

# Zoning Administrator Hearing

Wednesday, April 17, 2024  
10:00 AM

Join In-Person Meeting:  
Community Development Small Meeting  
Room San Rafael City Hall  
1400 Fifth Avenue, 3<sup>rd</sup>  
Floor San Rafael, CA  
94901

Join Virtual Meeting:  
Zoom Website/App: <https://tinyurl.com/ZA-2023> or  
Telephone: (669) 444-9171  
Meeting ID: 832 2935 4287#

## **Agenda**

1. 709 C Street. APN: 012-073-10: File Number: PLAN21-021  
Request for Extension of Time for Environmental and Design  
Review Permit (ED21-045). The project consists of the  
development of four-unit, three-story townhouses, and associated  
site and landscaping improvements located at 709 C Street
2. Adjournment



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department –  
Planning Division

**Meeting Date:** April 17, 2024  
**Project Number(s):** PLAN24-025/ED21-045  
**Project Planner:** Kavitha Kumar,  
Contract Planner  
**Agenda Item:** 1

**REPORT TO ZONING ADMINISTRATOR**

**SUBJECT: 709 C Street.**

Request for Extension of Time for a currently valid Environmental and Design Review Permit (ED21-045); for the development of four-unit, three-story townhouses, and associated site and landscaping improvements located at 709 C Street; APN: 012-073-10; File Number: PLAN21-021

**EXECUTIVE SUMMARY**

Pursuant to San Rafael Municipal Code (SRMC) Section 14.25.150, an environmental and design review permit may be extended prior to the established expiration dates with the approval of the zoning administrator if the respective findings remain valid and there have been no substantial changes to the approved project. The applicant is requesting that the following approved entitlement be extended:

- **Current Environmental and Design Review Permit (ED21-045/PLAN21-021)**  
Conditionally Approved: May 23, 2022  
Set to Expire: June 2, 2024
- **Request for Extension (PLAN24-025)**  
Application: February 21, 2024  
Hearing Date: April 17, 2024

**PROJECT DESCRIPTION**

The project consists of four new three-story townhomes and associated site and landscaping improvements. This application is a request for an extension of time to the previously approved Environmental and Design Review Permit (ED21-045/PLAN21-021). The original entitlement will expire on June 2, 2024. This request includes no substantial changes to the proposed project.

In terms of administrative changes to the original entitlement, in addition to updating the dates in the conditions of approval, Staff is also correcting a scrivener’s error to condition of approval #11 to clarify the process described therein.

**FINDINGS**

The following tables reference the findings previously made to approve ED21-045 and denote if the finding remains valid.

**Findings for Environmental and Design Review Permit (ED21-045)**

<b>CEQA Finding</b>			
	Yes	VALID	
The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and none of the exceptions of Section 15300.2 apply.	X	YES	Section 15332 (“Infill Development Projects”)

**Environmental and Design Review Permit (SRMC §14.25.090)**

	Yes	VALID	
<b>Finding A</b>			
That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:	X	YES	<p>The proposed project is consistent with the following General Plan policies:</p> <p>A)</p> <ul style="list-style-type: none"> <li>i. Policy LU-3.2 (New Development in Residential Neighborhoods). The project enhances the neighborhood image by proposing four townhomes on an existing parking lot that are well articulated buildings with high quality materials, along with proposed landscaping at the front of the site.</li> <li>ii. Policy H-2 (Design that Fits into the Neighborhood Context). The project respects the existing single-family house immediately north of the project site by locating the proposed townhomes on the southern and western portions of the project site.</li> <li>iii. Housing Element Goal 4 (A Diverse Housing Supply). The project proposes four new townhomes in a neighborhood with a predominant mixture of multifamily rental units, single family houses, and commercial uses. Thus, the project increases the housing supply and provides an uncommon housing product type (for sale multifamily units).</li> </ul> <p>B) Consistency with Specific Plans. The project is located in the T4N 40/50 district within the Downtown Precise Plan (DPP). The project is , or will be required to be, consistent with many of the development standards in the DPP including but not limited to vehicle parking, bicycle parking, and massing and façade articulation standards. The project</p>

