

RESOLUTION NO. 14587

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING A MASTER USE PERMIT (UP17-005), ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED17-011), AND A SIGN PROGRAM AMENDMENT (SP17-002) TO ALLOW THE CONVERSION OF AN EXISTING OFFICE BUILDING TO MEDICAL OFFICE USES AND CONSTRUCTION OF A NEW 433-SPACE PARKING STRUCTURE ON THE WESTERN PARCEL OF 1650 LOS GAMOS DRIVE FOR THE KAISER PERMANENTE MEDICAL OFFICE BUILDING PROJECT AT 1650 LOS GAMOS DR (APNs: 165-220-12 & 165-220-13)

WHEREAS, on February 21, 2017, Kaiser Foundation Health Plan (Kaiser or Kaiser Permanente) submitted planning permit applications to the City of San Rafael Community Development Department proposing the conversion of an approximately 148,000-square-foot office building to medical office uses and the construction of a 511-space parking structure (Project) on the western parcel of a 11.2-acre property at 1650 Los Gamos Drive; and

WHEREAS, applications for a Master Use Permit (UP17-005), Environmental and Design Review Permit (ED17-001), and a Sign Program Amendment (SP17-002) were filed concurrent with an application requesting a Planned Development Rezoning (ZC17-001) for the development and operation of the Project; and

WHEREAS, upon review of the subject applications, an Initial Study was prepared on June 9, 2017, consistent with the requirements of the City of San Rafael Environmental Assessment Procedures Manual and the California Environmental Quality Act (CEQA), finding that there could be potentially significant impacts to the following issues: Air Quality, Greenhouse Gas Emissions, Land Use, Noise, Transportation and Circulation, and Project Alternatives; and;

WHEREAS, on June 27, 2017, the Planning Commission (Commission) held an appropriately noticed public scoping hearing on the Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) to assess the impacts of the Project. The Planning Commission directed staff to prepare an EIR for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) to address the following issues, Aesthetics, Air Quality, Greenhouse Gas Emissions, Land Use and Planning, Noise, Traffic and Transportation, and Project Alternatives, as per the Initial Study previously prepared for the Project; and

WHEREAS, on September 6, 2017, the City of San Rafael Design Review Board (DRB) conducted a duly-noticed public meeting and conducted a Conceptual Review of the conceptual plans submitted for the Project. The DRB generally expressed support for the proposed parking structure design but requested modifications to the façade to hide the “parking garage” look and requested that the structure be set back from the road. The Board provided the following specific recommendations on their concept review of the Project:

- 1) Balance the excavation better by ‘stepping back’ the upper floors.
- 2) Increase the building setback and provide more landscaping along the frontage.
- 3) Eliminate or reduce the ‘open’ design of the structure.
- 4) Shade structures or solar canopies on the top floor would be appropriate and should be evaluated.
- 5) Consider lowering the 1st floor finish grade to provide direct access from the elevator/staircase to the crosswalk at the south elevation.
- 6) Improvements to the existing crosswalk at the south elevation are necessary for safety.

- 7) Appropriateness of the location of the vehicle entrance/exit is best determined by the traffic study though the project should continue to separate the pedestrian entrance/exit from the vehicle entrance/exit.
- 8) The formal Project submittal shall include a comprehensive photometric study and security plan details; and

WHEREAS, on April 13, 2018, Kaiser Permanente resubmitted a revised parking structure design proposing construction of a 473-space, three-level, plus upper ramp, parking structure at the same location as originally proposed; and

WHEREAS, the DEIR was completed, a Notice of Completion (NOC) was filed and the DEIR was made available and circulated for a 45-day public comment period, beginning on March 8, 2018 and closing on April 23, 2018; and

WHEREAS, on April 24, 2018, the Planning Commission held a duly-noticed public hearing to accept comments on the DEIR and directed staff to prepare a Final Environmental Impact Report (FEIR); and

WHEREAS, on May 22, 2018, the DRB conducted a duly-noticed public meeting and reviewed the design of the formal applications. The Board reviewed the Project and voted unanimously (5-0, with Commissioner Spielman absent and Alternate Member Blaney as a voting member) to continue the matter to date uncertain, subject to the following consensus recommendations:

- 1) Submittal needs to include details for both the proposed Sign Program Amendment and the change in use from general office to medical office.
- 2) Submittal needs to include a summary of Board's comments and identify how the design revisions respond to each comment.
- 3) Submittals needs to include full-size (24" x 36") plan sets in addition to reduced plan sets.
- 4) Plans shall show greater details and dimensions throughout, particularly in the cross-sections.
- 5) Project needs greater sensitivity to the neighbors located upslope by reducing off-site light and glare from vehicle windshields, solar canopies and the brightness of the parking deck itself. Explore green roofs.
- 6) Project shall reduce the bulk and mass by eliminating the ramp level parking and lowering the structure so that ground level grade is closer to sidewalk grade.
- 7) Project shall add more material shielding along the frontage to reduce or eliminate headlight and, generally, to make it look less like a parking garage.
- 8) Show and provide light standard details. Provide a photometric plan.
- 9) The northeast corner stairwell needs better articulation and the southeast corner stairwell needs less glare expression; and

WHEREAS, on July 2, 2018, based on feedback from the City of San Rafael Design Review Board and community input, Kaiser Permanente resubmitted a revised parking structure design proposing construction of a 433-space, three-level, parking structure at the same location as originally proposed; and

WHEREAS, on July 17, 2018, the DRB conducted a duly-noticed public meeting and reviewed the revised plans in response to its May 22, 2018 comments and found that the revisions had adequately addressed prior comments and unanimously voted (5-0 with Commissioner Paul absent and Alternate Member Blaney filling in as a voting member) to recommend approval of the project design to the Planning Commission; and

WHEREAS, the FEIR was prepared and released for public review on August 10, 2018; and

WHEREAS, in considering the PD Rezoning, Master Use Permit, Environmental and Design Review Permit and Sign Program Amendment applications, the City Council has reviewed and considered the FEIR and all applicable mitigation measures therein. The FEIR concludes that the Project will result in significant and unavoidable adverse environmental traffic impacts to the Los Gamos Drive / Lucas Valley Road and Las Gallinas Drive / Lucas Valley Road intersections. Although these impacts could be mitigated to less-than-significant levels through the implementation of identified mitigation measures, the intersections are outside of the City's jurisdiction and require authorization and permits by the County of Marin and the California Department of Transportation (CALTRANS). As such, since the City cannot legally implement mitigation measures outside of its jurisdiction, the impacts are identified in the FEIR as significant and unavoidable. The FEIR also identifies Alternative 4: "Applicant-Implemented Traffic Improvements" as the Environmentally Superior Alternative and concludes that it would eliminate significant and unavoidable impacts to the Los Gamos Drive / Lucas Valley Road intersection. The City Council has weighed the Project benefits against the unavoidable, adverse environmental effects. By separate resolution, consistent with CEQA Guidelines Section 15063 and consistent with San Rafael *General Plan 2020* Circulation Element Policy C-6 (Proposed Improvements), the City Council adopted a Statement of Overriding Considerations, which supports approval of the Project and the accompanying planning applications. This separate Resolution also approves a Mitigation Monitoring and Reporting Program (MMRP) to ensure that required mitigation measures are incorporated into Project action; and

WHEREAS, on August 10, 2018, a Notice of Public Hearing of the Planning Commission and Notice of Availability for the FEIR/Response to Comments was mailed to interested persons and property owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR. A notice of public hearing and notice of availability was also published in the Marin Independent Journal on Saturday, August 11, 2018; and

WHEREAS, on August 28, 2018, the Planning Commission held a duly-noticed public hearing on the Project, including a PD Rezoning (ZC17-001), Use Permit Amendment (UP17-005), Environmental and Design Review Permit (ED17-011), and Sign Program Amendment (SP17-001), accepting all oral and written public testimony and the written report of the Community Development Department Planning staff and closed said hearing on that date; and

