September 30, 2021, that was attended by members of the public.</p>

<p>CDP-4.5: Higher Density Design. Encourage high-quality architecture and landscape design in new higher-density housing and mixed-use projects. Such projects should be designed to be compatible with nearby buildings and respect the character-defining features of the surrounding neighborhood or district.</p>	<p><i>Consistent with Conditions</i> This mixed-use project has been reviewed by the Design Review Board and found, as conditioned, to be consistent with the applicable design policies of the General Plan and the City’s Multi-family Design Guidelines and utilizes high-quality architecture and landscape design.</p>
<p>CDP-4.6: Open Space in Multi-Family Housing. Require private outdoor areas such as decks and patios, as well as common open space areas, in new multi-family development and mixed use housing. Common open space may include recreation facilities, gathering places, and site amenities such as picnic and play areas.</p>	<p><i>Consistent</i> The project provides both private open space for each unit and large common open space areas, including the South Park area of approximately 1 acre and the Commons area, approximately 10,000 square feet of recreational area above and beside the market/community center that includes seating, a water feature, a children’s play area and other recreational amenities. Each of the common areas are easily accessible to the residents.</p>
<p>CDP-4.7: Larger-Scale Buildings. Design larger scale buildings to reduce their perceived mass. Encourage the incorporation of architectural elements such as towers, arcades, courtyards, and awnings to create visual interest, provide protection from the elements, and enhance orientation.</p>	<p><i>Consistent with Conditions</i> The project is broken into five apartment buildings and one dual-use building, reducing the mass of each building. The buildings use articulation of building form, and are set into the hill such that the perceived mass is reduced. The proposed materials and colors will also help reduce the perceived mass of the buildings. As mentioned, the Design Review Board recommended approval of the project with recommendations for design improvements which have been incorporated into the conditions of approval.</p>
<p>CDP-4.9: Parking and Driveways. Encourage parking and circulation design that supports pedestrian movement and ensures the safety of all travelers, including locating parking to the side or rear of buildings, limiting driveway cuts and widths, and minimizing large expanses of pavement. Parking should be screened from the street by landscaping and should provide easy access to building entrances.</p>	<p><i>Consistent</i> The parking areas are completely screened from off-site views because they are either tucked under the buildings or they are blocked from view by the proposed buildings and landscaping. A system of sidewalks connects the buildings to each other and to the common open space areas, promoting pedestrian access throughout the site. The project has a relatively small amount of surface parking with only 42 spaces not located beneath the buildings. The location of the majority of the parking beneath the buildings gives easy access to the buildings.</p>
<p>CDP-4.10: Landscape Design. Encourage—and where appropriate require—privately owned and maintained landscaping that conserves water, contributes to neighborhood quality, complements building forms and materials, improves stormwater management and drainage, and enhances the streetscape. Natural elements such as plants should be an integral part of site development and should enhance the built environment while supporting water conservation goals.</p>	<p><i>Consistent with Conditions</i> The project has an extensive landscape palette that relies on low-water using plants, including many California natives, creating an attractive and sustainable plan. Of the 285 existing trees on the property, 55 will be removed; the majority of the existing mature trees are preserved. An additional 210 trees, including oak species, will be planted on the property. As mentioned, the Design Review Board reviewed the project design, including the landscaping plans, and recommended approval of the project with recommendations for design improvements which have been incorporated into the conditions of approval.</p>