			<p>does not comply with some standards of the DPP such as required setbacks and building setbacks. However, these standards for T4N 40/50 are more restrictive than those that existed when this site was zoned as Residential/Office (R/O), prior to August 2021 when the DPP was adopted. Pursuant to Senate Bill 330 and Government Code Section 66300(b)(1)(A), a local agency cannot enforce development standards in a specific plan adopted after January 1, 2020 that reduces the intensity of land use within an existing zoning district. Therefore, the more restrictive setback and building setback provisions in the DPP cannot be enforced for this project site and do not apply to this project. Pursuant to the T4N 40/50 district, a total of 10 bicycle spaces are required for this project.</p> <p>C) Pursuant to Section 1.1.060 of the DPP, a new building up to 40 feet in overall height is subject to a Minor Environmental and Design Review Permit. Pursuant to San Rafael Municipal Code Section 14.25.020.B, the zoning administrator is responsible for making determinations on Minor Environmental and Design Review Permits.</p> <p>There are no significant changes to the General Plan or Zoning Ordinance that would impact previous findings. Therefore, this finding remains valid.</p>
<b>Finding B</b>			
The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:	X	YES	<p>A) Consistency with Zoning. The project is located in the T4N 40/50 district within the Downtown Precise Plan (DPP). The proposed four new townhomes are permitted use in the T4N 40/50 district. The project is, or will be required to be, consistent with many of the development standards in the DPP including but not limited to vehicle parking, bicycle parking, and massing and façade articulation standards. The project does not comply with some standards of the DPP such as required setbacks and building setbacks. However, these standards for T4N 40/50 are more restrictive than those that existed when this site was zoned as Residential/Office (R/O), prior to August 2021 when the DPP was adopted. Pursuant to Senate Bill 330 and Government Code Section 66300(b)(1)(A), a local agency cannot enforce development standards in a specific plan adopted after January 1, 2020 that reduce the intensity of land use within an existing zoning district. Therefore, the more restrictive setback and building setback provisions in the DPP cannot be enforced for this project site and do not apply to this project.</p> <p>The request for an extension does not include any design revisions, and as such this finding remains valid.</p>
<b>Finding C</b>			
That the project design minimizes adverse environmental impacts:	X	YES	<p>A) The project site is a paved parking lot. Thus, the proposed project will not affect any land that has not already been disturbed.</p>

			B) The proposed four new townhomes are a permitted use in the T4N 40/50 district.  The request for an extension does not include any design revisions, and as such this finding remains valid.
<b>Finding D</b>			
That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.	X	YES	A) The project enhances the neighborhood image by proposing four townhomes on an existing parking lot that are well articulated buildings with high quality materials, along with proposed landscaping at the front of the site. The project respects the existing single-family house immediately north of the project site by locating the proposed townhomes on the southern and western portions of the project site. Therefore, the project design will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. This finding remains valid.

**CONDITIONS OF APPROVAL**

The following addresses conditions previously applied and updated conditions, including the vesting dates adjusted:

**Conditions for Environmental and Design Review Permit (ED21-045)**

Planning Division Standard Conditions of Approval

1. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Environmental and Design Review Permit, under the title ‘Use Permit Conditions.’ Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable.
2. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Environmental and Design Review Permit.
3. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated January 25, 2022, and on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Planning staff. Modifications deemed not minor by the Community Development Director may require review and approval as an amendment to the Environmental and Design Review Permit by Planning staff.
4. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to any construction, tenant improvement or installation of signage, the applicant shall identify and secure all applicable permits from the Planning and Building Divisions, Public Works Department and other affected City divisions and departments.