WHEREAS on August 28, 2018, the Planning Commission, through adoption of separation Resolutions, took the following action:

- a) Adopted Resolution No. 18-05 (5-0, 1 absent, I recused), recommending to the City Council certification of the Final EIR for the project;
- b) Adopted Resolution No. 18-06 (5-0, 1 absent, I recused), recommending to the City Council adoption of the Statement of Overriding Considerations and approval of the Mitigation Monitoring and Reporting Plan (MMRP);
- c) Adopted Resolution No. 18-07 (5-0, 1 absent, I recused), recommending to the City Council adoption of the Planned Development (PD) Zone Change for 1650 Los Gamos Dr. to sever the property from the existing PD 1590 District and create a new PD for the proposed medical office use;
- d) Adopted Resolution No. 18-08 (5-0, 1 absent, I recused), recommending to the City Council adoption of the Planned Development (PD) Zone Change for modify PD 1590 for the 1600 Los Gamos Dr site to remove references to 1650 Los Gamos Dr;
- e) Adopted Resolution No. 18-09 (5-0, 1 absent, I recused), recommending to the City Council approval of the Environmental and Design Review Permit, Master Use Permit and Sign Program amendment; and

WHEREAS, on August 31, 2018, a Public Notice for the City Council hearing, which includes the Notice of Availability the FEIR/Response to Comments, was mailed to interested persons and property owners and occupants within 500 feet of the property and to all responsible, trustee and other public agencies that commented on the DEIR, informing them of the City Council hearing for final action. A notice of availability was also published in the Marin Independent Journal on Saturday, September 1, 2018; and

WHEREAS, on September 17, 2018, the City Council held a duly noticed public hearing to review the proposed amendment to the Kaiser Permanente 1650 Los Gamos Drive Medical Office Building Project and considered all oral and written public testimony and the written report of the Community Development Department; and

WHEREAS, on September 17, 2018: a) by separate resolutions (2), the City Council certified the FEIR, adopted CEQA findings of fact, adopted a statement of overriding consideration and approved the Mitigation Monitoring and Reporting Program (MMRP); and b) introduced an ordinance to rezoning the property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael hereby approves the Use Permit Amendment (UP17-005), Environmental and Design Review Permit (ED17-011), and Sign Program Amendment (SP17-001) based on the following findings:

**Findings for Master Use Permit
(UP17-005)**

In accordance with SRMC 14.22.090. Findings, the following findings are required for approval of an Master Use Permit:

- 1) As proposed and conditioned, the Project's objectives to convert an existing 148,000 square foot office building to medical office uses and the construction of a 433-space, three level parking structure, is in accord with the San Rafael *General Plan 2020*, the objectives of the Zoning Ordinance, and the purposes of the zoning district in which the Project site is located. Detailed discussion of the Project's consistency with the applicable General Plan policies is provided in detail in matrix format in the attached General Plan Consistency Analysis Table (Exhibit 3).

The discussion demonstrates that the Project is generally consistent with the applicable General Plan Policies:

- a) As proposed, the Project's land uses are consistent with' Land Use Element Policies LU-23 (Land Use Map and Categories), LU-10 (Planned Development), LU-9 (Intensity of Nonresidential Development), LU-14 (Land Use Compatibility) in that:
 - 1) Medical office uses are an allowable use in the Office General Plan Land use designation in which the Project site is located;
 - 2) Although the medical office uses are allowable under the Office General Plan land use designation, the current Planned Development zoning for the site (PD1590) does not allow for medical office use and a PD Rezoning is proposed for the site

- to accommodate medical office uses consistent with the General Plan land use designation;
- 3) The existing office building would be reused for the medical office use and as currently development, the building complies with the intensity of non-residential development standards (FAR); and
 - 4) The reuse of the existing building as medical office use would be compatible with the types of land uses found in the vicinity and typically allowed in the Office General Plan land use designation.
- b) As proposed and conditioned, the Project's land uses would be consistent and not in conflict with Circulation Element Policies C-5 (Traffic Level of Service Standards) C-6 (Proposed Improvements), C-7 (Circulation Improvements Funding) and C-12 (Transportation Demand Management) in that:
- 1) The increase in traffic estimated for the change in use would impact and change level of service conditions at local intersections and would warrant new transportation improvements that have been identified in the Kaiser Permanente 1650 Los Gamos Drive Medical Office Building Project Final EIR, as well as included in the "Applicant-Implemented Traffic Improvements Alternative" that will be adopted for this Project. The transportation improvements include the signalization of Lucas Valley Rd/Los Gamos Dr, which is an identified improvement per *General Plan 2020* Circulation Policy C-6;
 - 2) The medical office use component would be subject to the adopted citywide traffic mitigation fees, which would be used to fund long-term transportation improvements to maintain Level of Service (LOS) standards as identified in Circulation Policy C-6 and the payment of the mitigation fees will fund citywide improvements consistent with Circulation Policy C-7. The payment of fees would be in addition to installing the required signalized intersection at Lucas Valley Rd/Los Gamos Dr.; and
 - 3) The Project is conditioned to require the preparation and submittal of a Transportation Demand Management (TDM) plan that would implement transportation demand measures such as encouraging employees, through incentives to carpool and use public transit and other alternative means of transport.
- c) The Final Environmental Impact Report (FEIR) certified by the City Council for this Project through a separate Resolution, identifies that the additional traffic from the Project triggers the need to signalize the currently unsignalized intersection of Los Gamos Drive and Lucas Valley Road (per Circulation C-6). Once signalized, the intersection would operate at acceptable Levels of Service (LOS) as identified Circulation Policy C-5.
- d) As proposed, the Project's land uses would be consistent with Neighborhood Element Policies NH-7 (Neighborhood Identity and Landmarks), NH-8 (Parking), NH-136 (Design Excellence), NH-138 (Industrial Uses and Design Improvement) in that it would: facilitate additional employment and future economic success in the North San Rafael area; allow compatible land uses that would fill current and long-term projected vacancies in general office space; and provide required amount of parking required for the proposed medical office use; and .
- e) As proposed, the Project's land uses would be consistent with the Community Design Element Policy CD-21 (parking lot landscaping) in that the uses proposed will have an

approved landscaping plan and parking structure design that will provide shade cover and adequate screening of vehicles within parking lot areas.

- f) As proposed, the Project's land uses would be consistent with the Economic Vitality Element Policy EV-1 (Economic Health and Quality of Life) and EV-2 (Seek, Retain and Promote Businesses that Enhance San Rafael) in that:
 - 1) The reuse of the general office building with a medical office use would improve access to healthcare for San Rafael and Marin County residents;
 - 2) The proposed use would ensure that one of the largest employers in San Rafael would continue to provide jobs and access to health services in a location close to freeway access; and
 - 3) Allow a large healthcare business to remain in San Rafael and continue to serve the City and county at large.
- g) As proposed, the Project's land uses would be consistent with newly adopted Sustainability Element Policies SU-1 (Land Use) and SU-2 (Promote Alternative Transportation), and the adopted Climate Change Action Plan in that: the uses are proposed within an existing and approved development office park that is close to public transit (both bus stop on Highway 101 and SMART rail station at Civic Center). Relocating the Kaiser medical offices from their current undersized location at 99 Monticello Rd would shift current neighborhood traffic using the Monticello Rd facility to a location closer to the freeway, thus potentially reducing impacts on local circulation networks.
- h) As proposed, the Project's land uses would be consistent with the Conservation Element Policy CON-6 (setbacks) in that: the proposed new parking structure and intersection improvements at Lucas Valley Rd/Los Gamos Dr would be located outside the 25' top-of-bank setback from the intermittent tributary to Gallinas Creek northwest of the Project site.
- i) The approval of the Project's land uses would be consistent with the PD-1590 District, as amended by adoption of the PD Rezoning (ZC17-001), which would permit medical office land use in this District.