<p>CDP-4.11: Lighting. Encourage lighting for safety and security while preventing excessive light spillover and glare. Lighting should complement building and landscape design.</p>	<p><i>Consistent with Conditions</i> The project design includes a total of 26 new light poles, from 14-16 feet tall, along the internal driveway system, 86 small light bollards mostly concentrated in the area of the market/community center, and 24 other small light fixtures in various locations. A photometric plan was submitted and reviewed by the Design Review Board and recommended for approval. Proposed lighting will have to meet the standards of SRMC Section 14.16.227, Light and Glare. In addition, Mitigation Measure AES-1 requires the project to conduct a post-installation lighting study showing that the lighting on the site complies with the plan and the requirements of the Municipal Code. As conditioned, the project will have adequate lighting without spillover onto adjacent properties or natural areas.</p>
CONSERVATION AND CLIMATE CHANGE ELEMENT	
<p>C-1.6: Creek Protection. Protect and conserve creeks as an important part of San Rafael’s identity, natural environment, and green infrastructure. Except for specific access points approved per Policy C-1.7 (Public Access to Creeks), development-free setbacks shall be required along perennial and intermittent creeks (as shown on www.marinmaps.org) to help maintain their function and habitat value. Appropriate erosion control and habitat restoration measures are encouraged within the setbacks, and roadway crossings are permitted.</p>	<p><i>Consistent</i> There is an existing drainageway crossing west to east near the middle of the site. The new buildings have been sited north of the drainageway. A bridge is proposed to span the drainageway to provide pedestrian access from the new apartments to the South Park recreational and open space area south of the new buildings. The bridge is designed to preserve the existing drainageway by providing a 25’ setback of all structures, including bridge footings, from the top of the drainage on either side.</p>
<p>C-1.10: Hillside Preservation. Encourage preservation of hillsides, ridgelines, and other open areas that serve as habitat and erosion protection as well as visual backdrops to urban areas.</p>	<p><i>Consistent</i> The project is located below the ridgeline west of the site and utilizes clustering to minimize the amount of grading and impacts to existing vegetation. The majority of the existing trees on the site would be preserved.</p>
<p>C-1.12: Native or Sensitive Habitats. Protect habitats that are sensitive, rare, declining, unique, or represent a valuable biological resource. Potential impacts to such habitats should be minimized through compliance with applicable laws and regulations, including biological resource surveys, reduction of noise and light impacts, restricted use of toxic pesticides, pollution and trash control, and similar measures.</p>	<p><i>Consistent with Mitigation</i> As documented in the Mitigated Negative Declaration, Section IV Biological Resources, “no federal or state listed (plant) species were observed or are expected to occur” on the site; one rare plant has “moderate potential to occur”; 16 of 17 “special status wildlife species were considered to have no potential to occur” and the other species had “low potential to occur”; and because the site has many mature trees, there is potential to impact nesting birds. Mitigation Measure BIO-1 is included in the Mitigated Negative Declaration and the conditions of approval and will ensure that rare or protected plants and nesting birds are not impacted by site development.</p>
<p>C-1.13: Special Status Species. Conserve and protect special status plants and animals, including those listed by State or federal agencies as threatened and/or</p>	<p><i>Consistent with Mitigation</i> See discussion in C-1.12 above.</p>

<p>endangered, those considered to be candidate species for listing by state and federal agencies, and other species that have been assigned special status by the California Native Plant Society and the California Fish and Game Code. Avoidance of impacts, accompanied by habitat restoration, is the preferred approach to conservation, but mitigation measures may be considered when avoidance is not possible.</p>	
<p>C-1.15: Landscaping with Appropriate Naturalized Plant Species. Encourage landscaping with native and compatible non-native plant species that are appropriate for the dry summer climate of the Bay Area, with an emphasis on species determined to be drought-resistant. Diversity of plant species is a priority for habitat resilience.</p>	<p><i>Consistent</i> The proposed landscape plant species were reviewed by the Design Review Board to ensure appropriate species were proposed.</p>
<p>C-1.16: Urban Forestry. Protect, maintain, and expand San Rafael’s tree canopy. Trees create shade, reduce energy costs, absorb runoff, support wildlife, create natural beauty, and absorb carbon, making them an essential and valued part of the city’s landscape and strategy to address global climate change. Tree planting and preservation should be coordinated with programs to reduce fire hazards, reduce greenhouse gas emissions, expand solar opportunities, and ensure public safety, resulting in a community that is both green and fire-safe.</p>	<p><i>Consistent</i> Of the 285 existing mature trees on the property, 230 will be preserved and another 210 trees will be planted. Many of the existing trees are oak species and oaks are also proposed as part of the new landscape plan.</p>
<p>C-2.2: Land Use Compatibility and Building Standards. Consider air quality conditions and the potential for adverse health impacts when making land use and development decisions. Buffering, landscaping, setback standards, filters, insulation and sealing, home HVAC measures, and similar measures should be used to minimize future health hazards.</p>	<p><i>Consistent with Mitigation</i> As described in the Mitigated Negative Declaration, Section III Air Quality, Air Quality impacts during temporary construction and grading activities required by the project would result in less-than-significant impacts with mitigation measures. In addition, the project would result in less-than-significant impacts with mitigation measures to minimize long-term increased cancer risk to new project occupants from exposure to small particulate matter (PM2.5). The required Air Quality mitigation measures (AQ-1, AQ-2), which include requirements for enhanced air filtration systems in the project and methods to reduce dust creation during construction, are included in the Mitigated Negative Declaration and the conditions of approval.</p>
<p>C-2.4: Particulate Matter Pollution Reduction. Promote the reduction of particulate matter from roads, parking lots, construction sites, agricultural lands, wildfires, and other sources.</p>	<p><i>Consistent with Mitigation</i> Mitigation Measure AQ-1 includes dust-control techniques to control dust and exhaust during construction.</p>

