



Community Development Department – Planning Division

DATE: June 8, 2021
TO: Chair Larry Paul and Design Review Board Members
FROM: Steve Stafford, Senior Planner
SUBJECT: [LLA19-008, ED19-090, ED19-091, EX20-006] Additional Public Comments, 33/41 Ross Street Terrace Project (APNs: 012-141-59 & 012-141-60)

Due to technical issues, the following four comments were inadvertently not included in the Compiled Public Comments in Exhibit 5 when the agenda package was compiled. The following are attached to this memorandum:

- Two petitions in Opposition to their being included in the proposed Agreement to Maintain the Private Roadway
- Wilfried Kruse, owner of property north of the project site is interested in being able to use the proposed access drive to access his property.
- Victori DeWitt, a resident of San Rafael. Opposes the project for a variety of reasons.

In addition, Planning staff has received three additional public comments after the printing and distribution of staff's report to the Design Review Board. The following attached written comments arrived after the agenda report was finalized.

- Valerie Lels, resident on Woods Street. Opposes the project for a variety of reasons.
- Attorney Len Rifkind, representing several local residents. Opposes the project for a variety of reasons.
- Lois Tucker, resident on Reservoir Street. Opposes the project because of the impacts to open space and wildlife.

To: Dave Hogan, Project Planner,
CC: Alicia Giudice, Planning Manager,
Planning Department,
City of San Rafael.
Transmitted by email.

**Opposition to Draft Declaration of Restrictions and Agreement for
Maintenance of Private Roadway**

Dave,

We strongly object to the referenced draft "Declaration" as proposed by the developer. We, as owners and residents of the properties abutting Ross Street Terrace, regularly use the road for access to and from our respective properties. In this draft document, the developer falsely states that abutting property owners are not currently using Ross Street Terrace. Furthermore, the developer attempts to unilaterally impose on us conditions for maintenance of the driveway and retaining walls that he wants to build. Per California Civil Code sections 831 and 1112 we legally own Ross Street Terrace and the proposed draft ignores this fact. The developer never consulted us on the draft Declaration and it does not have our approval. We request the City to deny approval of the Declaration until agreement is reached with all abutting properties owners.

May 27 2021.

Name	Address	Signature
RONALD STICKEL	[REDACTED] OWNERS	Ronald Stichel
Lon Stichel	[REDACTED]	Lon Stichel

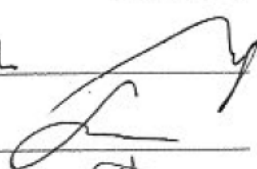
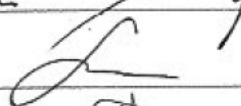
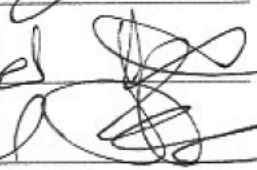

To: Dave Hogan, Project Planner,
CC: Alicia Giudice, Planning Manager,
Planning Department,
City of San Rafael.
Transmitted by email.

**Opposition to Draft Declaration of Restrictions and Agreement for
Maintenance of Private Roadway**

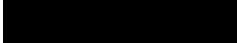
Dave,

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May 27 2021.

Name	Address	Signature
VICTOR KUNIN	[REDACTED] SAN RAFAEL	
MARIA Kunin	[REDACTED] San Rafael	
Michael Killian	[REDACTED] San Rafael	
Patrick Killian	[REDACTED] San Rafael	
[REDACTED]	[REDACTED] SAN RAFAEL	PETER MARKS
Leslie Marks	[REDACTED] San Rafael	Leslie Marks

Wilfried Kruse


San Rafael, CA 94901

May 12, 2021

Mr David Hogan
Planning Department
1400 Fifth Avenue
City of San Rafael, CA 94901

Re: 33/41 Ross Street Terrace Project

To: Design Review Board
San Rafael Planning Commission
CC: City Attorney

The two lots on which Mr. Coby Friedman proposes to construct two single family dwellings are part of a subdivision that created three legal lots: 58, 59, and 60 Clayton street. I am the owner of the 58 Clayton Street lot.

As you may know, one of the conditions placed on the subdivision was to create road access to these lots when constructing dwellings there. The Planning Department's staff report includes the following note regarding the Ross Street Terrace access option:

"On a related subject, the Board also mirrored the concern of local residents concerning the ownership of Ross Street Terrace. If owned by the City, the City should consider abandoning the right of way to facilitate the construction of a private driveway rather than public roadway standards. The right-of-way was offered to the City but was never formerly [sic] accepted. Because the access drive is functionally a long driveway to the proposed residences. As a result, the access drive is proposed to be built to a non-city street standard."

If an agreement between the City and the applicant is considered to allow the creation of a private driveway, I request that this right will also be given to lot 58. Please note: I am not requesting that the private driveway will be built to include access to lot 58 at

this point in time, merely the right that the proposed street access can in the future be extended by the owner of lot 58. Without including lot 58 in such an agreement, lot 58 would essentially be land locked, given that access via Clayton Street is impractical.

I would further request that the design and construction of the Ross Street Terrace access road be done such that an extension to provide access to lot 58 is possible in the future. An approved road access solution for the proposed project should not foreclose a solution that might be needed in the future to access lot 58.

Sincerely yours,

Wilfried Kruse

Valerie A. C. Lels
Attorney at Law

[REDACTED]
Kentfield, CA 94914

June 3, 2021

Dave Hogan
Planning Department
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: 33/41 Ross Street Terrace; Please forward to DRB prior to 6/8/2021 Public Meeting

Dear Dave:

The enclosed Exhibits A through F are documents that have significant bearing on the subject construction project. I respectfully request that this letter, along with all of its Exhibits, be forwarded to the Design Review Board prior to the June 6, 2021 Public Meeting, and that the Design Review Board factor these documents into their decisions regarding this proposed project. Below are some brief comments regarding these Exhibits.

1. By way of background, in 1963 the City approved a three-lot subdivision of property bordering Clayton Street/Ross Street Terrace and owned by J. McPhee. Please see **Exhibit A**, recorded subdivision map prepared by Civil Engineer Arthur J. Lang, and approved by the City on 11/12/63. In 2004 a Certificate of Compliance was issued, certifying the legality of the 1963 lot subdivision, and identifying the three lots as APN 012-141-58, APN 012-141-59, and APN 012-141-60. Please see **Exhibit B**, 2004 Certificate of Compliance. In 2015, APN-012-141-59 and APN-012-141-60 were purchased by the developer of the subject construction project, Jacob Friedman (aka Coby Friedman).

The developer plans to construct two single family residences, one on each of the lots he purchased, and to access these lots by a public right-of-way known as Ross Street Terrace. Ross Street Terrace, as it currently exists, is a 10-to-15 foot wide dirt road bordered on both sides by steep slopes. Because of the steep terrain, the developer's plans call for construction of approximately 500 linear feet of retaining walls up to 12 feet tall on both sides of Ross Street Terrace. It should be noted that Ross Street Terrace was dedicated as a public right-of-way by deed dated May 8, 1880 and recorded May 10, 1886. Please see **Exhibit C**, which consists of the 1880 handwritten deed, as well as a currently-prepared typewritten version of the same deed. The proposed retaining walls will seriously impede access to Ross Street Terrace by adjacent property owners as well as by the San Rafael community, which has had use of this public right-of-way for

Dave Hogan
Planning Department
City of San Rafael
June 3, 2021

-2-

more than 140 years. Moreover, the developer apparently intends to proceed with his construction project under the assumption that Ross Street Terrace is a private roadway belonging to him. Please see **Exhibit D**, draft "Declaration of Restrictions and Agreement for Maintenance of Private Roadway" that has been submitted to the City. (This document can also be found on the City's website).

2. The current construction plans were submitted to the City on November 7, 2019, and the developer was advised by the December 6, 2019 required 30-day Review that the 2004 Certificate of Compliance does not ensure that these are buildable lots, and that he must meet all existing requirements before permits will be issued. Please see **Exhibit E**, December 6, 2019 correspondence to the developer. The current plans do not meet, nor can they meet, existing requirements. At 5851 square feet and 5028 square feet respectively, the lots fall far short of the 7500 square foot size required by R7.5 zoning. It should be noted that the developer is the CEO and President of CF Contracting, Inc., and that he promotes himself as having 40 years' experience in the construction of residential, commercial, and public buildings. Please see **Exhibit F**, consisting of California State licensing information on CF Contracting, Inc., as well as five printed screen shots from the developer's website, (which is in read-only format and cannot be printed, but can be verified online at cfcontracting.com).

Certainly the developer had an obligation before purchasing these lots to exercise the due diligence expected of a person with his extensive professional experience, to check with the City, and to otherwise look into the feasibility of constructing two residences on two sub-standard size lots in such a difficult location. Instead, he now asks the City to make broad exceptions on his behalf: not only to approve construction of two residences on two under-sized lots, but also to grant an egregious variance/exception to the Natural State requirements of the Hillside Guidelines, permitting him to cover with pavement 3700 square feet of required Natural State, and leaving only 54% and 52% per lot of the Natural State required.

Thank you sincerely for your attention to the above.

Very truly yours,



Valerie Lels
Attorney at Law

cc: Alicia Giudice, City of San Rafael

Lot subdivision with the following conditions as recommended by the State: Construction of a road, pavement 16 feet in width with curb and gutter along Clayton Street in front of the proposed lots, location to be determined by City Engineer.
A copy of this agreement to extend the water main as required shall be submitted to the Planning Department before any building permits are issued for the development of the proposed lots.
Connection to sewers to be required for dwellings on the proposed lots.
Water line extensions to be required to the proposed lots.
Performance bond to be posted, amount to be determined by the City Engineer and improvement plans for street and drainage to be submitted to and approved by the City Engineer before any building permits are issued for the development of the proposed lots.