5. Permit Validity. This Permit shall become effective on **April 24, 2024** and shall be valid for a period of two (2) years from the date of final approval, or **April 24, 2026**, and shall become null and void if a building permit is not issued or a time extension granted by **April 24, 2026**. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
6. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, paying of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.
7. Landscaping. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. All existing landscaping damaged during construction shall be replaced. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion. No part of the existing landscaping shall be removed, unless their removal has been reviewed and approved by the Planning Division.
8. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
9. Bicycle Parking. A total of ten bicycle parking spaces shall be provided on the project site in the plans for review and approval by the Community Development Director prior to issuance of a building permit. A combination of bicycle parking spaces interior to the residential units and on the exterior of the site will suffice.
10. Driveway Width. The driveway width shall be reduced to no less than a 12-foot-wide driveway at the entryway and a curb cut of no less than 14 feet wide, for review and approval by the Community Development Director prior to issuance of a building permit. If this proves to be infeasible or will affect the viable turning radius of vehicles entering or leaving the site, the Community Development Director may waive this condition of approval.
11. Condominium Map. Prior to issuance of the first building permit, the applicant shall receive the appropriate approvals from the City for a Tentative Subdivision Map. A Final Subdivision Map is required to be approved prior to the first Certificate of Occupancy for this project.
12. Affordable Housing. The project is required to provide a primary affordable housing requirement pursuant to San Rafael Municipal Code Section 14.16.030 and City Council Resolution 14890. Prior to issuance of a building permit, the applicant shall comply with the affordable housing requirement by paying an in-lieu fee of forty percent of the applicable affordable housing in-lieu fee per unit at the time of building permit issuance.

#### Public Works Conditions of Approval

13. The applicant shall pay a traffic mitigation for net new AM and PM trips. The current rate is \$4,246 per trip. The proposed project has an estimated 2 peak hour AM trips and 3 peak hour PM trips therefore, the estimated traffic mitigation fee would be (5\*4,246) \$21,230, due at the time of building permit issuance.
14. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

15. Please note that a design-level geotechnical report will be required prior to issuance of a building permit.
16. This project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project according to BASMAA standards. The following documents are required to be provided in accordance with BASMAA and Marin County Stormwater Pollution Prevention Program (MCSTOPPP) requirements:
  - a. Stormwater Control Plan – A short written document to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. (Needed to obtain building permit.)
  - b. Stormwater Facilities Operations and Maintenance (O&M) Plan – A short written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. The maintenance plan shall include the manufacturer's recommended maintenance practices, designated parties responsible for upkeep, specify funding source for ongoing maintenance with provisions for full replacement when necessary and provide a site-specific inspection checklist. (Provide prior to occupancy).
  - c. Operations and Maintenance Agreement – A formal agreement between the property owner and the city that shall be recorded with the property deed prior to occupancy. (Provide prior to occupancy).

#### Building Division Conditions of Approval

17. The design and construction of all site alterations shall comply with the 2019 California Residential Code (CRC), 2019 California Building Code (CBC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Mechanical Code CCMC), 2019 California Fire Code (CFC), 2019 California Energy Code, 2019 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
18. A building permit is required for the proposed work. Applications shall be accompanied by construction drawings to include: a. Architectural plans b. Structural plans c. Electrical plans d. Plumbing plans e. Mechanical plans f. Site/civil plans (clearly identifying grade plane and height of the building) g. Structural Calculations h. Truss Calculations i. Soils reports j. Green Building documentation k. Title-24 energy documentation
19. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
20. You must apply for a new address for this building from the Building Division.
21. Each building must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.
22. If proposed fencing exceeds 6' in height, a building permit is required.
23. Bollards must be placed in the garage to protect mechanical equipment, water heater, and washer dryer from vehicular damage when located in the path of a vehicle.

24. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
25. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
26. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
27. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection: a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall. b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system. c. More than 12 inches into areas where openings are prohibited.
28. CRC Section 302 - Based on the distance to the property line, single family residential and their associated accessory buildings, depending on whether the structure(s) have an automatic fire sprinkler system, have specific requirements and limitations regarding:
  - a. Fire resistive rating of exterior walls
  - b. Projections of eaves and decks
  - c. Wall openings (doors and windows).
  - d. Generally, structures within 5 feet of the property line require additional review.
29. Show emergency and rescue openings from units 3 & 4 that comply with CBC 1030. It appears both units have to pass under unit 3 to get to the public way.
30. Required Accessible Parking Spaces. Accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent.
31. Assigned Accessible Parking Spaces. When assigned parking spaces are provided for a resident or a group of residents, at least 2 percent of the assigned parking spaces serving covered multifamily dwelling units shall be accessible in each type of parking facility. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent. When assigned parking is provided, signage as required by Section 1109A.8.8 shall not be required.
32. Per Title 12, the building permit application has expired. Applicant will need to update the plans to meet the current code and pay new plan review fees.