<p>C-3.1: Water Quality Standards. Continue to comply with local, state and federal water quality standards.</p>	<p><i>Consistent with Mitigation</i> As described in the Mitigated Negative Declaration, Section X, Hydrology and Water Quality, Mitigation Measure HYDRO-1 requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Pollution Control Standards for New Development and Redevelopment. In addition, Mitigation Measure HYDRO-1 requires the project "applicant to verify that operational stormwater quality control measures...have been implemented." These measures will ensure that less-than-significant impacts to water quality will occur.</p>
<p>C-3.2: Reduce Pollution from Urban Runoff. Require Best Management Practices (BMPs) to reduce pollutants discharged to storm drains and waterways. Typical BMPs include reducing impervious surface coverage, requiring site plans that minimize grading and disturbance of creeks and natural drainage patterns, and using vegetation and bioswales to absorb and filter runoff.</p>	<p><i>Consistent with Mitigation</i> See C-3.1 above.</p>
<p>C-3.3: Low Impact Development. Encourage construction and design methods that retain stormwater on-site and reduce runoff to storm drains and creeks.</p>	<p><i>Consistent with Mitigation</i> See C-3.1 above. In addition, as described in the Mitigated Negative Declaration, Section X, Hydrology and Water Quality, the project includes stormwater management features such as bioretention areas which have been designed to account for enough storage volume to attenuate peak flows on and from the site. These features and the implementation of Mitigation Measures HYDRO-1 and HYDRO-2 ensure that the project would not result in on- or off-site flooding.</p>
<p>C-3.9: Water-Efficient Landscaping. Encourage—and where appropriate require—the use of vegetation and water-efficient landscaping that is naturalized to the San Francisco Bay region and compatible with water conservation, fire prevention and climate resilience goals.</p>	<p><i>Consistent</i> The proposed landscape plan was reviewed by the Design Review Board to ensure that the landscaping incorporated appropriate water-efficient features.</p>
<p>C-4.1: Renewable Energy. Support increased use of renewable energy and remove obstacles to its use.</p>	<p><i>Consistent</i> The project proposes the installation of photovoltaic panels on the roofs of the apartment buildings to reduce the use of non-renewable energy sources.</p>
<p>C-4.2: Energy Conservation. Support construction methods, building materials, and home improvements that improve energy efficiency in existing and new construction</p>	<p><i>Consistent</i> The project will comply with the most recently adopted California Building Code (CBC) CalGreen and Title-24 Energy regulations.</p>
<p>C-4.5: Resource Efficiency in Site Development. Encourage site planning and development practices that</p>	<p><i>Consistent</i></p>