The FEIR has concluded that impacts to Transpiration and Circulation are significant and unavoidable for which there is mitigation; however, although all of these impacts could be mitigated to less-than-significant levels through the implementation of identified mitigation measures, the intersections are outside of the City's jurisdiction and require authorization and permits by the County of Marin and the California Department of Transportation (CALTRANS). As such, since the City cannot legally implement mitigation measures outside of its jurisdiction, the impacts are identified in the FEIR as significant and unavoidable. Nevertheless, it is noted that Public Resources Code section 21082.2(e) provides that statements in an EIR are not determinative of whether a project may have a significant effect on the environment. Further, the San Rafael *General Plan 2020* includes flexibility in determining project consistency. Specifically, Policy C-5c provides that "in order to balance the City's objectives to provide affordable housing, maintain a vital economy and provide desired community services with the need to manage traffic congestion, projects that would exceed the level of service standards set forth above may be approved if the City Council finds that the benefits of the project to the community outweigh the resulting traffic impacts." Accordingly, the Project's benefits have been evaluated by weighing the goals and policies of all elements, including, but not limited to: the Land Use Element, Circulation Element, Conservation Element, Economic Vitality and Safety Elements. Due to the Project's benefits, the City Council has

found and determined that the Project's benefits outweigh potential impacts. Accordingly, the Project is considered consistent with the San Rafael *General Plan 2020*.

2. That the Project's proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City in that:
 - a) A FEIR has been prepared and certified for the Project pursuant to the provisions of the California Environmental Quality Act (CEQA), which finds that all potentially significant project impacts related to health and safety can be adequately mitigated to a less-than-significant level with the implemented mitigation measures outlined in the approved Mitigation Monitoring and Reporting Program (MMRP), for which compliance is required by conditions of this approval.
 - b) A Statement of Overriding Considerations has been prepared and adopted by separate Resolution to address impacts that could not be mitigated to less than significant levels. The Statement of Overriding Consideration concludes that the Project would not be detrimental to public health, welfare of safety, given the fact that the override only addresses timing of the installation of the improvement, which would be required to be constructed prior to full occupancy of the medical office building.
 - c) Additionally, the Project has been reviewed by Community Development Department, the Department of Public Works, and other appropriate City Departments and conditions have been applied to minimize potential impacts to the public health, safety and welfare.
3. That the proposed use, together with the conditions applicable thereto, would comply with each of the applicable provisions of the amended Planned Development (PD) Zoning District contained in the Zoning Ordinance. Through the adoption of appropriate ordinances by the City Council, the Project site is being rezoned and severed from the current zoning (PD-1590) and a new PD zoning is being established with appropriate development standards and land use regulations with which the Project would be consistent. The Project would also comply with other applicable provisions in the Zoning Ordinance.

Findings for Environmental and Design Review Permit (ED17-011)

In accordance with SRMC 14.25.090. Findings, the following findings are required for approval of an Environmental and Design Review Permit:

1. The Project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the zoning district in which the site is located as noted above. A detailed discussion of the Project's consistency with the applicable General Plan policies is provided in detail in matrix format in the attached General Plan consistency Analysis (Exhibit 3).

Findings for consistency with the General Plan, objectives of the Zoning Ordinance and purposes of the PD District in which the site is located have been made in Use Permit Finding #1 above.

2. The Project will be consistent with the revised PD District proposed for the property, as recommended for adoption by separate Resolution and Ordinance, in that:
 - a. The PD establishes the allowable uses for this site. In the "Office" General Plan land use designation, medical offices are an allowable use and the revised PD would allow medical office uses in addition to the currently allowed general office and ancillary uses. Kaiser Permanente has

applied for a PD amendment to include medical office uses within the existing list of permitted uses.

- b. No expansion or additions are proposed to the existing office building and, therefore, the Project would comply with the FAR, height and setback standards contained in the PD District
 - c. The new parking structure would be built on a current surface parking lot to accommodate the parking requirements contained in the Zoning Ordinance for medical office uses. The proposed structure would comply with the height and setback requirements of the PD District, as amended.
3. The Project complies with the SRMC Chapter 14.18 Parking Standards in terms of parking space dimensions and the number of required parking spaces. 651 parking spaces are required for medical office use, as noted in Chapter 14.18 or the Zoning Ordinance and the PD zoning. The Project provides 676 parking spaces, consistent with the requirement. The parking lot dimensions comply with the standards contained in 14.18.100 of the Zoning Ordinance. Further, the Project proposes solar arrays / shade structures on the roof top level of the proposed parking structure.
 4. The Project complies with the design-related criteria of Chapter 14.25 Environmental and Design Review Permits in that:
 - a. The Project does not interrupt major views of Mt. Tamalpais and surrounding hills;
 - b. The site design provides for good vehicular, bicycle and pedestrian circulation and access;
 - c. The front, north and south side elevations of the parking structure have appropriate level of massing and articulation combined with the types and colors of materials to create interest;
 - d. The main vehicular and pedestrian access between the street and the building entry is oriented toward the building entry, thereby creating a sense of entry;
 - e. The DRB has reviewed the Project and found that the proposed design provides appropriate variation in structure placement and height and ultimately recommended approval of the Project design at its July 17, 2018 meeting. The DRB did provide recommended changes that Kaiser Permanente should consider, including modifying some of the landscaping species proposed and providing additional screening measures to the front of the parking structure to screen view of vehicles;
 - f. The proposed landscaping generally conforms to amount of landscaping required and to the species found on the already developed site; and
 - g. Project architecture with appropriate massing, articulation, building colors and natural materials in earth tone colors with the blue color providing accent to the color palette, is harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The proposed structure is designed to be tucked into the hillside to minimize mass and bulk and the highest point of the new parking structure would be below the height of the existing light standards contained in the existing surface parking lot.
 5. The Project design would not result in potential adverse environmental impacts as documented in the Project's FEIR. A separate Resolution certifying the FEIR has been adopted.
 6. The design of the Project as conditioned below will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the Project site, or to the general welfare of the City of San Rafael in that:
 - a. The Project has been reviewed by appropriate City departments. Conditions of approval recommended by other departments have been applied to minimize potential adverse visual, design, and safety impacts to the Project site and adjacent properties; and

- b. The proposed Planned Development Zoning amendment to add 'medical office uses' to the allowable uses under the revised PD would be consistent with the "Office" General Plan land use designation for this site and medical office uses would be consistent with the PD land uses allowances as adopted by the amended PD zoning.

Findings for Sign Program Amendment (SP17-001)

In accordance with SRMC 14.19.046. Findings, the following findings are required for approval of a Sign Program Amendment Permit:

1. The signs contained in the amended Kaiser Sign program have common design elements placement, colors, architecture, materials, illumination, type, shape, letter size and letter type as the existing Sign Program for the Marin Commons that governs 1600 and 1650 Los Gamos Drive;
2. All of the signs contained in the program are in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the general design standards specified in Section 14.19.054; and
3. The amount and placement of signage contained in the program is in scale with the subject property and improvements, as well as the immediately surrounding area.

BE IT FURTHER RESOLVED, that the City Council approves of a Use Permit (UP17-005), Environmental and Design Review Permit (ED17-011), and Sign Program Amendment (SP17-001) for the Project, subject to the conditions of approval listed below, and

BE IT FURTHER RESOLVED, that the City Council approves the "Applicant-Implemented Traffic Improvement Alternative" evaluated in the Draft EIR and Final EIR prepared and certified for this Project. The Applicant-Implemented Traffic Improvement Alternative entails the Project as proposed but confirms that Kaiser Permanente will voluntarily construct identified traffic and infrastructure improvements at Los Gamos Drive and Lucas Valley Road. This voluntary commitment is above and beyond what is required by the City's General Plan, and the Project's identified fair-share contribution to mitigating traffic impacts. As a result, there would be no required mitigation measure to reduce impact significance related to AM and PM peak hour trips at the Los Gamos Drive and Lucas Valley Road intersection. However, permitting and construction of the intersection would still require multi-agency coordination and entitlement review and approval. This alternative was identified by the EIR to be the environmentally superior alternative.

