



April 26, 2018

Geoff Forner
Monahan Parker, Inc.
1101 Fifth Ave., Suite 300
San Rafael, CA 94901

RE: [ED18-020, UP18-010, LLA18-002] Time Extension of Project Approvals
815 B St Project (809 B St., and 1212 and 1214 2nd St.)
APNS: 011-256-12, -14, -15 & -32

Dear Geoff:

Thank you for your application to the Community Development Department, Planning Division, seeking the granting of a two (2) year time extension on the project approvals for the 815 B St project (809 B St., and 1212 and 1214 2nd St.). Based on required findings, your Planning applications are **approved, subject to the continuation of the original conditions**. Enclosed, please find a copy of the minutes to the Zoning Administrator hearing, held yesterday morning, along with findings justifying the approvals and conditions to these approvals. **Please take a moment and review these conditions of approval carefully and thoroughly.**

Should you have any questions or comments, please do not hesitate to contact me at (415) 458-5048 or steve.stafford@cityofsanrafael.org.

Sincerely,

Steve Stafford
CITY OF SAN RAFAEL
Senior Planner

Cc. Tom Monahan – Monahan Parker, Inc.; 1101 Fifth Ave., Suite 300; San Rafael, CA 94901
Adrian Blanco – 1215 2nd St, San Rafael, CA 94901
Mario Lopez – 809 B St., San Rafael, CA 94901
Maria Quevado (email only)
Abraham Ortiz (email only)
Yolanda Aguiñe (email only)
Perla and Ernesto Vargas (email only)
Idalia Escobar (email only)

**REGULAR MEETING
SAN RAFAEL ZONING ADMINISTRATOR**

April 25, 2018

10:00 am -10:45 am

809 B St and 1212 and 1214 2nd St. ('815 B St Mixed-Use Multifamily Residential Project') – Request for time extension of an Environmental and Design Review Permit (ED12-060; ED17-091), Use Permit (UP12-029) and Lot Line Adjustment (LLA12-003) approving a new, four-story, mixed-use apartment building with 41 upper-story units above garage parking and a small ground-floor commercial space on four (4) adjacent Downtown parcels; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Monahan Parker, Inc., owner; Geoff Forner for Monahan Parker, applicant; File No.: ED18-020, UP18-010, LLA18-002.

Project Planner: Steve Stafford

BACKGROUND

Site Description & Setting

The subject property consists of four adjacent parcels, totaling approximately 0.53 acres in size, located in Downtown San Rafael. The parcels are currently developed with a single-story, approximately 5,000 square foot commercial building, a commercial parking lot with 45 parking spaces and two, two-story Victorian-era residences, located at 1212 and 1214 2nd Street that date to 1887 or earlier, which are both protected cultural resources under the California Environmental Quality Act (CEQA) and one of which is currently uninhabitable due to fire damage sustained in 2006. The subject property is located at the northwest corner of the B and 2nd Street intersection.

The property is located within two commercial zoning districts; B Street frontage is located within the Cross Street Mixed Use (CSMU) District (approximately one-half the site) and the 2nd Street frontage is generally located within the Second/Third Streets Mixed Use West (2/3 MUW) District. The site is also within the Downtown Parking Assessment District. St. Vincent De Paul Society dining room is located immediately east of the site, on B Street. The 60-unit, Lone Palm Court apartments are located immediately west of the site, on C Street. A 12'-wide public right-of-way (ROW) easement, which provides vehicular and pedestrian access from C Street to the site and neighboring parcels, borders the northwestern property boundary. An existing Canary Island Palm tree, in distressed health, is located within the 12'-wide ROW easement. The eastern property boundary of the site fronts B Street, which provides a pedestrian link between the Downtown and the Gerstle Park residential neighborhood. The southern property boundary of the site fronts 2nd Street, which is a one-way (eastbound), three-lane, 'major' arterial roadway..