APPROVED
CITY PLANNING COMMISSION
BY *Doan Carter*

RECEIVED
OCT 23 1969
PLANNING
CITY OF SAN RAFAEL

PROPOSED SUBDIVISION
PTN. LOTS 73 & 74 AP 12-141-97 & 12-141-53
SAN RAFAEL, CALIFORNIA
ARTHUR J. LANG - R.C.E. No. 12247
SCALE 1/4" = 20'
OWNER & SUBDIVIDER - MR. J. MURPHY

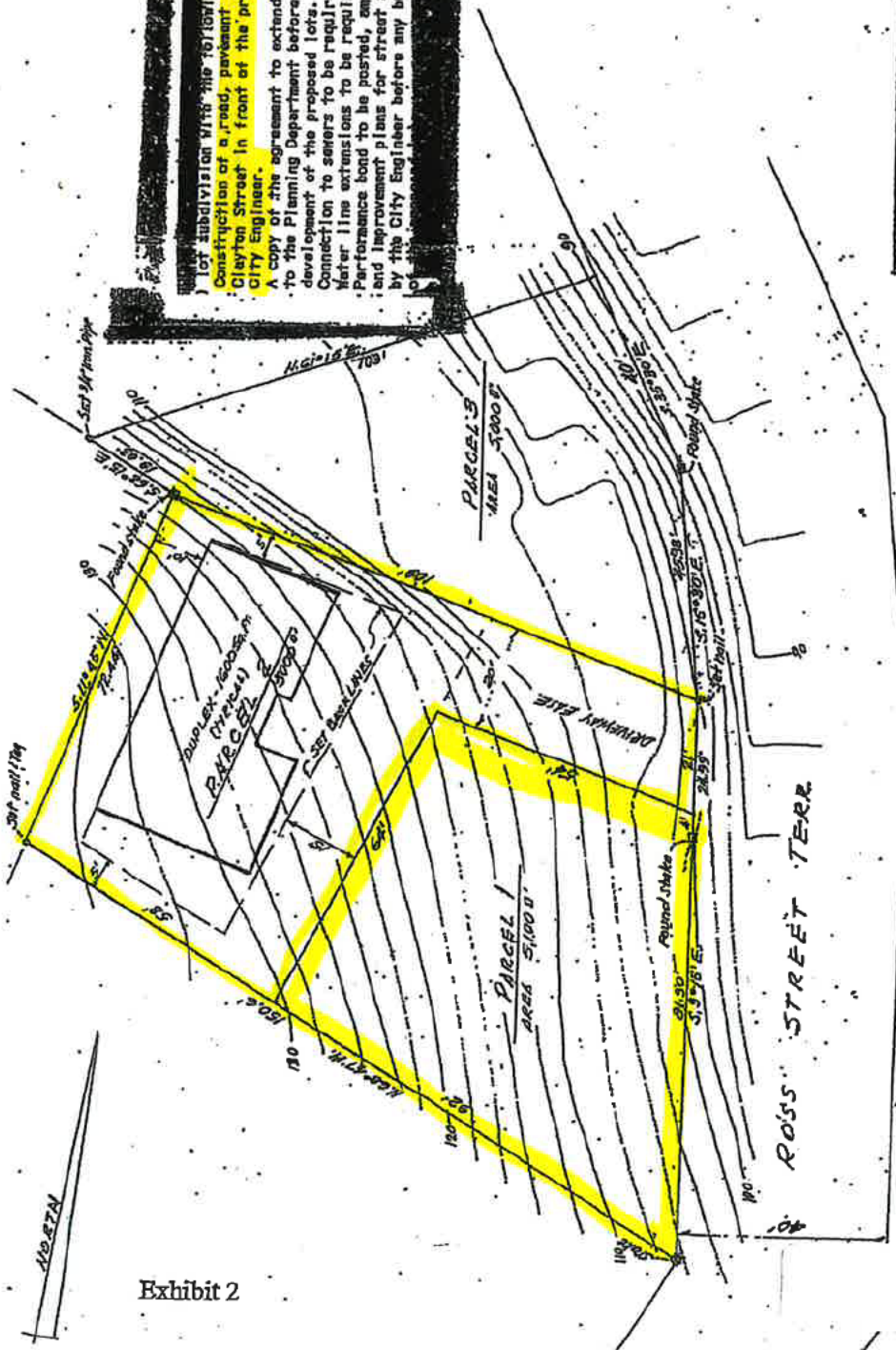


Exhibit 2

EXHIBIT 3

1

6/3/2021

S
W



2004-0029763

WHEN RECORDED MAIL TO:
City of San Rafael
Department of Public Works
Land Development Division
111 Morphew Street
San Rafael, CA 94901

Recorded
Official Records
County Of
Marin
JOAN C. THAYER
Recorder

REC FEE 19.00

11:50AM 13-Apr-2004

HL
Page 1 of 5

CERTIFICATE OF COMPLIANCE

(Division 2, Title 7, Section 66499.35, California Government Code)

The Director of Public Works, pursuant to the provisions of the Subdivision Map Act, and based upon information provided, has determined that the real property described below complies with the requirements of the San Rafael Subdivision Ordinance.

Property Owner(s) of Record:

John G. MacPhee Jr.
(as shown on the latest equalized assessment roll or Title)

Record Data for Subject Property:

Approved recorded subdivision in Book 1753 of Official Records at Page 247, Marin County Records.

Assessor Parcel Numbers:

012-141-58, -59, and -60

Address/Street Name:

33, 37, and 41 Clayton Street

Number of Parcels for which Certificate is Issued:

3

Description: See Exhibit "A" attached

Notes:

The descriptions in Exhibit "A" attached has been taken from Official Marin County Records, and neither the City of San Rafael nor any of its officers or employees assume responsibility for the accuracy of said description.

Prior to the issuance of building permit(s) the owner(s) must satisfy the conditions of the 1963 City of San Rafael Planning Commission recorded subdivision approvals as listed in Exhibit "B".

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

This Certificate of Compliance shall in no way affect the requirements of any other County, State, Federal or local agency that regulates development of real property.

Dated: 4/8/04

CITY OF SAN RAFAEL
A Municipal Corporation

By

Andrew Preston
ANDREW PRESTON
City Engineer

6/3/2021

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE

PARCEL 1 - ASSESSOR PARCEL NUMBER: 012-141-60

ALL THAT CERTAIN real property situate in the City of San Rafael, County of Marin, State of California, described as follows:

Being a portion of the lands conveyed to John G. MacPhee, Jr. by Deed recorded March 16, 1961 in Book 1444 of Official Records, at page 582, Marin County Records and to Jack G. MacPhee by Deed recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records, more particularly described as follows:

Commencing at the Westerly corner of the lands conveyed to Jack G. MacPhee recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records and running along the Southerly line South 68° 15' East 19.03 feet, thence leaving said Southerly line South 79° 39' 21" East 109 feet more or less to the Westerly line of Ross Street Terrace (formerly Buena Vista) as described and dedicated to public use in the Deed from James J. McDonald to Peter Williams, recorded in Book 3 of Deeds, at Page 360, Marin County Records, thence along said Westerly line South 9° 15' East, 21 feet, to the True Point of Beginning thence leaving said Westerly line North 85° 19' 38" West 54 feet; South 14° 55' 26" West 64 feet, more or less to the Southerly line of the Deed to John G. MacPhee above referred to (1444 O.R. 582), thence along said Southerly line South 68° 47' 00" East 92 feet to the Southeasterly corner; thence along the Westerly line of Ross Street Terrace, North 11°45' 00" 81.90 feet to the True Point of Beginning.

Being Parcel 1, as shown upon the proposed subdivision approved and recorded November 26, 1963 in Book 1753 of Official Records at Page 247, Marin County Records.

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V. LEES
6/3/2021

EXHIBIT B PAGE 3 OF 5

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE

PARCEL 2 - ASSESSOR PARCEL NUMBER: 012-141-59.

ALL THAT CERTAIN real property situate in the City of San Rafael, County of Marin, State of California, described below as follows:

Being a portion of the lands conveyed to John G. MacPhee, Jr. by Deed recorded March 16, 1961 in Book 1444 of Official Records, at page 582, Marin County Records and to Jack G. MacPhee by Deed recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records, more particularly described as follows:

Beginning at the Westerly corner of the lands conveyed to Jack G. MacPhee recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records and running along the Southerly line South 68° 15' East 19.03 feet, thence leaving said Southerly line South 79° 39' 21" East 109 feet more or less to the Westerly line of Ross Street Terrace (formerly Buena Vista) as described and dedicated to public use in the Deed from James J. McDonald to Peter Williams, recorded in Book 3 of Deeds, at Page 360, Marin County Records, thence along said Westerly line South 9° 15' East, 21 feet, thence leaving said Westerly line North 85° 19' 38" West 54 feet; South 14° 55' 26" West 64 feet, more or less to the southerly line of the Deed to John G. MacPhee above referred to (1444 O.R. 582), thence along said Southerly line North 68° 47' 00" West 58 feet to the Southwesterly corner; thence along the Westerly line of said Deed North 11°45' 00" 72.15 feet to the Point of Beginning

Being Parcel 2 as shown upon the proposed subdivision approved and recorded November 26, 1963 in Book 1753 of Official Records, at Page 247, Marin County Records.

V. LELS
6/3/2021

EXHIBIT B

PAGE 4 OF 5

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE

PARCEL 3 - ASSESSOR PARCEL NUMBER: 012-141-58.

ALL THAT CERTAIN real property situate in the City of San Rafael, County of Marin, State of California, described below as follows:

Being a portion of the lands conveyed to Jack G. MacPhee by Deed recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records, more particularly described as follows:

Beginning at the Westerly corner of the lands conveyed to Jack G. MacPhee recorded September 21, 1962 in Book 1613 of Official Records at Page 396, Marin County Records and running along the Southerly line South 68° 15' East 19.03 feet, thence leaving said Southerly line South 79° 39' 21" East 109 feet more or less to the Westerly line of Ross Street Terrace (formerly Buena Vista) as described and dedicated to public use in the Deed from James J. McDonald to Peter Williams, recorded in Book 3 of Deeds, at Page 360, Marin County Records, thence along said Westerly line, North 15° 30' West 45.38 feet; North 35° 30' West, 40.00 feet to the Northerly line of the deed above referred to (1613 OR 396) thence along said Northerly line South 61° 15' East 103.00 feet to the point of beginning.

Being Parcel 3 as shown upon the proposed subdivision approved and recorded November 26, 1963 in Book 1753 of Official Records, at Page 247, Marin County Records.