#### San Rafael Sanitation District Conditions of Approval

33. Modify the existing sanitary sewer main on C Street from 12 inches to 6 inches.
34. Confirm pipe elevation at connection with existing sanitary sewer main. Based on our record, the depth of sanitary sewer main is approximately four feet.
35. Any exterior sanitary sewer-related work shall be performed in accordance with the San Rafael Sanitation District (SRSD) Standard Plans and Specifications.



36. A sewer permit from the San Rafael Sanitation District is required independent of a building permit for all proposed sewer lateral work outside the dwelling footprint. The property owner or authorized agent shall apply for a sewer permit online or contact SRSD for more information at (415) 454-4001 prior to the start of work.
37. Pursuant to District Ordinance No. 56, the District requires a sewer connection fee in the amount of \$11,579.79 per living unit, total amount of \$49,319.16. The connection fee may be paid in person at the SRSD office located at 111 Morphew Street, 2nd Floor, San Rafael.

## **PUBLIC COMMENT**

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. No public comment has been received by the date of this staff report.

## **ATTACHMENTS**

Attachment A: ED21-045/PLAN21-021 “Findings and Conditions” and “Minutes and Notice of Decision” from May 23, 2022, Zoning Administrator Hearing.



# ATTACHMENT A

## Findings & Conditions

### PLAN 21-021 / ED 21-045

#### **PLAN 21-021 / ED 21-045 for four new townhomes and associated site and landscaping improvements on an existing parking lot on the 700 block of C Street**

#### **CEQA FINDINGS**

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Project). In addition, the project is eligible for a CEQA exemption under Government Code 65457(a). Pursuant to Government Code 65457(a), the project is a residential development undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980.

The project meets all of the requirements of the In-Fill Development exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
  - B. The project occurs within the San Rafael City limits on a project site of no more than five acres, and is surrounded by urban uses.
  - C. The parcel within the project site has previously been paved as a parking lot and has no value as habitat for endangered, rare or threatened species.
  - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
  - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### **Environmental and Design Review Findings required by Section 14.25.090**

1. The project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of Chapter 14.25 “Environmental and Design Review Permits” of the San Rafael Municipal Code (SRMC) as follows:
  - A. The proposed project is consistent with the following General Plan policies:
    - i. Policy LU-3.2 (New Development in Residential Neighborhoods). The project enhances the neighborhood image by proposing four townhomes

- on an existing parking lot that are well articulated buildings with high quality materials, along with proposed landscaping at the front of the site.
- ii. Policy H-2 (Design that Fits into the Neighborhood Context). The project respects the existing single family house immediately north of the project site by locating the proposed townhomes on the southern and western portions of the project site.
  - iii. Housing Element Goal 4 (A Diverse Housing Supply). The project proposes four new townhomes in a neighborhood with a predominant mixture of multifamily rental units, single family houses, and commercial uses. Thus, the project increases the housing supply and provides an uncommon housing product type (for sale multifamily units).
- B. Consistency with Specific Plans. The project is located in the T4N 40/50 district within the Downtown Precise Plan (DPP). The project is, or will be required to be, consistent with many of the development standards in the DPP including but not limited to vehicle parking, bicycle parking, and massing and façade articulation standards. The project does not comply with some standards of the DPP such as required setbacks and building stepbacks. However, these standards for T4N 40/50 are more restrictive than those that existed when this site was zoned as Residential/Office (R/O), prior to August 2021 when the DPP was adopted. Pursuant to Senate Bill 330 and Government Code Section 66300(b)(1)(A), a local agency cannot enforce development standards in a specific plan adopted after January 1, 2020 that reduce the intensity of land use within an existing zoning district. Therefore, the more restrictive setback and building stepback provisions in the DPP cannot be enforced for this project site and do not apply to this project.
- C. Pursuant to Section 1.1.060 of the DPP, a new building up to 40 feet in overall height is subject to a Minor Environmental and Design Review Permit. Pursuant to San Rafael Municipal Code Section 14.25.020.B, the zoning administrator is responsible for making determinations on Minor Environmental and Design Review Permits.
2. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located;
- A. Consistency with Zoning. The project is located in the T4N 40/50 district within the Downtown Precise Plan (DPP). The proposed four new townhomes are a permitted use in the T4N 40/50 district. The project is, or will be required to be, consistent with many of the development standards in the DPP including but not limited to vehicle parking, bicycle parking, and massing and façade articulation standards. The project does not comply with some standards of the DPP such as required setbacks and building stepbacks. However, these standards for T4N 40/50 are more restrictive than those that existed when this site was zoned as Residential/Office (R/O), prior to August 2021 when the DPP was adopted. Pursuant to Senate Bill 330 and Government Code Section 66300(b)(1)(A), a local agency cannot enforce development standards in a specific plan adopted after January 1, 2020 that reduce the intensity of land use within an existing zoning district. Therefore, the more restrictive setback and building stepback provisions in the DPP cannot be enforced for this project site and do not apply to this project.
3. The project design minimizes adverse environmental impacts;