Project History

The project was originally approved by the Planning Commission on May 10, 2016, subject to conditions. A summary of the project's approved Planning entitlements is, as follows:

- Planning Commission Resolution No. 16-07. Certifying the Final Environmental Impact Report (FEIR) for the project
- Planning Commission Resolution No. 16-08. Adopting CEQA (California Environmental Quality Act) Findings of Fact adopting a Statement of Overriding Considerations and approving a Mitigation Monitoring and Reporting Program (MMRP) for the project.

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- Planning Commission Resolution No. 16-09. Conditionally approving Environmental and Design Review Permit ED12-060, Use Permit Amendment UP12-029 and Lot Line Adjustment LLA12-003.

On March 14, 2018, Planning staff approved (Environmental and Design Review Permit ED17-091) minor miscellaneous design changes to the project, which required amendment of original Environmental and Design Review Permit approval (Planning Commission Resolution 16-09 only). The certification of the FEIR (Planning Commission Resolution 16-07) and adopting CEQA Findings of Fact adopting a Statement of Overriding Considerations and MMRP (Planning Commission Resolution 16-08) for the project remained unchanged. The other resolutions were required since the project proposed to demolish cultural resources on the site and the site is located where sensitivity to the surrounding historic context is required. The proposed design changes continued to propose removal of these cultural resources and continued to propose building projections (upper-story bay window, eave, decks and ground-floor canopy) over the sidewalk/public right-of-way (ROW) for the surrounding historical context. At that time, the proposed design changes did not propose to extend the project approvals, which expire on May 10, 2018 unless a request for time extension is approved by the City's Zoning Administrator.

PROJECT DESCRIPTION

The project requests a two-year time extension of the project approvals. The project proposes no changes in the project since minor miscellaneous design changes were approved by ED17-091.

PUBLIC HEARING

Zoning Administrator

On April 25, 2018, the proposed project was reviewed by the City's Acting Zoning Administrator (ZA) at duly-noticed public hearing, in accordance with the noticing requirements contained in Chapter 29 of the SRMC (San Rafael Municipal Code). A Notice of Public Hearing was mailed for the project to all property owners and occupants within a 300-foot radius of the site, the appropriate neighborhood groups (Downtown Business Improvement District, Gerstle Park Neighborhood Association, San Rafael Heritage and the Federation of San Rafael Neighborhoods) and all other interested parties, a minimum of 15 calendar days prior to the date of the ZA hearing. Staff received no comments as a result of the noticing of the ZA hearing.

The Acting Zoning Administrator, Steve Stafford, congregation members from Iglesia Bautista Monte Sinai on-site church (Mario Lopez, Maria Quevedo, Abraham Ortiz, Yolanda Aguiñe, Perla Vargas, Ernesto Vargas and Idalia Escobar) and an adjacent property and business owner, Adrian Blanco attended of the hearing. The Acting Zoning Administrator opened the hearing and the project architect discussed the scope of the project and responded to questions from the public. Congregation members from Iglesia Bautista Monte Sinai sought information on the construction timeline of the project so that they could begin looking for a new location. Mr. Blanco provided comments that he would like to see the project constructed sooner than later. The Acting Zoning Administrator stated that the project continued to meet the findings for certification of the FEIR (Planning Commission Resolution 16-07) for the project, continued to meet the CEQA Findings of Fact adopting a Statement of Overriding Considerations and MMRP (Planning Commission Resolution 16-08) for the project, and continued to meet the findings for approving the required permits (Planning Commission Resolution 16-09) for the project. The Acting Zoning Administrator further stated that it was his intention to approve the time extension request, subject to the original conditions of approval (Planning Commission Resolution 16-09) with the addition of one additional condition (Condition #44; ED18-020) requested by the Public Works Department which

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requires conduit installation during frontage improvement in coordination with the City's anticipated upgrades to traffic signal system. The Acting Zoning Administrator subsequently approved the project, as proposed, based on the following findings and subject to the conditions of approval listed below. Thereafter, the Acting Zoning Administrator sent both a hard copy and a digital copy (via e-mail attachment) of these public hearing minutes (which also includes both the findings and the conditions of approval) to all parties in attendance.