V. LELS
6/3/2021

EXHIBIT B PAGE 5 OF 5

EXHIBIT "B"

CERTIFICATE OF COMPLIANCE

ASSESSOR PARCEL NUMBERS: 012-141-58, -59, and -60.

1963 City of San Rafael Planning Commission Conditions of Approval:

1. A road shall be constructed with pavement 16 feet in width with curb and gutter along Clayton Street in front of the three lots with the location to be determined by the City Engineer.
2. A copy of the agreement to extend the water main shall be submitted to the Planning Division before any building permits are issued for the development of the three lots.
3. Connections to the sewer system shall be provided for the dwelling(s) on the three lots.
4. Water line extensions shall be provided to the three lots.
5. A performance bond shall be posted with amount to be determined by the City Engineer, and (engineered) improvement plans for the (water and sewer connection) street and drainage shall be reviewed and approved by the City Engineer prior to issuance of building permits for the development of the three lots.

V. LEL5
6/3/2021

EXHIBIT C PAGE 1 OF 4

360

Book 3 DEEDS Page 360

This Indenture made the 8th day of May, in the year of our Lord one thousand eight hundred and eighty six Between James D. Donald of San Rafael, Marin County, California, party of the first part, and Peter Williams, of the same place, the party of the second part. Witnesseth that the said party of the first part for and in consideration of the sum of Five dollars and no more of the United States of America, to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged doth by these presents grant bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain lot and parcel of land situate lying and being in the town of San Rafael, County of Marin and State of California and bounded and particularly described as follows to wit: Beginning at a stake driven N 65° 15' W 66 feet from the North west corner of Lot 16 of Shute's Addition to the town of San Rafael; thence S 21° 45' W 214 feet to the North east corner of the portion of Lot 17 in said Shute's Addition owned by J. D. Donald; thence N 65° 15' W along the northerly line of said Lot 17 to a stake; thence along said line of said Lot 17 and running N 9° 15' W 120 feet, N 15° 30' W 50 feet, N 35° 30' W 120 feet, N 20° 45' W 120 feet, S 56° 30' W 100 feet, S 66° 15' W 90 feet, S 74° 15' W 48 feet, S 21° 45' W 70 feet to the place of beginning. Being a portion of Lot 14 of Shute's Addition to the town of San Rafael. Party of the first part hereto reserves and hereby dedicates for use as a public street, twenty (20) feet on each side of course three (3) to nine (9) feet included of the distance above given. And

TAKEN
AS
NORTH

EAST

street being 500 feet in length, and 40 feet in width, said party of the first part also hereby dedicates for use as a public street, a strip of land of the uniform width of 40 feet and extending from the South end of the street above dedicated to the West end of the 40 foot street known as Dore street, thence the East line of said strip of land being the West line of said lot 16 in sheets Addition. The object being a continuous street of the uniform width of 40 feet from Dore street to a point 100 feet West from the West end of Clayton street. The 100 feet having been otherwise dedicated by party of the first part and H. B. Gordon. Said new street to be known as Duane Vista street, the said Duane Vista street being dedicated hereby for the use of the parties of the first and second parts, and the public, and the same extending along the North, East, and the West, and the side of the land hereby conveyed. Together with all and singular the tenements, hereditaments, and appurtenances thereto, belonging, or in anywise appertaining, and the reversion and reversions, remainders, and remainders, rents issues and profits thereof. To have and to hold, all and singular the said premises together with the appurtenances unto the said party of the second part, his heirs and assigns forever.

In Witness whereof, the said party of the first part, hath hereunto set his hand and seal the day and year first above written.
Signed sealed and delivered in the presence of
James D. Donald
Witness
Joseph W. Wilkins

(seal)

State of California
County of Marin

55

On this 8th day of May
in the year one thousand eight hundred and
eighty six before me Stephen Melkins a Notary
Public in and for the County of Marin State of
California personally appeared James D. Donald
personally known to me to be the person whose
name is subscribed to the within instrument and
acknowledged to me that he executed the same.

In Witness whereof I have hereunto set my
hand and affixed my official seal the day and
year in this certificate first above written.

Stephen Melkins
Notary Public



Filed for record
and Recorded at request of J. Williams
May 10th 1886 at 5 o'clock part 9 o'clock A. M.

V. LELS
6/3/2021

EXHIBIT C PAGE 4 OF 4

**Deed Recorded Book 3, Page 360
Marin County Records**

This Indenture made the 8th day of May in the year of our Lord one thousand eight hundred and eighty is between James S. McDonald of San Rafael, Marin County, California party of the first part and Peter Williams of the same place, the party of the second part.

Witnesseth that the said party of the first part for and in consideration of the sum of five dollars gold coin of the United States of America to him in hand paid by the said party of the second part the receipt of whereof is hereby acknowledged doth by these presents grant bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain lot and parcel of land situate lying and being in the town of San Rafael, County of Marin and State of California and bounded and particularly described as follows to wit: Beginning at a stake driven $68^{\circ} 15' W$ 66 feet from the Northwest corner of Lot 16 of Shorts Addition to the town of San Rafael: Thence $S 21^{\circ} 45' W$ 214.6 feet to the Northwest corner of the portion of Lot 17 in _____ Shorts Addition owned by J. S. McDonald; thence $N 68^{\circ} _ W$ along the Northerly line of said Lot 17 20 feet to a stake; thence leaving said line of said Lot 17 and running $_ 15 W _ feet N 15^{\circ} 30 W 11.50 feet _ 35^{\circ} 30 _ 20 feet _ _ 56^{\circ} 30 _ 0.100 feet S 66^{\circ} 15 S 90 feet _ 48 feet S 21^{\circ} 45 feet to the place of beginning. Being a portion of Lot 14 of Shorts Addition to the town of San Rafael. Party of the first part hereto reserves and hereby dedicates for use as a public street, twenty (20) feet on each side of courses three (3) to nine (9) both inclusive of the distance above given. Said street being 568 feet in length and 40 feet in width. Said party of the first part also hereby dedicates for use as a public street a strip of land of the uniform width of 40 feet and extending from the South end of the street above dedicated to the north end of the 40 foot street known as Ross Street Terrace the East line of said strip of land being the West line of said Lot 16 in Shorts Addition. The object being a continuous street of the uniform width of 40 feet from Ross street to a point 130 feet West from the West end of Clayton street. The 130 feet having been otherwise dedicated by party of the first part and M. M. Jordan. Said new street to be known as Buena Vista street; the said Buena Vista street being dedicated hereby for the use of the parties of the first and second part and the public and the same extending along the North Easterly and the Westerly sides of the land having conveyed. Together with all and singular the tenements hereditaments(?); and appurtenances thereunto belonging or in anywise $_$ pertaining and the reversion and reversions remainder and remainders, rents issues and profits thereof.$

To have and to hold all and singular the said premises together with the appurtenances unto the said party of the second part, his heirs and assigns forever.

In Witness whereof, the said party of the first part hath hereunto set his hand and seal the day and year first above written.

NOTARY ACKNOWLEDGEMENT

Signed by James S. McDonald
Acknowledged by Hepburn Wilkins, Notary Public

Filed for record and recorded at request of L. Williams May 10th, 1886 at 5 mins. past 9 o'clock A.M.

V. LELS
6/3/2021

EXHIBIT D PAGE 1 OF 10

Recording Requested By:

DRAFT
3-9-20

After Recording Return To:

**DECLARATION OF RESTRICTIONS AND AGREEMENT FOR
MAINTENANCE OF PRIVATE ROADWAY**

This Declaration of Restrictions and Agreement for Maintenance of Private Roadway ("Declaration" or "Agreement") is made this _____ day of _____, by Jacob Friedman ("Declarant").

Recitals

A. Declarant is the owner of certain real property situated in the City of San Rafael, County of Marin, State of California, commonly known as Marin Assessor's Parcel 12-141-59 and more particularly described as "Parcel One" in Exhibit "A" attached hereto and incorporated by reference ("Lot 59").

B. Declarant is also the owner of certain real property situated in the City of San Rafael, County of Marin, State of California, commonly known as Marin Assessor's Parcel 12-141-60 and more particularly described as "Parcel Two" in Exhibit "A" attached hereto and incorporated by reference ("Lot 60"). Lot 59 and Lot 60 are sometimes collectively referred to as "the Property."

C. Lot 59 and Lot 60 front on, and have access rights over, a 40 foot wide street known as Ross Street Terrace, which starts at Ross Street and extends in a northerly direction to and across the frontage of Lot 59 and Lot 60 ("Ross Street Terrace Easement").

D. As part of the development of Lot 59 and Lot 60, Declarant intends to construct certain private roadway improvements within the Ross Street Terrace Easement as generally shown in Exhibit "B" attached hereto and incorporated by reference ("Private Roadway Improvements").

E. Declarant desires and intends to provide for the maintenance and repair of the Private Roadway Improvements by itself and the future owners of the Property, and any other property that uses the Private Roadway Improvements.

V. LELS
6/3/2021

EXHIBIT D PAGE 2 OF 10

Agreement

NOW, THEREFORE, Declarant declares that said Property shall be held, transferred, encumbered, used, sold, conveyed, leased, and occupied, subject to the covenants and restrictions hereinafter set forth expressly and exclusively for the use and benefit of said Property and each and every person or entity who now or in the future owns any portion or portions of said real property. All such covenants and restrictions shall constitute covenants which shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in the Property, or any part thereof, and shall inure to the benefit of the Property, or any part thereof, and shall inure to the benefit of the Property and the owners thereof.

1. **Maintenance and Repair of Private Roadway Improvements.** Declarant, for itself and for the future owners of Lot 59 and Lot 60, agrees that the Private Roadway Improvements shown in Exhibit "B" shall be maintained and repaired and kept in good condition and repair, which shall include, but not be limited to, the following:

- (a) The maintenance and repair of the road surface and shoulders as necessary so that the road surface and shoulders are kept in good condition and repair;
- (b) Cleaning, repair, and maintenance of storm drains, gutters or other drainage structures located under and adjacent to the road surface; and
- (c) Maintenance and repair of any retaining walls located adjacent to the roadway that are integral to the roadway.