- A. The project site is a paved parking lot. Thus, the proposed project will not affect any land that has not already been disturbed.
  - B. The proposed four new townhomes are a permitted use in the T4N 40/50 district.
4. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.
- A. The project enhances the neighborhood image by proposing four townhomes on an existing parking lot that are well articulated buildings with high quality materials, along with proposed landscaping at the front of the site. The project respects the existing single family house immediately north of the project site by locating the proposed townhomes on the southern and western portions of the project site.

### **Planning Division Standard Conditions of Approval**

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
2. **Applicant Responsible for Compliance with Conditions.** The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.
3. **Plans and Representations Become Conditions.** All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated **January 25, 2022** and on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Planning staff. Modifications deemed not minor by the Community Development Director may require review and approval as an amendment to the Environmental and Design Review Permit by Planning staff.
4. **Subject to All Applicable Laws and Regulations.** The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to any construction, tenant improvement or installation of signage, the applicant shall identify and secure all applicable permits from the Planning and Building Divisions, Public Works Department and other affected City divisions and departments.
5. **Permit Validity.** This Permit shall become effective on **June 2, 2022** and shall be valid for a period of two (2) years from the date of final approval, or **June 2, 2024**, and shall become null and void if a building permit is not issued or a time extension granted by **June 2, 2024**. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A

permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.

6. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, paying of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.
7. Landscaping. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. All existing landscaping damaged during construction shall be replaced. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion. No part of the existing landscaping shall be removed, unless their removal has been reviewed and approved by the Planning Division.
8. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

#### **Planning Division Additional Conditions of Approval**

9. Bicycle Parking. A total of ten bicycle parking spaces shall be provided on the project site in the plans for review and approval of the Community Development Director prior to issuance of a building permit. A combination of bicycle parking spaces interior to the residential units and on the exterior of the site will suffice.
10. Driveway Width. The driveway width shall be reduced to no less than a 12 foot wide driveway at the entryway and a curb cut of no less than 14 feet wide, for review and approval of the Community Development Director prior to issuance of a building permit. If this proves to be infeasible or will affect the viable turning radius of vehicles entering or leaving the site, the Community Development Director may waive this condition of approval.
11. Condominium Map. Prior to issuance of a certificate of occupancy, the applicant shall receive the appropriate approvals from the City for a Tentative Subdivision Map and subsequently a Final Subdivision Map. The applicant shall record the Final Subdivision Map with the Marin County Recorder prior to issuance of a building permit as well.
12. Affordable Housing. The project is required to provide a primary affordable housing requirement pursuant to San Rafael Municipal Code Section 14.16.030 and City Council Resolution 14890. Prior to issuance of a building permit, the applicant shall comply with the affordable housing requirement by paying an in-lieu fee of forty percent of the applicable affordable housing in-lieu fee per unit at the time of building permit issuance.

**Public Works Conditions of Approval**

13. The applicant shall pay a traffic mitigation for net new AM and PM trips. The current rate is \$4,246 per trip. The proposed project has an estimated 2 peak hour AM trips and 3 peak hour PM trips therefore, the estimated traffic mitigation fee would be (5\*4,246) \$21,230, due at the time of building permit issuance.
14. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.
15. Please note that a design-level geotechnical report will be required prior to issuance of a building permit.
16. A Stormwater Operations and Maintenance Agreement between the property owner and the city that shall be recorded with the property deed prior to occupancy.