Master Use Permit (UP17-001) Conditions of Approval

Community Development Department, Planning Division

1. This Use Permit approves 148,000 square feet of medical office uses and 246 surface parking spaces around the building and a 433-space, three level parking structure across Los Gamos Dr, for a total of 679 parking spaces.
2. The Permitted uses approved by this Master Use Permit include the following and these uses do not require any additional Use Permit review:
 - a. *General Office Use*. General Office uses, as defined by San Rafael Municipal Code Title 14 (Zoning), Section 14.03.030, mean "The approved Use Permit allows a use providing administrative, professional or business services."

- b. *Medical Office Use.* Medical Office uses, as defined by San Rafael Municipal Code Title 14 (Zoning), Section 14.03.030, mean “a facility, other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. A medical office use would provide consultation, diagnosis, therapeutic, preventative or corrective treatment services by doctors, dentists, medical and dental laboratories, chiropractors, counselors, physical therapists, respiratory therapists, acupuncturists and psychiatrists, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Medical office uses typically require use of specialized medical equipment and medical training to evaluate, diagnose and administer treatments, medication or therapies which require a prescription (building, including administering oxygen or performing dialysis, and sleep related medical offices, diagnostics facilities); increased support staff needs; multiple patient treatment rooms; and patient waiting areas. Counseling services and other services provided by nonmedical professionals may also be included under ‘offices, general.’”
- c. *Medical services.* Medical services uses, as defined in San Rafael Municipal Code Title 14 (Zoning), Section 14.04.020, mean “medical, dental and health-related services, with sale of articles clearly incidental to the services provided”, including, but not limited to, optometry testing, diagnosis, consultation, fitting and/or sales.
- d. *Professional Office Use.* Professional Office uses, as defined by San Rafael Municipal Code Title 14 (Zoning), Section 14.03.030, mean “an office-type facility occupied by a business providing professional services. Examples of these uses include, but are not limited to, accounting, auditing and bookkeeping services, attorneys, counseling services, court reporting services, detective agencies and similar services, financial management and investment counseling, literary and talent agencies, management and public relations services, psychologists, secretarial, stenographic, word processing and temporary clerical employee services.” Hearing aid sales are also included in this definition as an allowed use.
- e. *Administrative Office Use.* Administrative Office uses, as defined by San Rafael Municipal Code Title 14 (Zoning), Section 14.03.030, mean “office-type facility used for administrative purposes, and/or occupied by a business engaged in the production of intellectual property. Examples of these uses include, but are not limited to, advertising agencies, commercial art and design services, construction contractors (office facilities only), design services including architecture, engineering, landscape architecture, urban planning, educational, scientific and research organizations, media postproduction services, news services, photography studios, and writers’ and artists’ offices.”
- f. *Limited accessory retail sales* include, but are not limited to, optical, hearing device, orthopedic, pharmacy and other medical retail sales, in support and conjunction with the medical office building.
- g. *Uses that promote sustainability.* These may include, but are not exclusive of, solar panels, recycling areas, overnight parking for shuttles, electric vehicle charging stations, and other on-site alternative power generation units.
- h. *Minor food service uses (Café),* primarily serving the office building and immediately surrounding office uses.

- i. The list of enumerated uses is intended to be illustrative, rather than an exhaustive of appropriate uses. Future minor changes or modifications to the above illustrative enumerated uses shall be permitted as determined to be appropriate by the Community Development Director.
3. The Conditionally Permitted uses approved by this Master Use Permit include the following, and these uses require an Administrative Use Permit to review for compatibility and parking:
 - a. *Urgent care facilities.*
 - b. *Accessory/Incidental Uses.* Uses determined to be accessory or incidental to the above-listed permitted land uses shall be permitted, as determined to be appropriate by the Community Development Director. Examples of accessory/incidental uses are child care and other minor uses that enhance and support the office building and its immediately surrounding uses.
4. The following uses are not allowed under the Master Use Permit.
 - a. *Hospital,* including facilities with overnight patient rooms.
 - b. *Emergency Room.*
 - c. Other uses not listed in Sections 1, 2, and 3 above.
5. This Master Use Permit approves construction of a 433-space parking structure located to the west of 1650 Los Gamos Drive (APN 165-220-13), continued use of 204 existing parking surrounding the building at 1650 Los Gamos Drive, and continued use of 42 parking spaces located on 1600 Los Gamos Drive (APN 165-220-12) by way of an existing legal easement held by Kaiser Permanente, totaling up to 679 parking spaces.
6. Prior to final occupancy of the medical office building, the following improvements shall be completed:
 - a. The proposed 433 space parking structure and continued use of 204 existing parking spaces surrounding the building at 1650 Los Gamos Dr. shall be constructed and operational.
 - b. The traffic improvement project at Lucas Valley Rd/Los Gamos Dr (i.e., signalization, widening, restriping, and repaving and signal interconnection) along with the other frontage improvements as shown on the BKF Intersection Improvement Exhibit (July 13, 2018) plan, shall obtain all necessary permits from the City of San Rafael, the County of Marin and Caltrans, and the improvements shall be constructed, finalized, and signed off by all permitting agencies and the new signalized intersection and frontage improvements shall be operational.

Should the improvements listed above in Use Permit condition #'s 6a and 6b not be completed when the building is completed for occupancy, medical office uses may occupy up to 70% of the existing office building. As documented in the Project's Draft EIR, a qualitative analysis was conducted by Fehr & Peers for a reduced medical office use project (see Project Alternative 2) to determine how much the Project's trip generation would need to decrease in order to reduce the Project's transportation impact to less than significant. Based on this analysis, transportation impacts would

be less than significant, and the signalized intersection would not be required if the Project includes 70% medical office use or less.

7. Parking requirements
 - a. For medical office uses, the site shall provide a minimum of 4.4 parking spaces per 1,000 sq. ft. (1 space/225 sq. ft. gross building area).
 - b. For general office, professional office, and administrative office uses, ancillary related retail uses, and other ancillary uses listed in the permitted use section, the site shall provide a minimum of 4 parking spaces per 1,000 sq. ft. (1 space/250 sq. ft).
8. Hours of operation
 - a. There are no hours of operation limitations on medical or general office uses, ancillary retail uses or after-hours urgent care.
 - b. The top floor of the parking structure shall not be used after 9pm or before 6am.
9. The Project is approved with the implementation of the "Applicant-Implemented Traffic Improvement Alternative" evaluated in the Draft EIR and Final EIR prepared and certified for this Project. This Alternative mirrors the Project as proposed, with the addition of Kaiser Permanente's offer to voluntarily construct the intersection improvements (signalization and associated widening) at Los Gamos Drive and Lucas Valley Road and other related traffic and vehicular circulation improvements as part of the Project. Intersection improvements include grading and restriping, traffic signal installation, new sidewalks and curbs, pedestrian level lighting, and an extension of a Class II bicycle lane. As a result, Kaiser Permanente will develop intersection designs and coordinate the review and permitting approval of the improvements before the impact threshold is triggered. As such, the Applicant-Implemented Traffic Improvements Alternative will avoid the significant impacts related to traffic impacts identified with the project, including Impact TRAF-1 and Impact TRAF-4, by voluntarily gaining approvals and constructing the intersection improvements at the Lucas Valley Road and Los Gamos Drive intersection. However, permitting and construction of the intersection would still require multi-agency coordination and entitlement review and approval. This alternative was identified by the EIR to be the environmentally superior alternative.
10. Kaiser Permanente shall implement a Transportation Demand Management (TDM) program as part of its on-going occupancy and operation of the medical office use. The final TDM program shall be submitted and approved by the City prior to the occupancy of the medical office building. Implementation of TDM strategies are intended to go beyond the requirements of the PD District, with the goal of reducing employee vehicle trips and reducing the Project's impact on the regional network. Kaiser Permanente shall implement additional TDM measures. Kaiser Permanente shall implement a TDM program, as described in Chapter 3: Project Description and Section 4.6.4.2: Transportation Demand Management Considerations of this traffic impact chapter (Section 3.1.1 of the 1650 Los Gamos Drive FTIA). Implementation of these TDM strategies would go beyond what is required as part of the PD District, with the goal of reducing employee vehicle trips, thereby reducing the Project's impact on the regional network.