2. **Responsibility for Maintenance of Private Roadway Improvements.**

(a) Each owner of a lot shall pay a share of the costs and expenses for maintenance of the Private Roadway Improvements identified in Paragraph 1 above according to the following schedule: The owner of Lot 59 shall be responsible for one-half of all costs of maintaining the Roadway Improvements and the owner of Lot 60 shall be responsible for one-half of all costs of maintaining the Roadway Improvements. The owners of Lots 59 and 60 reserve the right, pursuant to California Civil Code Section 845, to seek contribution for maintenance costs from all holders of easements over Ross Street Terrace.

(b) Notwithstanding the foregoing, if any owner or permittee of such owner causes any damage to the Private Roadway Improvements or the other properties in connection with its use of the easement area, such owner ("Damaging Owner") shall repair the improvements within the easement area or the damaged property to the condition that existed prior to the infliction of damage, at Damaging Owner's sole cost and expense.

3. **Maintenance by Additional Lots Fronting on Ross Street Terrace.** In addition to Lot 59 and Lot 60, there are other parcels of real property fronting on the portion of Ross Street Terrace from Ross Street up to Declarant's Property. These parcels are identified as follows ("Additional Lots"):

<u>Marin Assessor's Parcel</u>	<u>Lot</u>
12-141-03	03
12-141-45	45
12-142-19	19
12-142-25	25
12-142-33	33

Currently, none of the Additional Lots utilize Ross Street Terrace for access. If, in the future any of the Additional Lots seek to develop access off of, or from, Ross Street Terrace thereby utilizing the Private Roadway Improvements for access, the owner of any such Additional Lot must either join in this Agreement as provided herein, or pay its proportionate share of maintenance costs pursuant to California Civil Code Section 845 which provides in part:

"(a) The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair.

(b) If the easement is owned by more than one person, or is attached to parcels of land under different ownership, the cost of maintaining it in repair shall be shared by each owner of the easement or the owners of the parcels of land, as the case may be, pursuant to the terms of any agreement entered into by the parties for that purpose. In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner."

The owners of the Additional Lots may join in this Agreement by executing and recording a Consent to Declaration of Restrictions in the form attached as Exhibit "C." If the owners of the Additional Lots, or any of them, consent in writing to join in this Agreement, the costs of maintenance of the Private Roadway Improvements identified in paragraph 1 shall be paid proportionate to use.

4. **Reimbursement for Construction of Private Roadway Improvements.**

Declarant, for itself and its successors and assigns, reserves the right to seek reimbursement from the owners of the Additional Lots who in the future seek to develop access off of, or from Ross Street Terrace for all costs Declarant incurred to construct the Private Roadway Improvements.

5. **Assessment.** The owners of the Property shall assess themselves as necessary for the costs of maintenance of the Private Roadway Improvements or any portion thereof. Except in the case of emergency repairs, an assessment for maintenance shall occur when the owners of two (2) or more of the lots that are responsible for the maintenance to be done, as set forth in Section 2, determine that the Private Roadway Improvements or any portion thereof needs maintenance. On such determination, written notice shall be provided to all of the owners describing the maintenance, the party that will perform the maintenance, the estimated cost of the repairs, and the allocation of the costs among the owners (the "Repair Notice"). If one or more of the owners of lots that are responsible for the maintenance to be done, object to any matter contained in the Repair Notice, the objecting owners shall notify the other owners in writing setting forth the reasons for the objection. If no such objection is received within the 15 day period following receipt of the Repair Notice, all owners shall be conclusively considered to have agreed to the maintenance and repair work performed and to pay their allocable share of the

maintenance and repair costs. If a timely objection is received, the owners responsible for the maintenance shall meet at a mutually agreeable location within the Property and attempt to resolve the dispute in good faith. A decision of a majority of the owners of parcels that are responsible for the maintenance shall control. If the dispute cannot be resolved within 15 days after the timely objection is received, any owner may initiate arbitration to resolve the dispute as described in Section 8 below.

Notwithstanding the foregoing, any owner has the authority to make any necessary emergency repairs. The repairs shall be limited to those needed to render the Private Roadway Improvements safe for use by vehicles and pedestrians. The owner making the repairs shall notify the other owners as soon as is reasonably possible. Emergency repairs shall be paid for according to the schedule in Section 2.

For purposes of determining a majority, there shall be one vote for each lot that is responsible for maintenance. If any lot has two or more owners, the vote cast by one owner is conclusively presumed to be the vote cast by all owners of the lot.

6. **Payment Due Dates.** The owner supervising the maintenance work shall prepare and submit a statement to all owners that describes each lot's allocable share of the maintenance costs (the "Payment Statement"). Payment shall be due within 30 days after receipt of the Payment Statement unless the owners responsible for the maintenance agree otherwise and shall be in default if not paid in full within the required time. If payment is not made on or before the due date, interest shall accrue on the unpaid balance at the rate of 12% per annum (but not to exceed the maximum rate permitted by law) until paid in full. For purposes herein, the "owner supervising the maintenance" shall be the owner designated by a majority of the owners; or, if no owner is so designated, the supervising owner shall be the owner or owners that sent the initial Repair Notice.

7. **Payment Default and Remedies.** If any owner fails to pay the amount due on the Payment Statement within 30 days of the receipt thereof (the "Defaulting Owner"), any other owner may bring an action in any court of appropriate jurisdiction for breach of the personal obligation to pay a proportionate share of the maintenance costs and in such action shall be entitled to recover the amount due and any interest accrued thereon, all costs of such action and reasonable attorneys' fees.

The non-defaulting owners covenant to contribute a proportionate share of any amount needed to cover any default and any related costs, including costs and attorneys' fees incurred in order to recover from the Defaulting Owner. Any payments received from the Defaulting Owner, including interest, shall be distributed on a pro-rata basis among those non-defaulting owners that made contributions to cover the default and recovery costs.

8. **Arbitration of Disputes.** ANY DISPUTE OR CLAIM IN LAW OR EQUITY ARISING OUT OF THIS AGREEMENT SHALL BE DECIDED BY NEUTRAL BINDING ARBITRATION IN ACCORDANCE WITH PART 3, TITLE 9, OF THE CODE OF CIVIL PROCEDURE, AND NOT BY COURT ACTION, EXCEPT AS PROVIDED BY CALIFORNIA LAW FOR JUDICIAL REVIEW OF ARBITRATION PROCEEDINGS. JUDGMENT UPON THE AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED IN ANY COURT. THE ARBITRATOR SHALL BE A RETIRED SUPERIOR

COURT JUDGE OR A LICENSED CALIFORNIA ATTORNEY, OR ANY OTHER PERSON OR ENTITY MUTUALLY AGREEABLE TO THE PARTIES. THE LOSING PARTY SHALL PAY THE ARBITRATOR'S FEES. IN THE EVENT OF A DISAGREEMENT AS TO THE SELECTION OF AN ARBITRATOR, THE PRESIDING JUDGE OF THE SUPERIOR COURT HAVING JURISDICTION TO ENFORCE THE ARBITRATION AWARD SHALL SELECT THE ARBITRATOR. THE FOLLOWING MATTERS ARE EXCLUDED FROM ARBITRATION: (A) AN UNLAWFUL DETAINER ACTION; AND (B) ANY MATTER WHICH IS WITHIN THE JURISDICTION OF A PROBATE COURT OR SMALL CLAIMS COURT. THE FILING OF A JUDICIAL ACTION TO ENABLE THE RECORDING OF A NOTICE OF PENDING ACTION, FOR ORDER OR ATTACHMENT, RECEIVERSHIP, INJUNCTION, OR OTHER PROVISIONAL REMEDIES, SHALL NOT CONSTITUTE A WAIVER OF THE RIGHT TO ARBITRATE UNDER THIS PROVISION.

9. **Attorneys' Fees.** In the event of any controversy, or claims of dispute relating to this Declaration or breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees and costs.

10. **Term.** These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the Property has been recorded, agreeing to change said covenants in whole or in part.

11. **Limitation of Liability.**

(a) Nothing set forth in this Declaration shall constitute an agreement to share any liability resulting from personal injury or property damage arising out of or in connection with the use of the Private Roadway Improvements. Each lot owner hereto is responsible for maintaining their own liability insurance, if any.

(b) The liability of Declarant and the future owners of the Property for performance of any of the provisions of this Declaration shall terminate upon sale, transfer, assignment, or other divestment of the owner's entire interest in the Property with respect to obligations arising from and after the date of divestment.

(c) Each owner shall indemnify, defend, protect, and save the other owners harmless from and against any and all demands, liabilities, damages, expenses, causes of action, suits, claims, and judgments, including reasonable attorneys' fees (collectively "Claims"), arising out of, relating to, or in any way connected with the performance by the indemnifying owner or its permittees of the indemnifying owner's maintenance obligations hereunder.

12. **Mortgagee Protection.** Nothing herein shall be interpreted to render invalid any deed of trust or mortgage on any Lot.

13. **Covenants Running with the Land and Equitable Servitudes.** The covenants contained herein constitute covenants running with the land pursuant to the provisions of Civil Code Section 1468 and equitable servitudes that benefit and bind each Lot and each owner and

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EXHIBIT D PAGE 6 OF 10

successive owner thereto and shall be effective automatically on the date that Declarant first transfers title to any dominant or servient tenement described herein regardless of whether the instrument of transfer describes these covenants.

14. **Amendments.** These covenants may be amended from time to time by the Lot owners. The amendment shall be in writing, shall be signed by all of the Lot owners and shall be certified by such owners that the amendment was duly adopted by the owners as required herein. The amendment shall be effective when recorded in the records of Marin County, California.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the date and year first written above.