**Building Division Conditions of Approval**

17. The design and construction of all site alterations shall comply with the 2019 California Residential Code (CRC), 2019 California Building Code (CBC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Mechanical Code CCMC), 2019 California Fire Code (CFC), 2019 California Energy Code, 2019 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
18. A building permit is required for the proposed work. Applications shall be accompanied by construction drawings to include:
  - a. Architectural plans
  - b. Structural plans
  - c. Electrical plans
  - d. Plumbing plans
  - e. Mechanical plans
  - f. Site/civil plans (clearly identifying grade plane and height of the building)
  - g. Structural Calculations
  - h. Truss Calculations
  - i. Soils reports
  - j. Green Building documentation
  - k. Title-24 energy documentation
19. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
20. You must apply for a new address for this building from the Building Division.
21. Each building must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential

occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.

22. If proposed fencing exceeds 6' in height, a building permit is required.
23. Bollards must be placed in the garage to protect mechanical equipment, water heater, and washer dryer from vehicular damage when located in the path of a vehicle.
24. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
25. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
26. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
27. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
  - a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
  - b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
  - c. More than 12 inches into areas where openings are prohibited.
28. CRC Section 302 - Based on the distance to the property line, single family residential and their associated accessory buildings, depending whether the structure(s) have an automatic fire sprinkler system, have specific requirements and limitations regarding:
  - a. Fire resistive rating of exterior walls
  - b. Projections of eaves and decks
  - c. Wall openings (doors and windows)Generally, structures within 5 feet of the property line require additional review.
29. Show emergency and rescue openings from units 3 & 4 that complies with CBC 1030. It appears both units have to pass under unit 3 to get to the public way.
30. Required Accessible Parking Spaces. Accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of

each type of parking facility shall be made accessible even if the total number exceeds 2 percent.

31. Assigned Accessible Parking Spaces. When assigned parking spaces are provided for a resident or a group of residents, at least 2 percent of the assigned parking spaces serving covered multifamily dwelling units shall be accessible in each type of parking facility. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent. When assigned parking is provided, signage as required by Section 1109A.8.8 shall not be required.

### **San Rafael Sanitation District Conditions of Approval**

32. Provide Civil/Utility plans prepared by a California Registered Civil Engineer showing this site sewer collection plan. Indicate if each dwelling will connect directly to the sewer main in the street, or if each dwelling will connect to a sub-main within the property that provides once connection to the sewer main. Provide the alignment of each proposed sewer lateral, beginning from the dwelling sewer stub-out to the lower lateral stub-out. Include the following in the plans:

- a. Pipe material type
- b. Connections
- c. Slope
- d. Depth of cover
- e. Complete pipe profile(s)
- f. Backflow prevention/cleanout.

Note that a cleanout and backflow prevention device is required for each dwelling sewer lateral, per District standard SD-6, and shall be installed no greater than 2-feet from the foundation of the dwelling. Additionally, sewer cleanouts are required every 90-feet and at all bends greater than 45°.

33. All exterior sanitary sewer design and construction shall be pursuant to SRSD standards.

34. Provide the following notes on the Civil/Utility Plans:

- a. All sanitary sewer related work shall be performed in accordance with the San Rafael Sanitation District (SRSD) Standard Plans and Specifications.
- b. Independent of a Building Permit, a sewer permit from the San Rafael Sanitation District is required for all proposed exterior sewer construction. The contractor shall apply for a sewer permit at the District office located at 111 Mophew Street prior to the start of work.
- c. Notify the San Rafael Sanitation District Inspector 72 hours prior to the start of sanitary exterior sewer construction by phone at (415) 454-4001.

35. A sewer permit shall be required for each separate side-sewer lateral serving each individual dwelling. Please be apprised that all exterior sewer construction requires a sewer permit in addition to your building permit.