Based on a quantitative assessment of the TDM measures proposed in the 1650 Los Gamos Drive FTIA, the TDM strategies may yield a Project vehicle trip generation reduction of up to 12-percent between the Miller Creek Off-Ramp and Miller Creek On-Ramp. If maximally effective, implementation of the Project's TDM strategies would result in a project trip reduction of up to 10-15 AM peak hour trips along this segment, which would result in a project contribution of less

than a 0.01 increase in volume to capacity ratio. As presented in the 1650 Los Gamos Drive FTIA, implementation of the Project's TDM measures will achieve this reduction, however, Kaiser will annually quantitatively analyze and monitor employee vehicle trip generation data via comprehensive employee surveys and make adjustments to its TDM measures as needed to achieve the stated reduction.

As described in the 4.6.4.2: Transportation Demand Management Considerations and the Fehr & Peers 1650 Los Gamos Drive FTIA, Kaiser Permanente shall conduct an annual employee survey and prepare a monitoring report that evaluates the effectiveness of the Project's TDM Plan. The TDM program will be submitted to the City of San Rafael for comment and review. Kaiser Permanente will coordinate with the City of San Rafael, as necessary. The annual survey shall be submitted to the Community Development Department on December 1 of each calendar following building occupancy. The survey shall demonstrate how the TDM measures reduce the Project's impact to peak-hour volume to capacity ratio for the Miller Creek On- and Off-Ramp. **(MM TRAF-2)**

11. This Master 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 this approval, or until **September 17, 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 Master Use Permit.
12. This Master Use Permit (UP17-001) approving the Project and authorizing the allowable uses for the site shall run concurrently with the approved Environmental and Design Review Permit (ED17-011). If either entitlement expires, this Use Permit approving the allowable uses shall also expire and become invalid.

Environmental and Design Review Permit (ED17-011) Conditions of Approval

General and On-Going

Community Development Department, Planning Division

1. The Project is approved with the implementation of the "Applicant-Implemented Traffic Improvement Alternative" evaluated in the Draft EIR and Final EIR prepared and certified for this Project. This Alternative mirrors the Project as proposed, with the addition of Kaiser Permanente's offer to voluntarily construct the intersection improvements (signalization and associated widening) at Los Gamos Drive and Lucas Valley Road and other related traffic and vehicular circulation improvements as part of the Project. Intersection improvements include grading and restriping, traffic signal installation, new sidewalks and curbs, pedestrian level lighting, and an extension of a Class II bicycle lane. As a result, Kaiser Permanente will develop intersection designs and coordinate the review and permitting approval of the improvements before the impact threshold is triggered. As such, the Applicant-Implemented Traffic Improvements Alternative will avoid the significant impacts related to traffic impacts identified with the project, including Impact TRAF-1 and Impact TRAF-4, by voluntarily gaining approvals and constructing the intersection improvements at the Lucas Valley Road and Los Gamos Drive intersection. However, permitting and construction of the intersection would still require multi-agency coordination and entitlement review and approval. This alternative was identified by the EIR to be the environmentally superior alternative.

2. The building techniques, colors, materials, elevations and appearance of the Project, as presented to the City Council at its September 17, 2018 hearing, labeled *Kaiser Permanente 1650 Los Gamos Drive Medical Office Building Project*, 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.
3. The approved colors for the Project are on file with the Community Development Department, Planning Division as presented on the approved plans. 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.
4. Kaiser Permanente shall remit payment of the State Fish and Game fees in order for staff to file a Notice of Determination with the County Clerk within 5 days of project approval. The current fee amounts are \$3,078.25 payable to the State Fish and Game and \$50.00 payable to the Marin County Clerk and are subject to increase.
5. Kaiser Permanente shall be responsible for implementing all mitigation measures presented in the Project's Final Environmental Impact Report (FEIR), on file with the Community Development Department, including any mitigation measures that may not have been incorporated into the Project conditions of approval. A deposit for Mitigation Monitoring shall be paid as required by ED Condition 33, herein.
6. All required mitigation measures are identified in the Mitigation Monitoring and Reporting Program (MMRP) as recommend for adopted by separate Resolution and included as conditions of approval.
7. Kaiser Permanente agrees to defend, indemnify, release and hold harmless the City of San Rafael, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the certification of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.
8. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify Kaiser Permanente of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event Kaiser Permanente is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where

Kaiser Permanente already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

9. As a condition of this approval, Kaiser Permanente agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing of same by the City.
10. All site improvements, including but not limited to, site lighting, fencing, landscape islands and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
11. All fencing shall be installed and maintained in a good, undamaged condition. Any damaged portions shall be replaced in a timely manner.
12. The Project site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner. Kaiser Permanente shall institute a program to provide regular cleanup of the parking lot, parking structure and the site facility, as well as all other areas immediately around the new parking structure and office building.
13. 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. 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.
14. 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.
15. 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.
16. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
17. If reclaimed water for landscaping purposes is made available, Kaiser Permanente shall upgrade its water system and install any and all required facilities to use reclaimed water for all site landscaping purposes.
18. 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 approval, or **September 17, 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.

19. This Environmental and Design Review Permit (ED17-011) approving the Project shall run concurrently with the approved Master Use Permit (UP17-001). If either entitlement expires, this Environmental and Design Review Permit approving the Project, as depicted on Project plans, shall also expire and become invalid.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

20. Bicycle parking shall be provided in compliance with San Rafael Municipal Code Section 14.18.090. This requires bicycle spaces provided on site at a minimum of 5% of total vehicle parking, including a minimum of one two bike capacity rack for short term bicycle parking and a minimum of 5% of the total vehicle parking for long term spaces. Final plans shall include a design detail for proposed bicycle parking spaces, proposed number and location subject to final review and approval by the Community Development Department and Traffic Engineer.
21. Parking spaces for clean air vehicles shall be provided in compliance with SRMC Section 14.18.045.
22. Kaiser Permanente shall be responsible for all costs associated with mitigation monitoring and shall remit an initial deposit in the amount of \$5,000.00 for mitigation monitoring and condition compliance. Staff shall bill time against this deposit amount during Project review and implementation of the Project and monitoring of Project conditions, to assure compliance with conditions and mitigation measures has been achieved.
23. Any outstanding Planning Division application processing fees, including payment of EIR consultant and contract planner, shall be paid prior to issuance of the first construction permit.
24. A construction logistics plan shall be submitted demonstrating how construction conditions shall be met. The plan must be approved by the Public Works Department and Community Development Director and shall include the conditions of approval and mitigation measures that are applicable to the construction of the Project.
25. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structures (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.
26. Protective barrier fencing shall be installed during construction to protect existing trees that are to remain on site, as per the approved landscape plan. Plans showing the fencing, signage and barrier details shall be included on Project plans. The fencing shall be a minimum four-foot orange mesh protected by hay bales and signage designed to avoid intrusion by construction workers and equipment.
27. Kaiser Permanente shall submit to the satisfaction of the Community Development Department Director Project building plans that include a photometric lighting study demonstrating that outdoor

lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations). **(MM AES-1)**

28. The lighting plan shall be revised to utilize a maximum Lumen rating of 3,000 Kelvins for parking structure lighting fixtures.
29. Prior to grading activities, Kaiser Permanente shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. **(MM HYDRO-1)**