DECLARANT:

Jacob Friedman

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF MARIN

On _____, before me, _____, a notary public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

V. LELLS
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EXHIBIT D PAGE 7 OF 10

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 021-141-59 and 021-141-60

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN RAFAEL COUNTY OF MARIN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel One:

BEING a portion of the lands conveyed to John G. MacPhee, Jr., by Deed recorded March 16, 1961 in Book 1444 of Official Records, at Page 582, Marin County Records and to Jack G. MacPhee by Deed recorded September 21, 1962 in Book 1613 of Official Records at page 396, Marin County Records, more particularly described as follows:

BEGINNING at the Westerly corner of the lands conveyed to Jack G. MacPhee recorded September 21, 1962 in Book 1613 of Official Records at page 396, Marin County Records, and running along the Southerly line South 68° 15' East 19.03 feet, thence leaving said Southerly line South 79° 39' 21" East 109 feet more or less to the Westerly line of Ross Street Terrace (formerly Buena Vista) as described and dedicated to public use in the Deed from James J. McDonald to Peter Williams, recorded in Book 3 of Deeds, at Page 360, Marin County Records, thence along said Westerly line South 9° 15' East, 21 feet, thence leaving said Westerly line North 85° 19' 38" West 54 feet; South 14° 55' 26" West 64 feet, more or less, to the Southerly line of the Deed to John G. MacPhee above referred to (1444 O.R. 582), thence along said Southerly line North 68° 47' 00" West 58 feet to the Southwesterly corner; thence along the Westerly line of said Deed North 11° 45' 00" 72.15 feet to the point of beginning.

BEING PARCEL 2 as shown upon the proposed subdivision approved and recorded November 26, 1963 in Book 1753 of Official Records, at Page 247, Marin County Records.

APN: 012-141-59

Parcel Two:

BEING A PORTION of the lands conveyed to John G. MacPhee, Jr., by Deed recorded March 16, 1961 in Book 1444 of Official Records, at Page 582, Marin County Records, and to Jack G. MacPhee, by Deed recorded September 21, 1962 in Book 1613 of Official Records, at Page 396, Marin County Records, more particularly described as follows:

COMMENCING at the Westerly corner of the lands conveyed to Jack G. MacPhee, recorded September 21, 1962 in Book 1613 of Official Records, at Page 396, Marin County Records, and running along the Southerly line South 68° 15' East 19.03 feet, thence leaving said Southerly line South 79° 39' 21" East 109 feet, more or less, to the Westerly line of Ross Street Terrace (formerly Buena Vista) as described and dedicated to Public use in the Deed from James J. McDonald to Peter Williams, recorded in Book 3 of Deeds, at Page 360, Marin County Records, thence along said Westerly line South 9° 15' East, 21 feet, to the true point of beginning, thence leaving said Westerly line North 85° 19' 38" West 54 feet; South 14° 55' 26" West 64 feet, more or less to the Southerly line of the Deed to John G. MacPhee above referred to, (1444 O.R. 582), thence along said Southerly line South 68° 47' 00" East 92 feet to the Southeasterly corner; thence along the Westerly line of Ross Street Terrace, North 11° 45' 00" 81.90 feet to the true point of beginning.

BEING PARCEL 1, as shown upon the proposed subdivision approved and recorded November 26, 1963 in Book 1753 of Official Records, at Page 247, Marin County Records.

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EXHIBIT "A"
Legal Description

APN: 012-141-60

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EXHIBIT D PAGE 9 OF 10

EXHIBIT "B"

(Diagram of Roadway Improvements)

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EXHIBIT "C"

(Consent)

V-LELS
6/3/2021

EXHIBIT E PAGE 1 OF 5



December 6, 2019

Coby Friedman
[Redacted]
Fairfax, CA 94930

Via E-Mail

Re: ED19-090/ED19-091/LLA19-008: Application for a Design Review Permit and Lot Line Adjustment for the construction of two new single family homes – one on vacant Lot 59 and one on vacant Lot 60. Access to the lots proposed to be from Ross Street via a newly created roadway along Ross Street Terrace; APN # 012-141-59 and APN# 012-141-60.

Dear Coby:

On November 7, 2019, the City of San Rafael Community Development Department received the above-mentioned application for a construction of 2 new homes on two vacant hillside parcels (Lot 59 and Lot 60) and a Lot Line Adjustment. The City is required by state law to review the revised application within 30 days of receipt (or by December 6, 2019) to determine if we have the information necessary to deem it complete. The project plans were distributed to City Departments and the neighborhood HOA for review and comments on November 8, 2019. Once the application is complete, we can begin formal processing and schedule a public hearing at the Design Review Board.

At this time, based on staff discussions with Public Works and the City Attorney's Office, the planning application has been deemed *incomplete*. Before staff can move forward with a review of the design merits of the project, the roadway access issue must be resolved. The discussion below details the project application and review history, the history of the creation of the lots, and the current decision about application completeness.

I. Project Review History

An application for Design Review (ED15-088/ED15-089) and Lot Line Adjustment (LLA15-001) was previously reviewed by the City as a Pre-Application (May 2015), Conceptual Design Review at the Design Review Board (August 22, 2017), and Planning Commission (PC) hearing (November 14, 2017).

It is important to note that the Design Review Board was generally supportive of the *conceptual* home designs presented in 2017. However, there were critical unresolved

questions about the proposed vehicular access from Ross Street Terrace and whether there was any possibility of using Clayton Street (despite the hairpin turn and lack of a 20' wide roadway). The proposed Ross Street Terrace access roadway had been reviewed and deemed *conditionally* acceptable by the Fire Prevention Bureau for emergency vehicle access. However, the planning application had still not yet been officially deemed *complete*, and closer review by Fire and other City Departments was required. At the City's recommendation, the applicant hired a H&S Associates (Fire Code Consultants) to evaluate the pros and cons of access from Clayton and access from Ross Street Terrace. In April 2018, H&S Associates offered an analysis and their opinion (based on information provided by the applicant and views from Google Earth, but no site visit). They concluded that Ross Street Terrace "would be the most cost-effective option and should be more desirable to the Fire Department". This information was never fully evaluated by the City because the project application remained "incomplete". Despite numerous requests for additional information, the applicant requested that the project move forward to the Planning Commission.

On November 14, 2017, the Planning Commission reviewed the project and denied the project without prejudice. This decision was appealed to the City Council but then in January 2018, the applicant/property owner (Coby Friedman) requested that the appeal be withdrawn. Staff withdrew the appeal and agreed to work with Mr. Friedman in his efforts to submit a new application. The full appeal fee was refunded. Staff worked with a planning consultant (hired by the owner/applicant) and responded to inquiries from two architects before the new planning applications were submitted on November 7, 2019.

II. History of Proposed Access to New Homes

The primary issue about this application continues to be vehicular access to the new homes – both for residents and emergency vehicles. Both staff, the DRB and Planning Commission have acknowledged that access to the site is challenging, no matter which route is chosen. Currently, Lot 59 and Lot 60 have no vehicular access from Clayton Street. Pedestrian access is via a gravel trail.

The background history is this: In 1963, the City approved a 3-lot subdivision, creating Lots 58, 59 and 60, subject to the following condition: "*Construction of a road, pavement 16 feet in width with curb and gutter along Clayton Street in front of the proposed lots, location to be determined by the City engineer.*" A Certificate of Compliance was issued in 2004 verifying that the lots were legal lots of record and establishing conditions of approval for construction of a new roadway and utility lines. As a reminder, the purpose of a Certificate of Compliance is to provide property owners and subsequent purchasers with a record of a city or county's determination that a parcel was legally created. This process is governed by the State Subdivision Map Act (Government Code Section 66499.35). Although a certificate of compliance certifies the legality of the parcel, it neither ensures that it is a buildable parcel, nor entitles the parcel owner a construction permit or other development permits or approvals. To obtain a construction permit or other land use approval for the parcel, the owner must complete the appropriate application process and meet all existing regulations. If the City

determines that the parcel was created in compliance with the provisions of the Subdivision Map Act and local ordinances at the time of its creation, a certificate of compliance is issued. If the parcel was not created in compliance with those provisions, a conditional certificate of compliance is issued. The conditions which must be satisfied before issuance of any permit or other approval will typically be the same as those that would have been applied if the parcel had been legally created using the land division process.

The initial proposal in 2015 (per the subdivision COA) was to access Lots 59 and 60 via development of an extension and widening of Clayton Street (only a portion of which is paved). However, due to existing site constraints on Clayton Street (hairpin turn in the roadway, inability to widen the roadway to meet the current requirement of 20' wide roadway for Emergency Vehicle access, and existing development encroaching into Clayton Street), the applicant revised the plans and proposed to access the lots from Ross Street, via a new proposed roadway along undeveloped Ross Street Terrace right-of-way. This proposal was presented as a Conceptual Design to the Design Review Board on August 22, 2017.

III. Application Completeness

On November 14, 2019, Planning met with the City Attorney's Office, Fire Prevention Bureau, and Public Works Department (DPW) to discuss the new application submitted on November 7, 2018, and the proposed access from Ross Street Terrace. The new roadway is proposed to be approximately 481 feet long and would terminate approximately 12 feet north of Lot 60. Based on the Title Report and grant deed information submitted with the application and research into the City records by DPW, the City is unable to conclude that Ross Street Terrace was ever accepted by the City. This means that Ross Street Terrace is not a "City street" and the ownership of Ross Street Terrace is unresolved. As such, Planning staff cannot move forward with a full review of the current application for any other "completeness" items regarding SRMC Chapter 25 Design Review Regulations or the Hillside Regulations until you can verify that you have rights to access and construct a new roadway on Ross Street Terrace. The City cannot provide any additional information on this matter and we recommend that you consult with a land use attorney and/or land title specialist to proceed.

In terms of potential access from Clayton Street, if you are unable to provide the 20 foot roadway required by current fire code but only the 16-foot roadway required in the subdivision approval and Certificate of Compliance, staff recommends that you work with H&S Associates to propose an Alternative Means and Methods in lieu of the 20 foot roadway requirement for consideration by the San Rafael Fire Department.

DPW had previously requested that a **boundary survey** be submitted for Ross Street Terrace if this is proposed as access to the site. Staff is requiring that a boundary survey be prepared for Clayton Street as well (based on a survey and installed by a surveyor). Also, the property lines for Lot 59 and Lot 60 will need to be clearly staked (stakes also installed by a surveyor). Roadway stakes were installed as part of the previous application, but I don't believe this was done based on a boundary survey.