ACTION TAKEN: Conditional Approval

FINDINGS –Use Permit UP18-010:

- A. The proposed use, as conditioned, will continue to be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the Second/Third Mixed Use West (2/3 MUW) and the Cross Street Mixed Use (CSMU) Districts, in which the project site is located, as identified in the original findings for the project merits (Planning Commission Resolution 16-09).
- B. The proposed use, as conditioned, will continue to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, as identified in the original findings for the project merits (Planning Commission Resolution 16-09).
- C. The proposed use, as conditioned, will continue to comply with each of the applicable provisions of the Zoning Ordinance, as identified in the original findings for the project merits (Planning Commission Resolution 16-09).

FINDINGS – Environmental and Design Review Permit ED18-020:

- A. The proposed time extension for the project approvals, as conditioned, will continue to be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), as identified in the original findings for the project merits (Planning Commission Resolution 16-09).
- B. The proposed time extension for the project approvals, as conditioned, will continue to be consistent with all applicable site, architecture and landscaping design review criteria and guidelines for both the Cross Street Mixed Use (CSMU) and Second/Third Mixed Use West (2/3MUW) Districts in which the site is located, as identified in the original findings for the project merits (Planning Commission Resolution 16-09).
- C. The proposed time extension for the project approvals, as conditioned, will continue to minimize adverse environmental impacts, as concluded by the FEIR for the project and as identified in the original findings for the project merits (Planning Commission Resolution 16-09).
- D. The proposed time extension for the project approvals, as conditioned, will continue to not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject site, as concluded by the FEIR for the project and as identified in the original findings for the project merits (Planning Commission Resolution 16-09).

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Staff also finds the proposed time extension, which does not propose changes in the project since minor miscellaneous design modifications were approved by ED17-091, will continue to be in accordance the original findings in the certified FEIR (Planning Commission Resolution 16-07) and in the Statement of Overriding Considerations and the approved MMRP (Planning Commission Resolution 16-08) for the project. The significant unavoidable environmental impacts of the project are the loss of historic resources (Cultural Resources) and design sensitivity to the surrounding historic context (Aesthetics). The proposed time extension will continue to result in the removal of historic resources which require adopting a Statement of Overriding Considerations. The proposed time extension will continue to propose building projections (upper-story bay window, eave, decks and ground-floor canopy) over the sidewalk/public ROW which require approval of a MMRP to reduce the adverse impact to a less-than-significant level.

CONDITIONS OF APPROVAL – Use Permit UP18-010:

Community Development Department, Planning Division

1. This Use Permit approves development of 41 residential ‘rental’ units or apartments above 2,470 sq. ft. of ground-floor commercial space and 48 garage parking spaces, which shall comply at all times with the adopted performance standards for residential uses in commercial districts (currently Section 14.17.100 of the San Rafael Municipal Code or SRMC).
2. This Use Permit does not allow the subsequent conversion of the approved residential ‘rental’ units or apartments without a separate Tentative Map application submittal to the Community Development Department, Planning Division, in compliance with Subdivision Ordinance (currently Sections 15.02.02 - .04 of the SRMC), and review and approval by the Planning Commission. It is strongly recommended that Tentative Map approval be obtained prior Building Permit issuance for the project. A Tentative Map application shall also require submittal to amend this Use Permit and the Environmental and Design Review Permit Amendment (ED18-020) for the project.
3. This Use Permit includes a “Parking Modification” to not require an off-street loading/unloading space within the understory garage, which was reviewed and supported by the City Engineer.
4. This Use Permit shall supersede all previous Use Permit approvals on the site.
5. This Use Permit shall run with the land and shall remain valid regardless of any change-of ownership of the project site, subject to these conditions, provided that a grading permit or building permit is issued by the City and work commenced or a time extension request is submitted to the City’s Community Development Department, Planning Division, **within two (2) years** of the original approval, or until **May 10, 2020**. Failure to obtain a grading permit or building permit or submit a time extension request by the specified date will result in the expiration of this Use Permit.

CONDITIONS OF APPROVAL – Environmental and Design Review Permit ED18-020:

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their May 10, 2016 hearing and subsequently amended by staff on March 14, 2018, and on file with the Community Development Department, Planning Division,

shall be the same as required for issuance of all building and grading permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.