The SWPPP shall be designed to address the following objectives:

- 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
 - 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
 - 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and
 - 4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
 - 5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.
30. Incorporate Best Management Practices during Project construction activities. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. In compliance with the City's Municipal Code, the Project shall adhere to the allowable construction hours of 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and national holidays. Additionally, the construction crew shall adhere to the following construction best management practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the Project vicinity **(MM NOISE-1)**:

In order to reduce potential significant impacts from temporary construction activities, Kaiser Permanente shall be required to develop a construction noise control plan, including, but not limited to, the following available controls:

- 1) Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- 2) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- 3) Unnecessary idling of internal combustion engines should be strictly prohibited.
- 4) Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must

be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- 5) Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - 6) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.
 - 7) Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - 8) Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
 - 9) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
 - 10) The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
 - 11) Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
 - 12) The implementation of the reasonable and feasible controls outlined above would reduce construction noise levels emanating from the site by 5 to 10 dBA in order to minimize disruption. With the implementation of these controls, as well as the Municipal Code limits on allowable construction hours, and considering that construction is temporary, the impact would be reduced to a less-than-significant level.
31. Prior to tree removal, Kaiser Permanente shall conduct a pre-construction nesting bird survey of existing trees on-site (**MM BIO-1**). Prior to issuance of a grading or building permit, Kaiser Permanente shall conduct a preconstruction nesting bird and bat survey. Preconstruction surveys shall include the following:
- 1) Perform any vegetation trimming and/or removal outside of the bird nesting season (Sept. 1 – Feb. 14);
 - 2) Provide a worker environmental awareness training for construction personnel;
 - 3) Perform preconstruction surveys for nesting migratory birds by a qualified biologist no more than 72 hours prior to the start of construction for activities occurring during the breeding season (February 15 to August 31); and
 - 4) If work is to occur within 300 feet of active raptor nests or 50 feet of active passerine nests, non-disturbance buffers will be established at a distance sufficient to minimize disturbance.

Public Works Department

32. Given the scope of the Project and available staff time, third party project coordination and inspection may be required on behalf of the City. If determined necessary by the Department of Public Works a deposit may be required to fund coordination and development of the offsite improvements and inspection activity, including but not limited to grading, traffic, drainage, and access.

33. The City of San Rafael reserves the right to review, condition and approve all offsite improvements related to this Project. This includes traffic signal improvements, roadway improvements, and utility work where it extends beyond City limits. Show existing and proposed easements on the plan. Relocation of easements shall require approval of the easement holders. It is unclear if any new easements are proposed, such as access for drainage and sanitary sewer.
34. It is recommended that parking be designated in the parking structure, such that most of the public traffic will access the building directly and Kaiser employees would mainly utilize the upper floors of the parking structure.

Access

35. An encroachment permit is required for any work within the City's Right-of-Way, from the Department of Public Works located at 111 Morphew St. Additional encroachment permits shall be required from the County of Marin and Caltrans.
36. The Project shall include sidewalk curb and gutter for the frontage along Lucas Valley Rd. This includes the pathway connection from the eastern parking lot to the entrance of the pedestrian corridor for public transit access at the intersection with the Southbound 101 On/Off Ramp.
37. Show existing and proposed easements on the plan. Relocation of easements shall require approval of the easement holders. It is unclear if any new easements are proposed, such as access for drainage and sanitary sewer.
38. The driveways for the parking structure shall approach Los Gamos close to perpendicular. This will help to improve safety for vehicles entering and exiting the parking structure, as well as for pedestrians and cyclists along Los Gamos. Driveway profiles shall be required prior to issuance of a building permit, however, based on the slopes presented on the plan, it appears that the current design can accommodate adequate slope transitions.
39. The existing mid-block crosswalk shall be replaced with a crosswalk located in line with the pedestrian entrance/exit to the garage. This crosswalk shall include bulb-outs and a rapid repeating flashing beacon (RRFB) similar to others utilized in the City. The RRFB shall be hardwired and a meter provided. Prior to building permit submittal, the location plan for the bulb outs and RRFB shall be revised to show a current aerial photograph.
40. Wheelstops are recommended for the parking spaces in front of the accessible pathway, instead of the bollards shown on the plan due to the accessible aisles extending through the line of bollards. If bollards are used, they shall be placed according to the parking spaces (such as one bollard centered per parking space).
41. The accessible parking space near the bike storage area does not include a full-length aisle. This space cannot be counted for the number of accessible parking spaces. However, it appears that there may be sufficient parking without it or that the area could accommodate the aisle with minor modification. Prior to building permit submittal, the plan shall be revised to remove this space or accommodate the aisle as suggested.

Drainage and Sewer

42. Prior to building or grading permit submittal, Kaiser Permanente shall submit a detailed [plan to show that MCSTOPPP requirements for water quality and reduced runoff are met. The hydrology and water quality report for CEQA review discusses that runoff impacts will be less than a significant impact due to the extent of existing impervious surface compared to the proposed

conditions. The submitted documents do not clearly define the square footage of existing impervious area, as well as the proposed creation or replacement.

The new parking garage is a MCSTOPPP regulated project and the proposed plan includes bioretention. It is understood that more detailed plans and submittals to show that MCSTOPPP requirements are met are deferred to future submittals. Meeting these requirements is anticipated to result in improved water quality and reduce runoff impacts compared to the existing conditions.

If additional treatment is necessary following a more detail review, Kaiser Permanente may consider additional bioretention area or other potential improvement options for stormwater such as pervious pavement, bioswales and tree-planter devices.

43. The storm drain proposed to be abandoned shall be removed to the inlet structure or, alternatively, for the portion to be abandoned-in-place, flow-able fill may be used and the inlet structure.
44. It is recommended that the storm drainage beneath the parking garage structure is routed outside the footprint of the proposed improvement, due to potential maintenance and access issues.
45. It appears that the sidewalk around the uphill perimeter of the Project site will act to direct surface water conveyance. It is recommended that the uphill perimeter sidewalk be designed to accommodate flow in a swale.
46. Prior to building or grading permit submittal, the sanitary sewer alignment shall be reviewed by the Las Gallinas Valley Sewer District. It is recommended that the alignment be configured to eliminate or reduce angles where possible. Kaiser Permanente may consider following a similar angular direction of the existing uphill section of sewer, to reach the Fire Lane on the north side of the building in a more direct route, while protecting existing trees where possible.
47. Prior to building permit submittal, a comprehensive utility plan for the roadways and site improvements shall be provided for review and comment.

Grading

48. Prior to soil disturbance or stockpiling, a grading permit shall be required from the Department of Public Works located at 111 Morphew St.
49. Truck trips may be limited for delivery, and off-haul as part of the grading permit. This is generally applied during peak hour traffic to reduce congestion. For example, one trip per 15 minutes between 7am-9am and 4pm-6pm. This will be reviewed in more detail at the time of grading permit issuance.
50. For portions of the roadway not identified for repaving, but within the truck route, a pre-construction and post-construction condition survey, similar to the City's regular pavement condition index, completed by a third party may be required to determine if any damage occurred to the roadway, attributed to the Project. Repairs or funding in lieu of may be required.

Traffic

51. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.
52. Please refer to the Memo from Parisi Transportation Consulting dated March 14, 2017 prepared on behalf of the City, which summarizes the review findings for the Traffic Study.

Additional comments were provided in the previous memorandum from the Department of Public Works dated May 15, 2017.