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The planning application has been deemed **incomplete** at this time. However, based on preliminary reviews and the project description submitted, staff has determined that the project will most likely require the following *additional* entitlements (and payment of additional fees upon application submittal):

- a) **An Exception to the guest parking requirement.** Based on the Hillside Overlay District in which this site is located, the proposed project requires a total of four (4) off-street guest parking spaces, two (2) spaces for each lot) and is proposing to provide only two (2) guest parking spaces located on Lot 60;
- b) **An Exception to the Natural State Requirement.** The project proposes less than the required natural state required by the Hillside Overlay District and thus and thus does not comply with the Hillside Regulations "natural state requirement". These Exceptions require review and approval by the City Council. The fee for the Exception is \$1,023.
- c) Also, it is likely that the project does not qualify for a Categorical Exemption to CEQA (California Environmental Quality Act) and will require the preparation of an Initial Study/Mitigated Negative Declaration. *If* it is determined that CEQA review is required, there will be an additional fee required to complete an Initial Study (\$10,346 deposit fee). Once we have the information about the roadway access clarified, staff will be able to make the determination about what level of CEQA review is required and if the project could qualify for a Categorical Exemption.

IV. Merit Items: The following items are not "completeness" items, but have been points of discussion and concern, either by staff, DRB, PC or by members of the public.

- a) **Guest parking:** The DRB and the PC both recommended guest parking be located on the project site. The Gerstle Park Neighborhood Association also objected to locating guest parking on the proposed new roadway. The current application proposes 2 guest spaces on Lot 60 only, and partially extend outside the property line boundary. Staff continues to direct the applicant to consider re-designing the development on Lot 59 to accommodate at least one (1) of the required guest parking spaces. This may require that the homes be reduced in size or re-oriented on the lots. Staff also encourages the applicant to explore creative ways to possibly design a shared driveway access between the two lots.
- b) **Impact of new roadway on property owners abutting Ross Street Terrace:** Creating a long retaining wall along the proposed Ross Street Terrace access would eliminate access to Ross Street Terrace from the rear of several properties. This will need to be discussed and evaluated in terms of property rights. Ownership issues would have to be clarified given the uncertainty of the ownership of and/or easement rights over this unaccepted right-of-way. In addition, any site plans showing the roadway access or retaining walls should also include all adjacent residential structures as well for context.

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- c) Retaining walls: The proposed retaining wall heights shown ranged from 1 foot to 12 feet along Ross Street Terrace. There was much concern expressed by residents about the height and impact to adjacent homes. Photosims were presented to the Board but those did not show the level of detail needed to determine impacts. The DRB recommended that the plans be revised to include cross sections that include property lines and adjacent residential structures.
- d) Maintenance Agreement: This subject was of great concern to the residents adjacent to the proposed Ross Street Terrace roadway. If rights of access can be established over Ross Street Terrace, the details of any future maintenance agreement for the proposed street and retaining walls will also need to be provided to DPW as part of the revised application submittal.

V. Referral comments: I have attached referral comments received for the November 7, 2019 plan submittal. Please note that due to the uncertainty surrounding the access roadway, any revisions to the plan would require additional evaluation from all Departments.

VI. Hearing comments: You can access the actual video recording of the August 22, 2017 Design Review Board hearing and the November 14, 2017 Planning Commission hearing through a video link for the desired hearing dates at the City's website: www.cityofsanrafael.org/meetings.

I hope this information is helpful to you. Staff will be available to meet with you if you have any questions about the information in this letter. We are ready to schedule a meeting at the semi-monthly DCC meeting as we did previously so that we can discuss the project with staff from DPW, Building, Fire, Sanitation, Public Works and the City Attorney's Office.

You will need to submit revised plans within 30-days of the date of this letter, or **by Monday, January 6, 2020**, or the application will be administratively withdrawn, unless an extension of time is requested. Any request for a time extension must be submitted in writing and must specify the reason(s) for the delay and the date the items will be submitted to the Community Development Department. Staff is completely supportive of granting a time extension, given the complexities of the project. Should you have any questions or comments, please do not hesitate to contact me at (415) 485-3094 or by email at caron.parker@cityofsanrafael.org.

Sincerely,



Caron Parker
CITY OF SAN RAFAEL
Associate Planner

cc: Maya Freidman, maya@cfcontracting.com
Steve Carter, Architect, scarter@farrellarc.com

List *V. LELS* *EXHIBIT F* *PAGE 1 OF 6*
6/3/2021

Contractor's License Detail (Personnel List)

Contractor License # 967497

Contractor Name CF CONTRACTING INC

Click on the person's name to see a more detailed page of information on that person

Licenses Currently Associated With

Name	<u>JACOB FRIEDMAN</u>
Title	RMO / CEO / PRES
Association Date	11/08/2011
Classification	A
Additional Classification	<u>There are additional classifications that can be viewed by selecting this link.</u>

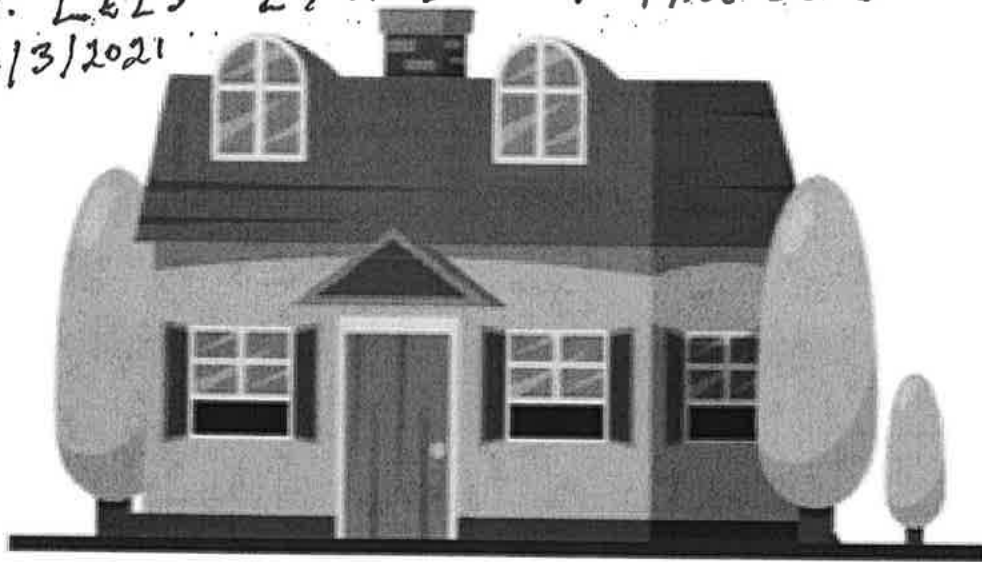
V. LELIS
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General Contractor | San Francisco Bay Area

CF Contracting provides general contracting services for residential, commercial, and public construction projects in the greater San Francisco Bay Area. Our professional and friendly staff deliver top quality and cost competitive service to all our clients with thorough planning and efficient execution. The buildings, homes, schools, hospitals, parks, and roadways that stand complete today required highly detailed plans and careful attention to each component. CF Contracting operates with integrity and will work with you through every phase of your project. From creative design to finish work, our utmost priority is to exceed your expectations.

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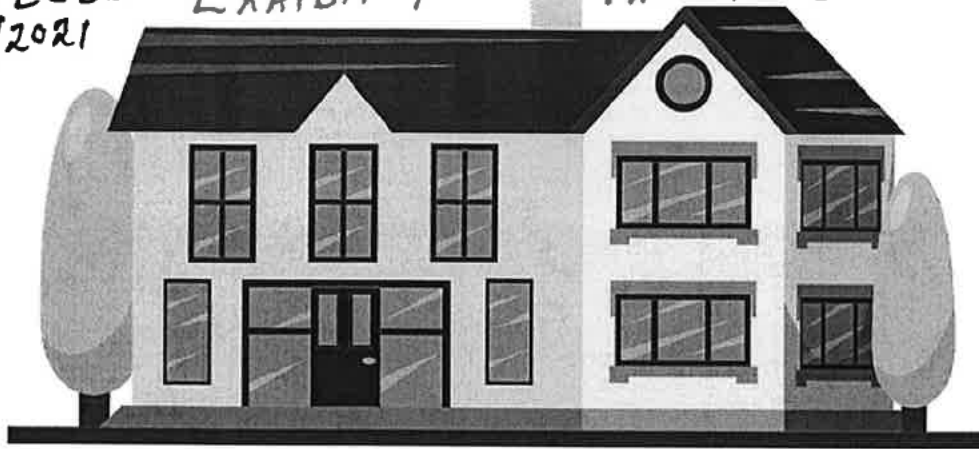
Residential

The CF Contracting team provides general contracting services for any type of residential construction project from ground up construction to major remodels, additions and upgrades. We serve the greater SF bay area, delivering an organized approach to clientele that demand exceptional contracting services. It is through the careful care and execution of well-laid plans that our friendly and highly skilled tradesmen deliver successful and timely completion of work.

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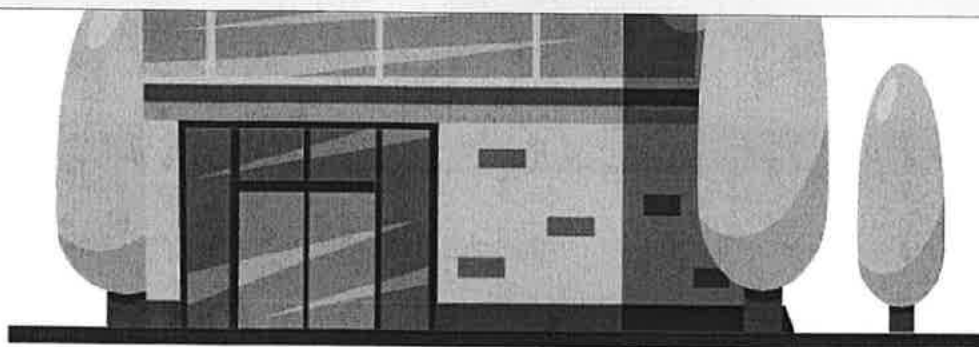
PAGE 4 OF 6



Commercial

CF Contracting has been in the construction business since 1981. Since then we have worked on numerous commercial construction projects. Our mission is to provide our clients with the most time efficient, cost competitive and highest quality work. We have a seasoned crew of project managers and field employees as well as a large network of the best subcontractors in the business.

We pride ourselves in the large pool of satisfied clients we have and the quality of our work.