2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves the demolition of two residential and one commercial structures and the construction of new, four-story mixed-use building with 41 residential 'rental' units or apartments above 2,470 sq. ft. of ground-floor commercial space and 47 garage parking spaces, 12 of which are tandem parking spaces.
4. The landscape plans shall include replacement of the existing Canary Island Date Palm, located within the 12'-wide sanitary sewer/right-of-way, located immediately north of the property. This replacement Canary Island Date Palm shall be a minimum 36-48"-diameter container size at planting.
5. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
6. All grading and construction activities shall be limited to 8 a.m. to 6 p.m., Monday through Friday. Low-noise construction, occurring entirely within the interior of the building, may be permissible beyond these approved days/hours of operation with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved, Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.
7. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
8. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
9. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.

10. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
11. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass (MM CULT-2)
12. If human remains are encountered (or suspended) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff. (MM CULT-3)
13. The project shall implement the City of San Rafael Noise Ordinance construction noise requirements to minimize noise impacts during construction. Construction noise related to demolition and grading work done within 15 feet of the west property line could exceed the Ordinance requirements. Neighbors shall be informed before any construction activities and any input they have on construction scheduling shall be incorporated to the extent feasible, and the work should be conducted as quickly as possible to minimize exposure time. (MM NOISE-2)
14. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a building/grading permit is issued and construction commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **May 10, 2020**. Failure to obtain a building permit or grading permit and construction or grading activities commenced, or failure to obtain a time extension within the two-year period will result in the expiration of this Environmental and Design Review Permit
15. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP18-010) approval. If the Environmental and Design Review Permit expires, Use Permit approval shall also expire and become invalid.
16. The Planning Commission has expressed their preference that, in lieu of demolition of the two Victorian-era historic structures, the structures be saved and moved to another off-site location. Although this would not be a mitigation measure, it is still the preference of the Commission. The applicant shall actively pursue all possible opportunities to save and find an alternate location for the two structures. If an alternate site or location is not found at the time of issuance of a building permit, then demolition is acceptable.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

17. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, dust control program, a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code) as modified by Condition #5 (ED18-020) above which limits the days and hours of all grading and construction activities, a statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on B and 2nd and 3rd Streets shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
18. A Lighting Plan/Photometric study shall be submitted for review and approval with the Building Permit plans and provide the following illumination levels: a) A minimum of one (1) foot candle at ground level overlap at all exterior doorways and throughout the vehicle parking area; b) A minimum of one-half (1/2) foot candle at ground level overlap on all outdoor pedestrian walkways and common areas; and c) A maximum one (1) foot candle at ground level overlap at all property lines.
19. The project shall be revised to incorporate building elements that relate the new building to its historic context through the use of projecting bays, usable building balconies, deep eave overhangs, a substantial element at the building corner at 2nd and B Street, and canopies at the ground floor that extend over the sidewalk. Submit for review and approval by Design Review Board prior to issuance of a Building Permit and revocable licensing agreement, or an alternative method to allow private encroachments to project over the sidewalk or right-of-way (ROW). (MM AES-1)
20. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval, prior to issuance of a grading permit. (MM AIR-1)
21. The project sponsor, or its successor, shall document the two historic buildings at the subject property. Documentation shall include a narrative, which may consist of the Historic Resource Report, and archivally-stable black and white photographs documenting the building exterior and interiors as they exist today, and the building's general setting. It is not necessary to photograph the property to HABS standards, as the integrity of the property does not warrant this level of documentation. This documentation will be produced and submitted to the California Room of the Marin County Free Library, and the Marin History Museum. Photographic negatives should be retained by the City of San Rafael. Costs associated with CULT-1A are expected to be no greater than \$5,000. (MM CULT-1A)
22. The project sponsor, or its successor, shall update the *San Rafael Historical/Architectural Survey; Final Inventory List of Structures and Areas* (September 1986) with a focus on the San Rafael