53. As volunteered by Kaiser Permanente, the construction of Los Gamos Drive / Lucas Valley Road intersection improvements, as a community benefit to also mitigate impacts that could otherwise be significant and unavoidable, (the intersection improvements have been identified as part of the Project EIR, which have been designed to incorporate elements previously identified by the City and updated to meet current standards) is conditioned to address the following:

- Signalization of the intersection of Los Gamos and Lucas Valley Rd. with interconnection to the existing Highway 101/Lucas Valley intersection;
- Elimination of the free right turn movements, removing the islands and to make the intersection more square;
- Accessible curb ramps;
- Bike Lanes from the Southbound On/Off ramp and through the intersection with Los Gamos;
- Repaving, striping, signage and revegetation accordingly;
- Preservation of monuments, or setting new;
- Relocation or adjustment of existing utilities as required; and
- Accommodation for cyclists along Los Gamos.

Detailed plans shall be required prior to building permit issuance. These improvements require multiple agency coordination. As noted in comment 33 above, the City may provide comments and conditions for the improvements.

54. Traffic mitigation fees shall be required, based on the increase in peak hour trips currently calculated at \$4,246 per AM and PM trip. For 437 AM and PM peak hour trips this equals \$1,855,502.

Community Development Department, Building Division

55. Prior to use or occupancy of the new building or structure or any portion thereof, a “Certificate of Occupancy” must be issued by the Chief Building Official pursuant to California Building Code Section 111.1. Failure to secure a “Certificate of Occupancy” is a violation and will result in a \$500 citation per day for as long as the violation continues.

56. 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.

57. 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 (fire suppression)
- e) Mechanical plans if applicable

- f) Site/civil plans (clearly identifying grade plan and height of the building)
- g) Structural Calculations
- h) Soils reports

58. If the parking structure is proposed to have a new address, the address for structure shall be determined by the Chief Building Official. You must apply for a new address for this building from the Building Division.
59. With regard to 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 information should be provided to the Building Division and Department of Public Works for review and comments prior to any such activities taking place.
60. A grading permit may be required for the above-mentioned work.
61. Prior to building permit issuance for the construction of the structure, geotechnical and civil pad certifications are to be submitted.
62. In the parking garage, if mechanical ventilation is required (enclosed parking garage) it will be required to be capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4. Open garages shall conform with CBC Section 406.5 and Closed garages with Section 406.6.
63. In the parking structure, 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 SWPPP.
64. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2. The civil, grading and landscape plans shall address these requirements to the extent possible.
65. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
66. The public accommodation disabled parking spaces must be provided according to the following table and must be uniformly distributed throughout the site.

Total Number of Parking Spaces Provided	Minimum Required Number of H/C Spaces
1 to 25	1
26 to 50	2
51 to 75	3

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total
1,001 and over	Twenty, plus one for each 100 or fraction thereof over 1,001

- 67. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation.
- 68. At least one disabled parking space shall be van accessible; 9 feet wide parking space and 8 feet wide off- load area. Additionally, one in every eight required handicap spaces shall be van accessible.
- 69. Proposed relocated sewer line needs to be identified as either a mainline or lateral.

Las Gallinas Valley Sanitation District (LGVSD)

- 70. LGVSD requires a special site visit with Kaiser Permanente to discuss potential access issues.
- 71. Kaiser Permanente shall provide adequate vehicle access to all sanitary manholes on the sewer main for District maintenance activities. The area needs to be paved and accessible with a 39-foot long truck.
- 72. No permanent structure shall be constructed within the proposed easement.
- 73. Kaiser Permanente shall be responsible for preparation of quitclaim deed and new sewer easement documents necessary for recordation by the District. Please submit a draft of the quitclaim deed for review as soon as possible.
- 74. Complete and submit Application for Allocation of Capacity to LGVSD along with the application fee of \$250 when appropriate. Application is available on District website. Applicants shall submit design/construction plans to LGVSD for review when available. Plans must show, including but not limited to, the following: a table showing existing and proposed plumbing fixture count, existing and proposed floor plans showing location of plumbing fixtures, location of backwater prevention devices, sanitary sewer, cleanouts, manholes, and other relevant sanitary sewer information that may be applicable.
- 75. Based on the LGVSD ordinance of fees adopted on August 10, 2017, the preliminary cost estimates are:
 - a. For new buildings, structures, and developments:
 - i. \$5,968 per Equivalent Sewer Unit
 - ii. Actual fees may be adjusted according to specific conditions outlined in the Ordinance.
 - b. For existing buildings, structures, and developments:
 - i. \$298 per Plumbing Fixture Unit (PFU)
 - ii. Credit may be given to existing plumbing fixtures.

- c. Kaiser Permanente shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this Project. The estimate cost is \$7,500. Actual fees may be adjusted according to Project-specific conditions.
- d. For more information about District Ordinance and permitting process, please visit <http://www.lgvsd.org/>.

San Rafael Fire Department, Fire Prevention Bureau

- 76. For Fire Protection equipment and systems, the design and construction alterations shall comply with the 2016 California Fire Code, City of San Rafael Ordinances and Amendments, and the 2016 edition of the National Fire Protection Standards.
- 77. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
 - a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
- 78. A Post Indicator Valve (PIV) will be provided in proximity to the exposed check valve and Fire Department connection equipment.
- 79. A Class I standpipe shall be installed in each stairwell.
- 80. If this structure is to have an independent street address, then address numbers that are on contrasting background, illuminated and 6" minimum height with 4" stroke shall be placed in a location that is clearly visible from the street.
- 81. The entire area fronting the structure shall be posted as a FIRE LANE with all appropriate signage, striping and stenciling. The fire hydrants will have curbs painted red for 15' on either side along the roadway.
- 82. KNOX Fire Department access equipment shall be installed at both FIRE LANE gates. This will either be a key switch for electric gates, KNOX padlocks for manually operated gates or KNOX key vaults for keys to open gates equipment. Additionally, keys for locked utility and equipment rooms will be placed inside a KNOX key vault.

During Construction

Community Development Department, Planning Division

- 83. During any construction period ground disturbance, Kaiser Permanente shall ensure that the Project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects (**MM AIR-1**):
 - a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
84. The Project shall implement a Tree Protection Zone to protect existing trees to be retained pursuant to the Urban Forestry Associates arborists report from March 17, 2017. This includes implementation of the arborists checklist and the installation of four-inch metal deer fencing at the canopy edge where possible or otherwise as close to any proposed excavation as possible.
85. Protect Archaeological Resources Identified during Construction: Kaiser Permanente shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles). **(MM CULT-1)**
86. Protect Human Remains Identified During Construction: Kaiser Permanente shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant (MLD). A qualified archaeologist, Kaiser Permanente, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. **(MM CULT-2)**
87. Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and Kaiser Permanente would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074. **(MM TRIBAL-1)**

Marin Municipal Water District

Medical Office Uses

88. The subject property is currently being served by the Marin Municipal Water District (Service Nos. 54267 – Reclaimed 54268). The purpose and intent of Service No. 54268 are to provide water for commercial use. The purpose and intent of Service No. 54267 are to provide reclaimed water for irrigation. The proposed conversion for the existing structure into medical offices will not impair the District's ability to continue service to this property.
89. The property's total annual water entitlement of 16.71 acre-feet may be insufficient for the new use, therefore purchase of additional water entitlement may be required.
90. Prior to building permit/grading permit issuance and water service approval, a landscape plan shall be submitted for compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation, which requires a landscape plan, an irrigation plan, and a grading plan.

Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at 415-945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.
91. Comply with the backflow prevention requirements, if upon the Districts review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to Dewey Sorensen at (415) 945-1558.
92. 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.
93. Pursuant to Ordinance No. 429, installation of gray water recycling systems is required when practicable for all projects required to install new water service and existing structures undergoing a "substantial remodel" that necessitates an enlarged water service.