36. Prior to issuance of a Building Permit, SRSD and the Central Marin Sanitation Agency (CMSA) requires sewer connection fees in effect at the time of building permit issuance. Currently these fees are in the amount of \$10,482.42 for each proposed unit for a total of



**\$41,929.68 (Table 1).** The fees may be paid with one check to SRSD at 111 Morpew Street, San Rafael.

**Table 1. Sewer Connection Fee Calculations:**

	<b>Unit Cost</b>	<b>Total Units</b>	<b>Fixture Cost</b>
SRSD Subtotal:	\$3,804.00	4	\$ 15,216.00
CMSA Subtotal:	\$6,678.42	4	\$ 26,713.68
<b>Total Sewer Connection Fee:</b>			<b>\$ 41,929.68</b>



**SAN RAFAEL ZONING ADMINISTRATOR  
REGULAR HEARING  
May 23, 2022**

***Minutes and  
Notice of Decision (Pursuant to San Rafael Municipal Code 14.28.050)***

- 1:00 pm – 1:30 pm    1.    **700 Block of C Street** – Request for an Environmental and Design Review Permit to allow the construction of four new townhomes and associated site and landscaping improvements on an existing parking lot.  
T4N 40/50 District; Michael O’Mahony, property owner; Kyle Thayer, applicant; APN: 012-073-10; Permit #: PLAN21-021 and ED21-045  
**Project Planner: Jeff Ballantine**

**PERMITS REQUIRED**

Environmental and Design Review Permit to allow the construction of four new townhomes and associated site and landscaping improvements.

**SITE DESCRIPTION**

The site is an existing parking lot on an approximately 6,976 square foot parcel in Downtown San Rafael.

**PROJECT DESCRIPTION**

The proposed project includes four new three-story townhomes and associated site and landscaping improvements. The townhomes range in floor area from 1,400 square feet to 1,700 square feet. Three of the townhomes would be attached to each other and located along the southern side property line. One of the townhomes would be located adjacent to the western rear property line. A total of eight parking spaces are proposed for the project, including five covered spaces within garages and three uncovered spaces. Condition of Approval 9 in Attachment 1 requires the applicant to provide 10 bicycle parking spaces, as required by the T4N 40/50 district. The top of the roof parapet for the townhomes is less than 36 feet tall with the roof of the stairwell extending to 40 feet 6 inches tall. The maximum allowable base height for the T4N 40/50 district is 40 feet tall. Architectural features over the height limit, such as stairwells, are allowed with Environmental and Design Review pursuant to San Rafael Municipal Code (SRMC) Section 14.25.040.B.2.k.

The townhomes would be condominiums and the Planning Commission must approve the proposed Tentative Subdivision Map (TS22-001) prior to issuance of a Certificate of Occupancy. A Subdivision Map will also be required to be recorded with the Marin County Recorder’s Office prior to issuance of a building permit.

**PUBLIC HEARINGS**

On May 23, 2022, the Acting Zoning Administrator, Jeff Ballantine, Senior Planner, opened the meeting at 1:00 pm. Present at the meeting was the property owner, Michael O’Mahony, and the applicant/architect, Kyle Thayer. No members of the public attended the meeting.

**ZA Minutes and Notice of Decision**  
**May 23, 2022**  
**700 Block of C Street**  
**ED21-045**

The Zoning Administrator introduced the application and presented the Findings and Conditions of Approval and conditionally approved the Environmental and Design Review Permit.

The conditions of project approval are listed below and are included as part of the Zoning Administrator's decision to approve the Environmental and Design Review Permit (ED21-045, PLAN21-021).

The meeting was adjourned at 1:15 pm.

**ACTION TAKEN: On May 23, 2022, the Zoning Administrator Conditionally Approved the requested the Environmental and Design Review Permit (ED21-045, PLAN21-021) subject to the Findings and Conditions in Attachment 1.**

This Notice of Zoning Administrator decision is provided in compliance with SRMC Section 14.28.050 - *Notice of decision*. Any aggrieved party may appeal this decision pursuant to SRMC Section 14.28.030 - *Filing and time limit of appeals*, by submitting a letter of appeal and the appropriate fees within five (5) working days of the date of approval, or by **May 30, 2022 at 5:00 p.m.** This approval shall become effective at the end of the appeal period.

Once a permit approval has been implemented/established in compliance with all City requirements, it shall run with the land and be valid for the time period specified; e.g., duration of the approved use.



\_\_\_\_\_  
Jeff Ballantine, Acting Zoning Administrator

5/23/2022

\_\_\_\_\_  
Date

Attachment 1: Findings and Conditions