Original Townsite area by performing a reconnaissance level survey of an approximately 16-block area. Cost to be approximately \$16,000. Create a historic context and evaluate the area in the immediate vicinity of 2nd and B Street (boundaries to be determined by the survey; a minimum of a four-block area) for a potential historic district. Costs to be approximately \$28,000. **(MM CULT-1B)**

23. The project sponsor, or its successor, shall develop an interpretive panel, to be installed at one of the corners at 2nd and B Street, preferably the southeast corner, that depicts historic photos of the area, including historic buildings and the train track, a map of the resources, and provides information about the historic buildings and streetscape in the area. Costs associated with CULT-1C are expected to be approximately \$20,000. **(MM CULT-1C)**
24. The project sponsor, or its successor, shall provide a duplicate of the photographs and information to be used in the on-street interpretation of the 2nd and B Street area to be mounted in a prominent location, such as the lobby, of the proposed building. Costs associated with CULT-1D are expected to be no greater than \$5,000. **(MM CULT-1D)**
25. The project sponsor, or its successor, shall work with the Marin History Museum or an equivalent historical society or organization, to develop programming that commemorates the history of the 2nd and B Street area, including the railroad station, to be presented as a lecture, exhibit, online video, or similar public presentation. Costs associated with CULT-1E are anticipated to be no greater than \$5,000, assuming some volunteer time on the part of the partnering organization. **(MM CULT-1E)**
26. The project shall reduce the potential exposure by the public to hazardous materials such as asbestos or lead during proposed demolition activities, by preparing a hazardous material remediation plan. Submit the plan to the City of San Rafael Community Development Department for review and approval prior to issuance of a demolition permit. **(MM HAZ-1)**
27. The project shall mitigate operational noise by incorporating sound-rated OITC24 windows along and near the 2nd Street façade and standard double-paned windows at all other facades into the construction drawings. Further, all habitable rooms with exterior noise exposures greater than 60 Ldn will require alternative ventilation per Title 24. A post-construction Acoustical Analysis, by a qualified Acoustic Engineer, shall confirm that the project complies with maximum interior noise exposure limits of 45 Ldn and shall be submitted to the Community Development Department. **(MM NOISE-1)**
28. The project shall comply with the City's affordable housing requirement with State Density Bonus (currently Section 14.16.030 of the SRMC) by providing a minimum of six (6) affordable housing units, four (4) units at the very low-income household level and two (2) units at the low-income household level. The project sponsor is required to enter into a BMR (below market rate) agreement with Marin Housing Authority, deed-restricting the income level for occupancy of the affordable units, and obtain City Council approval of the BMR agreement. The configuration of the BMR units shall reflect the generally configuration of the project by providing four (4) 2-bedroom BMR units and two (2) 1-bedroom BMR units. These BMR units shall be spread out evenly throughout the project. The BMR units shall be comparable in size, finishes and unit mixture to the market rate units.