<p>reduce energy demand and incorporate resource- and energy-efficient infrastructure.</p>	<p>The mixed-use nature of the project is more energy efficient than tradition development patterns. The inclusion of a grocery store encourages residents to walk to the store. The project also incorporates rooftop solar panels.</p>
PARKS, RECREATION AND OPEN SPACE ELEMENT	
<p>PROS-1.13: Recreational Facilities in Development Projects. Encourage, and where appropriate require, the construction of on-site recreational facilities in multi-family, mixed use, and office projects to supplement the facilities available in City parks.</p>	<p><i>Consistent</i> The project includes substantial recreational amenities such as: 1) the South Park area of nearly an acre with both natural open space and improvements including children’s play structures; 2) the Village Commons area totaling approximately 10,000 square feet with both children’s play areas and passive recreational features for adults; and 3) the 5,003 square-foot community room above the grocery store.</p>
<p>PROS-3.5: Private Open Space. Ensure the long-term stewardship of privately-owned open space in a manner that conserves natural resource and aesthetic values, sustains wildlife, and reduces hazards to life and property. Opportunities to better integrate common open space in private development with public open space space (via trails, etc.) should be encouraged.</p>	<p><i>Consistent</i> The project design preserves almost half the site (4.83 acres) as undisturbed open space. The majority of the existing trees will be preserved. The South Park area includes a substantial proportion of natural hillside made accessible with pedestrian paths.</p>
SAFETY AND RESILIENCE ELEMENT	
<p>S-1.2: Location of Future Development. Permit development only in those areas where potential danger to the health, safety, and welfare of the community can be adequately mitigated. Land uses and densities should take environmental hazards such as earthquakes, flooding, slope stability, sea level rise, and wildfires into consideration.</p>	<p><i>Consistent with Mitigation</i> As documented in the Mitigated Negative Declaration Section VII, Geology and Soils, reports from Miller Pacific Engineering Group (MPEG) and Salem Howes Associates Inc. evaluated the potential for project impacts related to geologic hazards. The reports determined that no active faults crossed the site and that the site was in an area with low liquefaction potential. Since the site is in an area potentially subject to strong ground shaking during an earthquake, Mitigation Measure GEO-1 requires the preparation of a design-level geotechnical investigation. To address the potential for landslide impacts and soil instability, Mitigation Measure GEO-2 requires the preparation of a final geotechnical report. With the implementation of these Mitigation Measures, potential impacts related to earthquakes and slope stability will be reduced to less-than-significant levels.</p> <p>See LU-1.2 for a discussion of flood, sea level rise and wildfire hazards.</p>
<p>S-2.1: 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 Mitigation</i> See S-1.2 above.</p>

<p>S-2.2: Minimize the Potential Effects of Landslides. Development proposed in areas with existing or potential landslides (as identified by a Certified Engineering Geologist, Registered Geotechnical Engineer, or the LHMP) shall not be endangered by, or contribute to, hazardous conditions on the site or adjoining properties. Landslide mitigation should consider multiple options in order to reduce potential secondary impacts (loss of vegetation, site grading, traffic, visual). The City will only approve new development in areas of identified landslide hazard if the hazard can be appropriately mitigated, including erosion control and replacement of vegetation.</p>	<p><i>Consistent with Mitigation</i> See S-1.2 above.</p>
<p>S-2.5: Erosion Control. Require appropriate control measures in areas susceptible to erosion, in conjunction with proposed development. Erosion control measures should incorporate best management practices (BMPs) and should be coordinated with requirements for on-site water retention, water quality improvements, and runoff control.</p>	<p><i>Consistent with Mitigation</i> See C-3.1 and C-3.3 above. In addition to the mitigation measures mentioned, Mitigation Measure GEO-3 requires the preparation of a site drainage system that includes setbacks from the drainageway. This is also described in C-1.6 above. Mitigation Measure GEO-3 also requires the preparation of an erosion control plan per the current guidelines of the California Stormwater Quality Association’s Best Management Practice Handbook.</p>
<p>S-3.8: Storm Drainage Improvements. Require new development to mitigate potential increases in runoff through a combination of measures, including improvement of local storm drainage facilities. Other measures, such as the use of porous pavement, bioswales, and “green infrastructure” should be encouraged.</p>	<p><i>Consistent with Mitigation</i> See C-3.1 and C-3.3 above.</p>
<p>S-4.3: New Development in Fire Hazard Areas. Design new development to minimize fire hazards. Densities, land uses, and site plans should reflect the level of wildfire risk and evacuation capacity at a given location.</p>	<p><i>Consistent with Conditions</i> The project incorporates a Vegetation Management Plan and a fuel break buffer around the proposed development to reduce risk of uncontrolled wildfire spread. In addition, the project would be constructed pursuant to City of San Rafael development standards for new construction, including installation of fire sprinklers and fire-retardant building materials. The project has been reviewed by the Fire Department and found to be in conformance with fire prevention standards and would not pose a risk to public safety or impact levels of service.</p>
<p>NOISE ELEMENT</p>	
<p>N-1.1: Land Use Compatibility Standards for Noise. Protect people from excessive noise by applying noise standards in land use decisions. The Land Use</p>	<p><i>Consistent with Conditions</i> As documented in the Mitigated Negative Declaration Section XIII, Noise, the acoustical report prepared by Illingworth and Rodkin determined that the project would not generate new noise</p>