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Public

CF Contracting has been in the public works construction business since 2008. In a relatively short period of time since we entered this business, we have become one of the leading prime contractors in providing construction services to many State agencies, local municipalities and school districts in the greater San Francisco Bay Area. Public Works is an extremely competitive, demanding and highly regulated business. All contractors and their subcontractors on public works projects are required to adhere to the highest industry standards and the payment of prevailing wages to all employees.

V. LEL'S
6/3/2021 EXHIBIT F PAGE 6 OF 6

Contact Us

You never know until you ask, goes the old saying. Send us a quick notification and we take it from there.

Licensed | Bonded | Insured

CA Contractor's License #967497

Call Us at (415) 310-5442



CFCONTRACTING

Rifkind Law Group

1010 B Street, Suite 200, San Rafael, CA 94901
Telephone: (415) 785-7988 * www.rifkindlawgroup.com

Leonard A. Rifkind
len@rifkindlawgroup.com

June 4, 2021

VIA EMAIL: dave.hogan@cityofsanrafael.org; Alicia.giudice@cityofsanrafael.org;
steve.stafford@cityofsanrafael.org; Lindsay.lara@cityofsanrafael.org

City of San Rafael Design Review Board

Re: Opposition to Conceptual Design Review 33 and 41 Clayton Street
Hearing Date: June 8, 2021

Dear Design Review Board Members:

Our firm represents Robert and Emily Foehr, 122 Ross Street (25 units), Michelle and Patrick Killian, 209 Marin Street, Peter and Leslie Marks, 60 Woods, Kurt Scheidt, 137 Ross Street, and Ronald and Lori Stickel, 62 Woods, all of whom **oppose** the proposed access for the referenced project via a *new* to be constructed private street almost 500 feet in length to be named "Ross Terrace." Our clients oppose the proposed Ross Terrace access for the reasons stated below.

This project fails to comply with the General Plan that requires preserving existing natural features, retaining as many significant trees as possible, minimize grading, avoiding large expanses of walls in a single plane, and requiring tree canopied spaces around new hillside residential development. Gen. Plan, Community Development Element, Hillsides – CD-6a. This project does not comply in multiple respects with these requirements because its access is compromised and requires massive grading. The applicant has requested three exceptions that should not be granted: Natural state, guest parking and driveway grade.

Your Board heard this project before in 2017 and acknowledged providing access was extraordinarily challenging. Nothing has changed except the fire codes have become stricter, requiring at least a 20-foot-wide access road. The retaining walls remain overwhelmingly tall, require will massive grading and, create a sound-wall like freeway experience for the neighborhood where 58+ trees and local native trails exist for both residents and wildlife. The plan to replace the removed trees is ornamental at best, and we have "paved paradise and put up a parking lot."¹

¹ Joni Mitchell song.

1. **45 Units Impacted by Ross Terrace Access Compared to 5 Units on Clayton Street—On this Fact Alone Clayton is the Preferable Access Because it Impacts Less Households.** Ross Terrace will be massively disruptive to 45 housing units. Building a new 20-foot wide, 500-foot-long road with retaining walls up to 14-feet high is an anathema to the neighborhood, replacing green space that provides public pedestrian access towards downtown and an alternative emergency egress. Contrary to the Staff Report, there is more direct impact on 9 times the number of housing units via the Ross Terrace Access than affected on Clayton Street.
2. **Project Grading Exceeds 2,000 Cubic Yards, Which is Massive.** At 10 yards of spoils per dump truck, this represents an incredible **400+** roundtrip dump truck trips through this neighborhood—almost double the number of trips permitted daily by the County for the San Rafael Quarry. Even if 700 cubic yards were remain on site, it would still require some 260+ dump truck trips and these construction impacts will likely cause significant damage to Ross Street. Alternately, Clayton Street needs major re-design and repairs and can be upgraded after access is created from that direction.
3. **Project Fails to Comply with Natural State Requirements.** San Rafael Municipal Code Section 14.12.030(C) provides:

Natural State. A minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%), must remain in its **natural state**. This standard may be waived or reduced for lots zoned PD (planned district) or developed with clustered development with the recommendation of the design review board, subject to approval by the hearing body. This requirement does not apply to properties where the general plan has adopted a medium density residential or high density residential land use designation.

Here, both Lot 59 and 60, fail to comply with the natural state requirement set forth in Section 14.12.030(C). Lot 59 has only 54% of the required minimum natural state and Lot 60 has only 53% of the minimum natural state. Clearly, the project is grossly overdeveloped and each residence must be reduced substantially in size to comply with mandatory natural state requirements. Additionally, these calculations do not consider the approximately 10,000 square foot new roadway, to be named Ross Terrace, being constructed transforming natural state to a roadway/parking lot. Staff states. “Natural state includes all portions of lots that remain undeveloped and undisturbed.” The applicant’s alleged Ross Terrace easement rights are certainly a part of the subject lots and such massive disruption of natural state must be included. As designed, this project using Ross Terrace as the access should be dead on arrival. Alternatively,

Clayton Street is already an existing road needing upgrade. The impact on natural state is literally 10,000 square feet less than the Ross Terrace access.

4. **Project Fails to Provide Required Guest Parking.** SRMC Section 15.07.030(c) requires two off-street guest parking spaces. Lot 59 provides zero guest parking spaces because a single guest space is located in the area required for access to the garage parking. Lot 60 provides just one guest space. The result is parking will occur in the proposed hammerhead turnaround or within Ross Terrace—hindering emergency access vehicles, or possibly 500 feet away on Ross Street, which is already severely parking impacted. The guest parking plan fails miserably.
5. **Project Driveways are too Steep.** The project plans provide for driveway slopes approaching 25%, where only 18 percent is permitted. SRMC Sec. 15.07.030. If one house were constructed lower on the two lots, the driveway slope grade could be met.
6. **The Proposed Ross Terrace Access Has Excessive Grade.** SRMC Section 15.07.030 provides streets and driveways shall not exceed 18% grade. Here, the initial grade from Ross Street to Ross Terrace is approximately 25%. Further, *there is no engineering proof a fire truck can achieve the transition from Ross Street to Ross Terrace* without physical either bumper or undercarriage impact with the roadbed, causing likely damage and potentially disabling responding emergency vehicles. The only way the 25% excessive grade can be reduced is through even more massive grading, causing the retaining walls approaching 14 feet in height to be even taller. This is not an acceptable result. Further such adjoining property owners have legally enforceable access rights to Ross Terrace and the proposed massive retaining walls will interfere with such access. For these reasons, the proposed Ross Terrace access should be rejected.
7. **Clayton Street Needs Improved Emergency Vehicle Access.** Improving existing Clayton Street will *enhance* existing poor emergency vehicle access.
8. **Loss of Existing Public Access.** Developing Ross Terrace will cut off public access to Clayton Street that has been used by the public for over a hundred years as access towards downtown.
9. **Loss of Alternative Emergency Escape.** Developing Ross Terrace with massive retaining walls will cut off alternative public emergency egress, e.g., a fire escape route for the 45 units affected.
10. **Loss of Parking Spaces on Ross Street.** Developing Ross Terrace will cause the loss of at least four (4) valuable parking spaces on overparked Ross Street.
11. **Light, Noise and Traffic Impacts to Residents.** Developing Ross Terrace will create headlight impacts on Ross Street housing facing the new driveway. Additionally, because of the excessively steep grade vehicles will have to go into

low gear and generate significant engineer noise affecting 45 housing units. The hidden nature of the new roadway, with its massive retaining walls, is an invitation to criminal activity.

12. **Drainage Impacts.** A Ross Terrace access will increase the amount of surface waters draining towards Clayton Street. The Project plans do not address drainage impacts on Clayton Street.
13. **Utility Impacts.** A Ross Terrace access will adversely affect existing utilities for several adjacent units that have been in place decades.
14. **Loss of Green Space and Wildlife Habitat.** Developing Ross Terrace eliminates a public social trail in place for over 100 years, and eliminates green space.
15. **Developer Does Not Have Preference on the Access Route.** The developer does not care which access, Ross Terrace or Clayton, only that he is approved to construct his two-unit project. The majority of the neighborhood deeply cares and is strongly opposed to constructing a new 500-foot roadway through the middle of the neighborhood. Even the developer believed Clayton Street was the correct access for the project, having directed his engineer, ILS and Associates to prepare engineering plans for Clayton access in 2016, and again in 2019.
16. **Maintenance.** Imposing the maintenance of 500-foot private road and adjacent retaining walls on the proposed two new homes invites the likelihood of abdication by future homeowners of the two-unit project, leaving the surrounding neighbors with a concrete eyesore. A shorter 150-foot private access route from Clayton is more feasible.

There are several provisions of the City's design review ordinance that require the Board to recommend that the project does NOT receive conceptual design review approval:

No Balance Between the Project and the Natural Environment. The Board cannot support or recommend conceptual design review approval for this project with a Ross Terrace access. The very purpose of design review fails: "first and foremost, maintain a proper balance between development and the natural environment." SRMC Sec. 14.25.010. A Ross Terrace access *obliterates* the natural environment. The project access creates Caltrans level infrastructure in a small residential neighborhood.

Project Access on Ross Terrace Fails to Comply with Design Review Requirements in Multiple Respects:

- The proposed Ross Terrace access fails to "display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting." SRMC Sec. 14.25.050C(1).

- The proposed Ross Terrace access fails to *minimize* grading, retain more of the project site in its natural state, minimize visual impacts . . . and with sensitivity to nearby structures. SRMC Sec. 14.25.050C(2).
- The proposed Ross Terrace access *maximizes* grading. Site design requires a project to minimize grading and removal of natural vegetation. Highly visible hillsides and wildlife habitat should be preserved and respected. SRMC Sec. 14.25.050E(2).
- The project solution for access is creation of a new 500-foot road bounded by massive retaining walls fails that fails the “good” circulation test. SRMC Sec. 14.25.050E(3)
- Ross Terrace access fails to preserve the natural landscape in its natural state as much as practical and should be rejected in favor of the shorter less intrusive Clayton Street access. SRMC Sec. 14.25.050G.
- Construction impacts will be increased with a Ross Terrace access and cause substantial disruption to 45 households. SRMC Sec. 14.25.050H.