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Public Works Department

29. A grading permit is required for the project from the Public Works Department (111 Morphew St.). The grading permit submittal shall include a site-specific erosion and sediment control plan.
30. The project sponsor shall obtain an encroachment permit with a revocable licensing agreement for the portions of the building that overhang and encroach into the sidewalk/public right-of-way (ROW).
31. The encroachment/projections over the right of way shall be similar in depth to those existing on other properties on the B St frontage.
32. The proposed gate across the driveway entrance to the garage shall pushed out toward the street and the gate shall be set back no closer than 5 feet from the property line. The gate design shall include remote activation. The applicant shall also install any visual detection devices deemed appropriate by the Department of Public Works to provide pedestrian and vehicular safety at the entrance/exit, including, but not limited to, installing signs at the driveway exit alerting drivers to look for pedestrians on the sidewalk and installing a one-way sign on the east side of B Street, directly across from the driveway.
33. The driveway width of the entry to the garage shall be no smaller than 24 feet.
34. The project will require the relocation of an existing utility box to the 2nd Street ROW. The project sponsor shall explore alternatives to not impacting the vehicle traffic along 2nd St in any way
35. Provide precise details related to how the adjacent properties will be stabilized during the construction of the project walls and garage.
36. The project shall pay a traffic mitigation fee of \$131,626 for 31 additional peak hour (16 a.m. and 15 p.m.) traffic trips (31 x \$4,246). (MM TRANS-1)
37. Provide updated civil plans with details, such as drainage, easements and utilities, for review.
38. The updated drainage plan shall show all roof drains and drainage systems and how they connect with the City storm drainage system. Provide details on the dimensions of the bioretention areas.
39. Provide a drainage easement across the property to account for the adjacent property's drainage system, which appears to cross the project site, or provide improvements to the existing drainage with a storm water maintenance agreement with the adjacent property owner.
40. The project proposes over 5,000 sq. ft. of impervious surface and is a regulated project under MCSTOPPP requirements. Provide a storm water control plan, which includes a written narrative in addition to the erosion control plan shown in the plans. More specific information is available from MCSTOPPP, on the Marin County website. See tools and guidance, and post construction requirements at <http://marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>
41. Provide updated landscape plans, with street tree details, for review. The two existing flowering pear trees, along the B Street frontage, shall remain. The existing flowering plum tree, located closest to the B Street intersection with 2nd Street, shall be removed due to conflict with existing

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ROW improvements and relocated closer to the other existing flowering plum trees along B Street.

42. Provide topography based on NAVD 1988 Datum. The site is currently located in Zone X, but within close proximity to Zone AH with a base flood elevation of 12'. Therefore, the Public Works Department strongly recommend that floodproofing be provided to above the nearby base flood elevation.
43. Accessible curb ramps shall be required at the four corners of the intersection of 2nd and B Street.
44. The applicant shall coordinate with the Public Works Department to install conduit along both sidewalk frontages to facilitate improvements to the City's traffic signal system.
45. The project is proposed as an apartment building. However, if subdivision is pursued to create condominium units, additional frontage and infrastructure improvements may be required, including but not limited to, installation of a storm drainage system to connect to existing facilities and full-width street repaving of non-moratorium streets.

Community Development Department, Building Division

46. 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 and proof of payment shall be submitted to the Building Division prior to issuance of the building permit.
47. The design and construction of all site alterations shall comply with the 2016 California Residential Code, 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2016 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of San Rafael Ordinances and Amendments, or the codes that are in effect at the time of building permit submittal.
48. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
 - a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Fire sprinkle/standpipe system plans (Deferred submittal to the Fire Prevention Bureau)
 - g) Fire Alarm system plans (Deferred submittal to the Fire Prevention Bureau)
 - h) Fire Underground plan ((Deferred submittal to the Fire Prevention Bureau)
 - i) Site/civil plans (clearly identifying grade plan and height of the building)
 - j) Structural Calculations
 - k) Truss Calculations
 - l) Soils reports
 - m) Green Building documentation
 - n) Title-24 energy documentation

49. In mixed occupancies each portion of the building shall be individually classified, construction type and square footage of each building shall be specified on the plans in addition to justification

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calculations for the allowable area of each occupancy. Building areas are limited by CBC Table 503. On the plan justify the proposed building area.

50. The project will be required to meet the Tier 1 requirements of the 2016 CalGreen Code.
51. Site/civil plans prepared by a California licensed surveyor or engineer clearly must show topography and identify grade plane and height of the building. The building height must comply with CBC Section 504 and Table 503. On the plan, justify the proposed building height.
52. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected
 - 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
 - 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property.
53. Each building shall 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. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background.
54. The address for this proposed building, as determined by the Chief Building Official, is 815 B Street for the primary building. Each page of the plan's title block and all permit application documents must correctly show this address identification information. The Chief Building Official may assign a separate address for the commercial/retain space at a later date.
55. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
56. School fees will be required for the project. School fees for residential construction are currently computed at \$3.72 per square foot of new living area, Commercial space is computed at \$0.71 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
57. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This

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information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place

58. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated, redesigned to fall within property line boundaries.
59. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4.
60. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
61. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
62. Each commercial space shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities may be required for each sex depending on use.
63. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
64. All buildings with four (4) or more floors and one or more elevators shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" x 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
65. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation.
66. The proposed residential units shall meet the sound attenuation requirements of CBC Chapter 12. In particular, the residential units facing both B and 2nd Streets will likely require special glazing and/or sound attenuation features to compensate for the adjacent traffic/street noise.
67. Multistory apartment with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the access requirements per CBC 1102A.3.
68. Multifamily dwelling and apartment 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%.
69. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5% of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses,

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recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.