Parking Structure – APN 165-220-12

The referenced parcel is not currently being served. This parcel will be eligible for water service upon request and fulfillment to the following conditions:

94. Complete a High-Pressure Water Service Application.
95. Submit a copy of the building permit.
96. Pay the appropriate fees and charges.
97. Complete the structure's foundation within 120 days of the date of application.
98. Comply with the District's rules and regulations in effect at the time service is requested.
99. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Plans submitted and reviewed to confirm compliance. The following are required:
 - a) Verification of indoor fixtures compliance
 - b) Landscape plan
 - c) Irrigation plan

d) Grading plan

100. 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 Dewey Sorensen at (415) 945-1558.
101. 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.
102. Pursuant to Ordinance No. 429, installation of gray water recycling systems is required when practicable for all projects required to install new water service and existing structures undergoing a "substantial remodel" that necessitates an enlarged water service.

Pacific Gas & Electric

103. 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.
104. 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.
105. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Prior to Occupancy

Community Development Department, Planning Division

106. Signalize Lucas Valley Road / Los Gamos Drive. In coordination with the City of San Rafael, the County of Marin's Department of Public Works, and Caltrans, Kaiser Permanente shall pay the cost to signalize the Lucas Valley Road / Los Gamos Drive intersection to mitigate poor operating conditions. Signalizing the intersection is consistent with improvements identified in the San Rafael *General Plan 2020* and is provided as a public benefit as part of the Project. Due to its close proximity to the US-101 Ramp terminal intersections, the new signal should include traffic signal interconnect and be coordinated with the adjacent interchange signals. Additionally, interagency coordination will be required during design, construction and maintenance of the new signal. Therefore, a memorandum of understanding (MOU) will be required between the City of San Rafael and the County of Marin to document the management and maintenance of the new signal, since the US 101/Lucas Valley interchange signals and the new Lucas Valley Road / Los Gamos Drive signal would need to be operated and maintained by one or multiple agencies (**MM TRAF-1**).
107. The final TDM program shall be submitted to the City prior to occupancy of the medical office building. See Master Use Permit UP17-005 condition 10 for the detailed requirements, monitoring and annual reporting (**MM TRAF-2**).
108. In coordination with the City of San Rafael Department of Public Works, the County of Marin Department of Public Works, and Caltrans, Kaiser Permanente shall pay a fair share

contribution to the reconfiguring and signalization of the Lucas Valley Road/Los Gamos Drive Intersection. The San Rafael *General Plan 2020* (Exhibit 21 #2) identifies improvements at this intersection, including signalizing the intersection, adding dual westbound left turn lanes, reconfiguring the northbound approach, and removing existing striped channelized islands, as illustrated in BKF Intersection Improvement Exhibit plan submitted to the City on July 19, 2018. Due to its close proximity to the US-101 Ramp terminal intersections, the new signal should include traffic signal interconnect and be coordinated with the adjacent interchange signals. Additionally, since the majority of the intersection is located within the County of Marin jurisdiction, interagency coordination will be required during design, construction and maintenance of the new signal. Furthermore, a memorandum of understanding (MOU) will be required between the City of San Rafael and the County of Marin to document the management and maintenance of the intersection and signals since the US 101/Lucas Valley interchange signals and the new Lucas Valley Road / Los Gamos Drive signal would be operated and maintained by one or multiple agencies (**MM TRAF-4**).

109. Prior to final occupancy of the medical office building, the following improvements shall be completed:
- i. The proposed 433-space parking structure and continued use of 204 existing parking spaces surrounding the building at 1650 Los Gamos Dr. shall be constructed and operational.
 - ii. The traffic improvement project at Lucas Valley Rd/Los Gamos Dr (i.e., signalization, widening, restriping, and repaving and signal interconnection) along with the other frontage improvements as shown on BKF Intersection Improvement Exhibit plan, dated July 13, 2018, shall obtain all necessary permits from City, County and CalTrans, and the improvements shall be constructed, finalized, and signed off by all permitting agencies and the new signalized intersection and frontage improvements shall be operational.

Should the improvements listed above in Use Permit condition #'s 6a and 6b not be completed when the building is completed for occupancy, medical office uses may occupy up to 70% of the existing office building. As documented in the Project's Draft EIR, a qualitative analysis was conducted by Fehr & Peers for a reduced medical office use project (see Project Alternative 2) to determine how much the Project's trip generation would need to decrease in order to reduce the Project's transportation impact to less than significant. Based on this analysis, transportation impacts would be less than significant, and the signalized intersection would not be required if the Project includes 70% medical office use or less.

110. Prior to a certificate of occupancy, Kaiser Permanente shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. (**MM HYDRO-2**)

Responsibilities include, but are not limited to,:

- 1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the Project. These features shall be included in the design-level drainage plan and final development drawings.

- 2) The Project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.
 - 3) Kaiser Permanente shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.
 - 4) Funding for long-term maintenance of all BMPs shall be specified.
111. Final inspection of the Project by the Community Development Department, Planning Division, is required. Kaiser Permanente shall contact the Planning Division to request a final inspection upon completion of the Project. The final inspection shall require a minimum of 48-hours advance notice.
 112. All landscaping and irrigation shall be installed prior to occupancy. In the alternative, Kaiser Permanente 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.
 113. The landscape architect shall certify in writing and submit to the Planning Division, and call for inspection, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and been tested for timing and function, and all plants including street trees are healthy. Any dying or dead landscaping shall be replaced.
 114. Prior to final occupancy, Kaiser Permanente shall submit evidence of a two-year maintenance contract for landscaping or alternately post a two-year maintenance bond.
 115. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
 116. All trash enclosures shall be screened by a combination of fencing with privacy slats and landscaping.
 117. All exterior lighting shall be shielded down. Following the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 90-day lighting level review by the Police Department and Planning Division to ensure compatibility with the surrounding area and conformance with that identified in Condition #27 above.
 118. All plan details shall be implemented as indicated plans approved for building permit, in compliance with all conditions of approval and applicable City zoning code requirements, to the satisfaction of the Community Development Director. Any outstanding fees including planning review fees, inspection fees, etc. shall be paid.

Public Works Department

Drainage

119. A stormwater agreement, and stormwater Operation and Maintenance (O&M) plan shall be required to comply with stormwater requirements.

More information is available from MCSTOPPP, hosted on the Marin County Website. See tools and guidance, and post construction requirements at:

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

120. The Los Gamos Drive frontage sidewalks shall be revised to meet accessibility requirements, notably at the existing driveway aprons of the new parking structure. Any deficiencies or trip hazards shall be addressed prior to occupancy, based on conditions observed in the field.
121. The existing mid-block crosswalk shall be replaced with a crosswalk located in line with the pedestrian entrance/exit to the garage. This crosswalk shall include bulb-outs and a rapid repeating flashing beacon (RRFB) similar to others utilized in the City. The RRFB shall be hardwired and a meter provided. Prior to building permit submittal, the location plan for the bulb outs and RRFB shall be revised to show a current aerial photograph.

After Occupancy

Community Development Department, Planning Division

122. 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.

Sign Program Amendment (SP17-001) Conditions of Approval

Community Development Department, Planning Division

1. The sign program and appearance and location of all approved signage, as presented to the Planning Commission at its August 28, 2018 hearing, labeled *Kaiser Permanente 1650 Los Gamos Drive Medical Office Building Project*, and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building permits, subject to these conditions. Minor modifications or revisions to the signage 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 an amendment to the Sign Program
2. This Sign Program Amendment 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 approval, or **September 17, 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 Sign Program.
3. This Sign Program Amendment (SP17-001) approving revised site and building signage shall run concurrently with the approved Environmental and Design Review Permit (ED17-011) and Master Use Permit (UP17-001). If either entitlement expires, this Sign Program Amendment shall also expire and become invalid.

4. Future changes to the signage shall require a Sign Permit to review and confirm changes are consistent with the Sign Program.
5. If future signage changes do not meet the Sign Program, the signage shall be revised to meet the approved Program or a Sign Program amendment will need to be applied for and approved

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 17th of September 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough and Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

By: 
LINDSAY LARA, City Clerk