<p>Compatibility standards in Table 9-2 are adopted by reference as part of this General Plan and shall be applied in the determination of appropriate land uses in different ambient noise environments.</p>	<p>that would create significant impacts to existing residents. Modern construction techniques, including the use of forced-air mechanical ventilation, and adherence to the standards of the Building Code will ensure that the project complies with noise levels found in the General Plan and the Municipal Code.</p>
<p>N-1.2: Maintaining Acceptable Noise Levels. Use the following performance standards to maintain an acceptable noise environment in San Rafael:</p> <ul style="list-style-type: none"> (a) New development shall not increase noise levels by more than 3 dB Ldn in a residential area, or by more than 5 dB Ldn in a non-residential area. (b) New development shall not cause noise levels to increase above the “normally acceptable” levels shown in Table 9-2. (c) For larger projects, the noise levels in (a) and (b) should include any noise that would be generated by additional traffic associated with the new development. (d) Projects that exceed the thresholds above may be permitted if an acoustical study determines that there are mitigating circumstances (such as higher existing noise levels) and nearby uses will not be adversely affected. 	<p><i>Consistent with Conditions</i> As documented in the Mitigated Negative Declaration Section XIII, Noise, the project would not generate new noise that would create significant impacts to existing residents. In addition, construction best management practices recommended by the report from Illingworth and Rodkin have been included in the conditions of approval and will ensure that noise generated during construction will generate less-than-significant impacts.</p>
<p>N-1.3: Reducing Noise Through Planning and Design. Use a range of design, construction, site planning, and operational measures to reduce potential noise impacts.</p>	<p><i>Consistent with Conditions</i> See N-1.2 above.</p>
<p>N-1.5: Mixed Use. Mitigate the potential for noise-related conflicts in mixed use development combining residential and nonresidential uses.</p>	<p><i>Consistent</i> The proposed grocery store is a compatible land use with the residences and is not expected to be a source of significant noise.</p>
<p>N-1.9: Maintaining Peace and Quiet. Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.</p>	<p><i>Consistent with Conditions</i> See N-1.2 above.</p>
MOBILITY ELEMENT	
<p>M-2.5: Traffic Level of Service. Maintain traffic Level of Service (LOS) standards that ensure an efficient roadway network and provide a consistent basis for evaluating the</p>	<p><i>Consistent</i> As documented in the Mitigated Negative Declaration Section XVII Transportation, the project would not exceed the acceptable level of service standards (LOS), LOS D or better, for nearby</p>

<p>transportation effects of proposed development projects on local roadways. These standards shall generally be based on the performance of signalized intersections during the AM and PM peak hours. Arterial LOS standards may be used in lieu of (or in addition to) intersection LOS standards in cases where intersection spacing and road design characteristics make arterial LOS a more reliable and effective tool for predicting future impacts.</p>	<p>intersections. “Upon the addition of project-generated traffic to Existing volumes, all intersections are expected to continue operating acceptably. Under the anticipated Future volumes, all four study intersections are expected to operate acceptably at LOS D or better during both peak hours and would be expected to continue doing so upon the addition of project generated traffic. This is considered a less than significant impact.”</p>
<p>M-2.6: Traffic Mitigation Fees. Collect impact fees for new development based on the expected number of trips a project will generate. Fees should be used to implement transportation improvements as directed by City Council resolution.</p>	<p><i>Consistent with Conditions</i> The project is required to pay traffic mitigation fees totaling \$764,280 (\$4,246 x 180) for the 78 net new peak AM and 102 net new peak PM trips.</p>
<p>M-2.8: Emergency Access. Identify alternate ingress and egress routes (and modes of travel) for areas with the potential to be cut off during a flood, earthquake, wildfire, or similar disaster.</p>	<p><i>Consistent</i> The project has been reviewed by the Fire and Police Departments and they have determined that the project would maintain adequate access for emergency services.</p>
<p>M-3.2: Using VMT in Environmental Review. Require an analysis of projected Vehicle Miles Traveled (VMT) as part of the environmental review process for projects with the potential to significantly increase VMT. As appropriate, this shall include transportation projects and land use/policy plans as well as proposed development projects.</p>	<p><i>Consistent</i> As documented in the Mitigated Negative Declaration, Section XVII Transportation, “the project’s proposed density and provision of onsite affordable housing would reduce its per capita VMT by 12 percent, thereby resulting in a project-specific rate of 8.4 VMT per capita. This is below the applied VMT significance threshold of 11.3 VMT per capita. Accordingly, the residential component of the project as proposed would be expected to result in a less-than-significant VMT impact.” “The project also includes an on-site 5,000 square-foot market available to the public and 5,000 square-foot community center. Based on guidance from the OPR Technical Advisory, local-serving retail such as this can generally be presumed to have a less-than-significant impact on VMT. This presumption is readily validated by the fact that customers of the market and community center will include on-site residents who would not generate VMT when patronizing the market, as well as residents and employees in surrounding areas that would otherwise need to travel a longer distance, mostly by vehicle, to visit a competing retail use. The market and community center would therefore be expected to result in a less-than-significant VMT impact.”</p>
<p>M-6.1: Encouraging Walking and Cycling. Wherever feasible, encourage walking and cycling as the travel mode of choice for short trips, such as trips to school, parks, transit stops, and neighborhood services. Safe, walkable neighborhoods with pleasant, attractive streets,</p>	<p><i>Consistent</i> The mixed-use character of the project encourages residents to walk to the proposed grocery store. The Village Commons and South Park recreational areas are easily accessible to pedestrians. The project is located close to a major highway and is within walking distance of nearby transit stops.</p>