- 70. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off-load area or 17'-wide overall. Additionally, one in every eight required handicap spaces shall be van accessible.
- 71. The project, once completed, appears to create an exiting issue for the adjoining property to the north (821-823 B Street). Both the upper-floor residential unit and the ground-floor commercial/retail space may be affected as they will lose the path of travel from the rear courtyard to the public right-of-way (ROW) which may be a required exit. Although we recognize that this is not the responsibility of this applicant, the matter will have to be addressed prior to issuance of the building permit for this project.

San Rafael Sanitation District

72. The District has estimated the payment of sewer connection fees of \$378,849.99 for this proposed project, effective at the time of original approval. These fees are due before the issuance of the Building Permit and will be revised to reflect the updated sewer fee connections effective from July 1, 2017 to June 30, 2018. These multi-dwelling fees are the same for either condominium dwelling units or apartment dwelling units. Credit for the existing fixtures has not been estimated. In order for the applicant to request credit for the existing fixtures on the buildings that will be demolished; applicant must submit a full inventory of the existing facilities accompanied by pictures to request any adjustment of these estimated fees. The calculated breakdown of the sewer connection fees was based on the following:

- Sewer connection fees for the 41 residential units: 41x \$8,980.18=\$368,187.38
- Connection fees for the new commercial unit on the first floor:

Description	No. of Fixtures	Drainage Fixture Unit	Total Fixtures Units
Lower Level Retail			
Water Closet	2	4.0	8.0
Lavatories	2	1.0	2.0
Floor Drains	3	2.0	6.0
Floor Sink (at Storage)	1	2.0	2.0
Total			18
SRSD Connection Fees=\$207.10x18=\$3,727.8			
CMSA Connection Fees=\$354.09x18=\$6,373.62			
Total Connection Fees (Retail Area)=\$10,101.42			

Estimated Total Sewer Connection Fees=\$378,288.80.

73. Reference Sheet C3 - Utility Plan:

- a) Applicant is proposing to tap into an existing 4-ft sanitary sewer manhole on 2nd Street with an 8-inch sewer lateral. The District will require that applicant upsize this manhole to a 5-

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foot diameter sewer manhole and costs for this upgrade will have to be paid by owner of the project.

- b) Applicant is also proposing to reuse the existing sewer lateral on B Street from the original 809 B Street building that is going to be demolished. The District is requiring that this existing sewer lateral be upsized to a 6" PVC sewer line lateral and that a new 4-foot Manhole is installed at the connection to the existing sewer main on B Street.
- c) The existing sewer line at B Street is a 6" VCP pipe and the District will require that the portion downstream to the new sewer lateral tap to the sewer connection at the Manhole at 2nd Street be upsized to at least an 8" PVC sewer line. Applicant must also submit to the District the calculations of the total sewer flow that will be generated by the 41 units and the two retail units, so we can further analyze the capacity of the existing sewer lines.
- d) Applicant must show the sewer lateral details in the plan and profile, and include pipe information (pipe type, pipe size, inverts and slope).