We anticipate that the developer will claim the Clayton access is not viable because the Fire Department does not support it and it requires acquisition of private property for right of way purposes. Given the significant impacts that will occur with a Ross Terrace access, we respectfully request the Board direct staff, including the Fire Department, to explore every opportunity to enhance fire safety access on Clayton Street, which is demonstrably deficient, before allowing a new freeway level of improvement on Ross Terrace.

Respectfully submitted,

RIFKIND LAW GROUP

By: 

Len Rifkind

June 8, 2021

Design Review Board
c/o Alicia Giudice and David Hogan, Project Planners
Community Development Dept.
City of San Rafael
1400 Fifth Ave
San Rafael, CA. 94901

Design Review Board Members:

RE: 33/41 Ross Street Terrace - Design Review Board consideration of Hillside Exceptions and Environmental and Design Review Permit

I urge you to DENY the application for an Environmental and Design Review Permit and Hillside Exceptions for 33/41 Ross Street Terrace for the following reasons:

1) Hillside Design Guidelines:

This application has shown a blatant disregard for the Hillside Design Guidelines, including the natural state requirement, guest parking requirement, preservation of significant trees, grading, hillside design and neighborhood compatibility. In fact, the Hillside Design Guidelines were adopted precisely to prevent this type of development on our hillsides.

a. Natural State:

The attempt to squeeze two large (almost 3,000 sq') homes on these undersized lots should be denied. Hillside development on the other side of Moore Hill, in the neighboring West End, have required the merging of 2, 3, and even 4 small, undersized hillside lots in order to create a reasonable building site and meet Hillside development standards. I am asking you to maintain past practices for the development of our hillsides by adhering to the important guidelines which have been successfully and consistently applied to our hillside development since the City Council adopted the award-winning Hillside Design Guidelines in 1991.

The applicant is requesting an exception to the natural state requirement with a significant reduction in the natural state, almost 50% less than required, for each lot. This is a blatant disregard for an important hillside protection. If you approve the requested exception to the Natural State requirement, you will forever change hillside development in San Rafael because the exception you approve on this property will set the standard by which you will review all future hillside development, opening the door to other equivalent reductions in the natural state and undermining this important protection of our hillsides.

b. Parking and circulation (IV.A5):

All required guest parking spaces, 2 per residence, should be located on-site, not on the street or within the City right-of-way. In addition, the application needs a circulation plan showing all vehicular maneuvering into and out of the garage and guest parking on lot 59, including when a vehicle is parked

in the guest parking space. The circulation plan should indicate how both lots comply with SRMC 14.12.030 (F) which prohibits vehicles from backing out onto streets less than 26' wide.

c. Preservation of Significant Trees (IV.A2).

The applicant has NOT shown that a diligent effort has been made to retain as many significant trees as possible, as required by the Hillside Design Guidelines. In fact, quite the opposite, the applicant proposes removing all but one oak tree on lot 59 and removing all existing trees on lot 60. No existing trees will be retained along the proposed access drive, as well, resulting in approximately 58 trees over 6" in diameter being removed, according to the WRA Environmental Consultants report, submitted with the application.

The applicant has NOT proposed a plan for tree replacement that includes a 3:1 ratio as required. If approved, this project will have the unfortunate outcome of clearing the land and changing the natural environment, completely opposite of the Hillside Guidelines objective to preserve the inherent characteristics of the hillside and display sensitivity to the natural setting.

A tree protection plan prepared by a licensed arborist is needed to establish safety procedures both during and after construction for the remaining oak tree on lot 59.

d. Grading (IV.A3).

Hillside Design guidelines promote minimizing grading in order to preserve the inherent characteristics of sloping hillside sites and the natural environment. This project requires extensive grading and extensive removal of the natural vegetation on this hillside.

e. Architectural Design (IV.A7) and Reduction of Building Bulk (IV.A6).

The design is too boxy and bulky. The style is very contemporary with a "butterfly" roof design. To comply with the Hillside Guidelines and reduce bulk, the houses should be stepped back with the topography and roof slopes should follow the site contours.

f. Compatibility with surrounding neighborhood (IV.A1).

This project proposes 2 houses on undersized lots, each having land area between 5,000 and 5,800 sq'. The houses are densely packed together, eliminating all tree canopy and ground cover of the natural setting except for one oak tree. This proposed project is not compatible with the development pattern of the surrounding neighborhood where land area around existing structures is between 12,000 to 16,000 sq' and where the natural environment supports the hillside character of this neighborhood.

A better solution would be to combine the lots to form a 10,800 sq' lot, still small for the area, but more likely to accommodate a modest sized home that complies with the Hillside Design Guidelines and is more compatible with the surrounding development pattern of this neighborhood.

2) Hillside Exceptions:

The application must meet the criteria established in SRMC 14.12.040 for hillside exceptions, as stated below:

A. That the project design alternative meets the stated objectives of the hillside design guidelines to preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods and maintain a strong relationship to the natural setting; and

B. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.

This application does not meet the criteria for approving an exception to the Hillside development standards. The applicant has NOT demonstrated a superior project with greater sensitivity to the natural setting and compatibility with nearby hillside neighbors. In fact, this application replaces the natural setting with concrete driveways, building footprints and retaining walls.

The exception request for 33/41 Ross Street Terrace to reduce the natural state by almost 50% does NOT result in a superior project with greater sensitivity to the natural setting or preserve the inherent characteristics of the site. In fact, both lots are completely stripped of all trees, except for one oak tree and replaced with small slivers of ornamental landscaping. This project does NOT meet the criteria for a hillside exception, per SRMC 14.12.040.

Staff references 22 Jewel as an example of a previous hillside project on a flag lot where an exception to the natural state was approved. However, the exception requested for this project was minor. The applicant for 22 Jewel revised their plans, in response to neighborhood comments, and improved the design by increasing the building setback which resulted in a slight reduction in the natural state from 57.6% to 50.3% and required an exception. By providing a superior design with greater sensitivity to nearby neighbors, this project met the objectives of SRMC 14.12.040 for exception approval. (*note: the design permit for 22 Jewel has expired, no building permit was issued*).

The approval of this application will set a bad precedent going forward for future hillside development and will undermine our Hillside Design Guidelines and development standards. This application does not meet the criteria required for an exception approval. I urge the City to be consistent with their past practice and require compliance with the Hillside Design Guidelines, per SRMC Chapter 14.12.

As a licensed building contractor, the owner/applicant, should have been well informed about the substandard size of these two lots and the City of San Rafael's Hillside Design Guidelines before he purchased them in 2015. The best use and most feasible development of these lots would be to combine them into one buildable lot which meets the minimum size requirements for the zoning and will accommodate a modest sized home that complies with ALL Hillside Design Guidelines, including the natural state and guest parking requirements.

Thank you for your consideration of these comments.

Sincerely,

Victoria DeWitt
West End neighbor

Dave Hogan

From: Lois Tucker [REDACTED]
Sent: Tuesday, June 8, 2021 10:57 AM
To: Dave Hogan
Cc: [REDACTED]
Subject: Ross/Clayton San Rafael Project

Hello, Mr. Hogan,

I'm following up my personal phone call a few minutes ago with similar comments in writing:

As an observer and appreciator of the wildlife in our neighborhood, I am most concerned about the destruction of a important wildlife corridor.

Both fire mitigation work, which I support for all our safety, and home sales result in large scale habitat/brush reduction, increased fencing, and interference or blockage of animal trails. Plus, the increase in the coyote population with elimination of brush and cover has coincided with decreases in the population of opossums, raccoons, skunks, quail, and deer, and with increases in the squirrel population.

I personally have not seen a single opossum in 10-15 years; they used to have raucous group gatherings in my back yard when we first moved here (1984). I've seen one quail in 34 years; one skunk in the last 3-4 years, and one mama raccoon with 3 or 4 babies last year, although a neighbor who has a small water lily pond says they come there nightly. The one fox near Reservoir & Ross died last year (possibly from eating a poisoned rodent?). One fox is alive around Reservoir/Knoll/Clorinda, or was at the end of 2020.

The deer population, by my estimate, is down to 10-12, including the only 2 fawns spotted so far this year, 2 bucks, and 5 does. I presume 1-4 deer more that haven't come through my National Wildlife Federation-certified wildlife friendly yard. Deer always move around, so people think there are more than there really are. Life is increasingly hard for them anyway, with increased coyote predation, removal of brush, and dogs in the neighborhood that have actually killed deer. Let us not remove one way deer and other wildlife can get around without always navigating streets, sometimes occupied by humans driving too fast.

We have an obligation to our wildlife. Maintaining the wildlife corridor and preventing habitat destruction is as important a reason to not support this project as the drainage, parking impacts, etc.

Making a road for two houses that can be accessed by an existing road at Clayton is not worth the tradeoff IMHO. If space has to be made for a fire truck, then do it at the conjunction of the houses and Clayton OR make the houses that have triggered this proposal to give up space on *their* habitat for it.

The drainage, the very high retaining walls, possible fences atop retaining walls - just, No. I used to work for a planning agency (MTC) and was once pilloried for supporting more housing in Marin, so I am not normally a NIMBY, yet this issues solidly gets my Not In My Back Yard stand. My back yard

includes wildlife and I will speak for them, since they cannot. The need this wildlife corridor and therefore, we need it.

Tangent I know the City Planning staff

I would like people to think about what might happen, good or bad, in a fire. Will people open their locked gates and yards to let wild animals pass through and escape? Please think about pros/cons. This might include domestic animals that people could not catch or take with them, and have been abandoned on their own will.

Do we have a responsibility to the wild creatures who return into our neighborhood and live among us? I think so.

Do people know where the escape corridors for people or foot traffic are? We have some existing steps in the GP Area, and some steps that have been loaded off, or destroyed.

The City of Berkeley applied for, and received, funding for emergency steps / steps in the Berkeley Hills and maps to all the steps. Is something that the City of San Rafael could obtain / develop for SR residents?

How can I help succeed in this effort?

I intend to participate in the webinar this evening. Thank you for listing/reading.

Lois Tucker H: 15.XXX XXXX (land line), 15-XXX-XXXX (cell text)
[REDACTED] San Rafael, CA 94901