bike lanes, public stairways, paths, and sidewalks should be part of San Rafael's identity.	
COMMUNITY SERVICES AND INFRASTRUCTURE ELEMENT	
CSI-4.2: Adequacy of City Infrastructure and Services. As part of the development review process, require applicants to demonstrate that their projects can be adequately served by the City's infrastructure. All new infrastructure shall be planned and designed to meet the engineering and safety standards of the City as well as various local service and utility providers.	<i>Consistent</i> See LU-1.2 above. The appropriate utility agencies have reviewed the project and determined that the property can be adequately served with appropriate system upgrades, which have been incorporated into the conditions of approval.
EQUITY DIVERSITY AND INCLUSION ELEMENT	
EDI-2.1: Neighborhood Design for Active Living. Improve the design of San Rafael's neighborhoods to promote physical activity for all residents, including opportunities for safe walking and cycling, and walkable access to goods and services.	<i>Consistent</i> The mixed-use character of the project promotes pedestrian access to the grocery store and the many recreational features of the project including the South Park area and the Village Commons.
EDI-2.2: Safe Space for Physical Activity. Provide safe physical spaces for children and families to play and be physically active in all neighborhoods, particularly in the Canal area and other neighborhoods where many homes lack outdoor living space.	<i>Consistent</i> The recreational features of the site are located well-away from public roads. The Village Commons is near the internal driveway but speeds will be low on that system. Final design features will include elements to separate children's play areas from the driveway system. The South Park area is separated from the internal driveway but easily accessible by residents.
EDI-3.2: Affordable Housing Development. Encourage the development of affordable rental housing to meet the needs of all San Rafael households.	<i>Consistent</i> See H-18 below.
HOUSING ELEMENT	
H-2: Design That Fits into the Neighborhood Context. Recognize that construction of new housing and improvements on existing properties can add to the appearance and value of the neighborhood if they fit into the established character of the area. Design new housing, remodels, and additions to be compatible to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect	<i>Consistent with Conditions</i> Residential development is allowed on the site per the proposed Neighborhood Commercial Mixed-Use Land Use designation. The project is on a vacant hillside parcel adjacent to single-family development to the south and west. Commercial development to the north and east includes a YMCA gymnasium and a Kaiser Health facility. Hwy 101 is just east of the site. The Design Review Board recommended approval of the project design with recommendations for design improvements which have been incorporated into the conditions of approval.

<p>existing landforms and minimize effects on adjacent properties.</p>	
<p>H-3: Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p>	<p><i>Consistent</i> See response in CDP-4.2 above.</p>
<p>H-14: Adequate Sites. Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.</p>	<p><i>Consistent</i> This is a mixed-use project that provides 192 units of housing on an in-fill site. It will help accommodate the projected need for 1,007 additional housing units in the City by the year 2023 (Regional Housing Needs Allocation, Page 62 of the Housing Element). A total of 20 of the units will be affordable at the Low Income Level. These would contribute to the City’s need for 148 low-income housing units by the year 2023.</p>
<p>H-18: Inclusionary Housing Requirements. The City of San Rafael first adopted inclusionary requirements in the 1980’s. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City’s program requires the units remain affordable for the longest feasible time, or at least 55 years. The City’s primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future</p>	<p><i>Consistent</i> The project will provide 20 units affordable at the Low Income Level, consistent with the standards of the recently-adopted amendments to SRMC Section 14.16.030.</p>

non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met	
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