San Rafael Fire Department, Fire Prevention Bureau

- 74. The design and construction of all site alterations shall comply with the 2016 California Fire Code and City of San Rafael Ordinances and Amendments, or the codes that are in effect at the time of building permit submittal.
- 75. A fire alarm system will be required for this building. Separate application by the fire alarm contractor is required.
- 76. A combined fire sprinkler/standpipe system will be required throughout the building. Separate application by a C-16 contractor is required.
- 77. A recessed Knox box model 3200 series keyed entry system is required at the main entrance door.
- 78. A Knox key gate control will be required for this project, show the location of the key gate control on the revised plans. Install a Knox key gate control unit on the gate for the parking garage.
- 79. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
- 80. The minimum unobstructed width for an aerial fire apparatus access road is 26'.
- 81. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
- 82. Aerial fire apparatus access roads must be designated; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC 503.3.
- 83. A new street fire hydrant will be required. Provide an additional fire hydrant near the main entrance of the parking garage on B St. The fire hydrant shall be a wet barrel Clow model 960

84. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
- a) Designated fire apparatus access roads.
 - b) Red curbs and no parking fire lane signs.
 - c) Onsite fire hydrants.
 - d) Fire Department Connection (FDC).
 - e) Double detector check valve.
 - f) Street address sign.
 - g) Recessed Knox Box
 - h) Fire Alarm annunciator panel.
 - i) Note the designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
85. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Marin Municipal Water District

86. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:
- a) Pay the appropriate fees and charges.
 - b) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
 - c) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
 - d) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to Dewey Sorensen at (415) 945-1558.
 - e) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

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

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88. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.
89. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Community Development Department, Planning Division

90. The project shall implement the City of San Rafael Noise Ordinance construction noise requirements to minimize noise impacts during construction. Construction noise related to demolition and grading work done within 15 feet of the west property line could exceed the Ordinance requirements. Neighbors shall be informed before any construction activities and any input they have on construction scheduling shall be incorporated to the extent feasible, and the work should be conducted as quickly as possible to minimize exposure time. (MM NOISE-2)
91. The project shall minimize the potential noise impact on adjacent residences when the existing structures on the project site are demolished and when site preparation work is done, through implementation of the following measures: a) The contractors shall provide heavy machinery and pneumatic tools equipped with mufflers and other sound suppression technologies; b) The contractors shall shut down equipment expected to idle more than 5 minutes; and c) The name and telephone number of the Construction Project Manager responsible person to contact shall be posted at the site throughout construction activities. (MM NOISE-3)

Prior to Occupancy

Community Development Department, Planning Division

92. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
93. All landscaping and irrigation shall be installed prior to occupancy. In the alternative, the applicant or property owner shall post a bond with the City in the amount of the estimated landscaping/irrigation installed cost. In the event that a bond is posted, all areas proposed for landscaping shall be covered with bark or a substitute material approved by the Planning Division prior to occupancy. Deferred landscaping through a bond shall not exceed 3 months past occupancy.
94. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
95. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
96. All trash enclosures shall be screened by a combination of fencing with privacy slats and landscaping.

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Public Works Department

- 97. The project shall install signs at the driveway exit to alert drivers to look for pedestrians on the sidewalk.
- 98. The project shall install a 'One-Way' sign on the east side of B Street, directly across from the new driveway.

After Occupancy

Community Development Department, Planning Division

- 99. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.
- 100. The 12 tandem parking spaces approved with the project shall be reserved for, and used exclusively by, tenants of the 2-bedroom/2-bathroom units. The project shall install signage and include language in rental agreements with tenants restricting the use of these tandem parking spaces for tenants of the 2-bedroom/2-bathroom units.

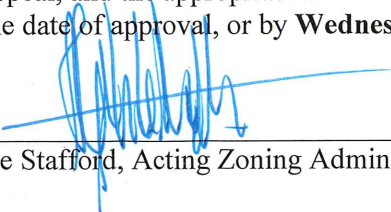
CONDITIONS OF APPROVAL – Lot Line Consolidation LLA18-002:

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

- 1. The applicant shall submit five (5) copies of the plat map showing the existing and proposed lot lines, the location of any existing structures, easements, prominent trees and access to all public streets, and a copy of Grant Deed, prepared for the lot line consolidation, for review by the City Engineer and approval.

Any aggrieved party may appeal this decision by submitting a letter of appeal, identifying the specific points of appeal, and the appropriate fees to the Community Development Department within five (5)-working days of the date of approval, or by **Wednesday, May 2, 2018 at 5:00 p.m.**



Steve Stafford, Acting Zoning Administrator

APRIL 25, 2018

Date