

RESOLUTION NO. 19-07

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED16-038), A USE PERMIT (UP16-018) AND A VESTING TENTATIVE MAP (S16-001) TO ALLOW THE CONSTRUCTION OF 136 UNITS WITHIN THREE (3), 36'-TALL, NEW RESIDENTIAL CONDOMINIUM BUILDINGS ON THREE (3) PARCELS AND REMOTE PARKING FOR THE EXISTING HOTEL AND MISCELLANEOUS SITE IMPROVEMENTS LOCATED AT 1007, 1020 AND 1030 NORTHGATE DR.
(FORMERLY 1005 AND 1010 NORTHGATE DR.; APNS: 178-240-17 & -21)**

WHEREAS, on June 25, 2015, Planning staff completed Pre-application review (PA14-008) of a proposal to add three (3) new, 46'-tall, buildings with 10' height bonuses to the project site, containing a total of 227 new residential units (The maximum allowed density for the project is 318 residential units and the maximum height is 36'); and

WHEREAS, on September 9, 2015, the Design Review Board (Board) provided Conceptual Design Review comments on the proposal, which reduced the number of residential units, from 227 to 217 units, though continued to add three (3) new, 46'-tall, buildings with 10' height bonuses to the project site. The Board's comments included: 1) The scale and massing of the new buildings needed refinement, including 'stepbacks' and greater articulation; 2) Eliminate the ground-floor commercial space proposed along the Manuel Freitas Parkway frontage; 3) Relocate the proposed roof decks to mitigate potential noise and light impacts; 4) The project should include guest parking spaces; and 5) The appropriate density will be best determined after a close examination of the traffic analysis; and

WHEREAS, on April 15, 2016, formal project applications were submitted to Planning, requesting an Environmental and Design Review Permit (ED16-038), a Use Permit (UP16-018) and a Vesting Tentative Map (S16-001) and included a reduced number of residential units, from 217 to 182 units, though increased the height of the proposed three (3) new buildings, from 46' to 48' and increasing the requested height bonuses, from 10' to 12'. The project additionally proposed subdividing the project site to create new parcels for each new building while leaving the existing hotel on its own separate parcel; and

WHEREAS, on October 23, 2018, the Planning Commission held a study session to provide preliminary comments on miscellaneous policy areas, including land use, bulk/mass, density, subdivision, improvements in the creek setback easement and environmental findings, due to the significant public requests for early feedback on the project. At that time, the project continued to reduce the number of residential units, from 182 to 136 units, and reduced the height of the proposed three (3) new buildings, from 48' to 36' without height bonuses. The Planning Commission indicated their support for the project, as currently proposed, and staff's determination, with the assistance of a third-party environmental consultant, that the project is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15332 (*In-Fill Development Projects*); and

WHEREAS, on January 23, 2019, the Board reviewed the formal project for site and building design and provided (4-0 vote; PC Liaison Lubamersky) the following comments: 1) The architectural of the buildings needs to better relate to the design character elements found in Terra Linda and that of the adjacent hotel; 2) A passenger loading zone should be included in the site design for 1007 Northgate Dr.; 3) The shadow study needs to be re-analyzed for

accuracy and enhanced to make it easier to evaluate the shading impacts, and expanded to include a 9 a.m. analysis on December 21st; 4) The project amenities need to include an outdoor cooking/BBQ area and a some type of outdoor play structure or area, located preferably adjacent to the proposed pool at 1030 Northgate Dr.; 5) The tree species proposed in the Landscape Plan need to be re-evaluated, including the Texas Privet and Deodar Cedar; and 6) The project should provide access to the pool amenity at 1030 Northgate Dr. to the future senior residents at 1007 Northgate Dr.; and

WHEREAS, on May 21, 2019, the Board continued their review of the project and recommended approval (4-0 vote, PC Liaison absent) of the revisions to the site and building design to the Commission; and

WHEREAS, on July 23, 2019, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider the Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001) applications, accepted and considered all oral and written public testimony and the written report of Planning staff; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001):

**Environmental and Design Review Permit (ED16-038)
Findings**

- A. The project design, as revised and conditioned, will be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding natural landscape setting to contribute to the attractiveness of the City. The project site is encumbered by a 35'-wide creek 'setback' easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limited tree removal of unhealthy specimens. Additionally, the project proposes exterior colors and textures in earthtones/woodtones which would enhance the landscape setting of the project site. The project proposes high-quality exterior materials and finishes which would contribute to the attractiveness of the immediate surroundings as a

gateway to the greater Terra Linda neighborhood. The 36'-tall new residential buildings would be in scale with the existing four-story hotel that is proposed to continue on the site. Photo simulations were conducted on the prior, larger project by the applicant, which indicated minor view impacts from public vantage points; the most recent, smaller project size would have reduced view impacts.

B. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the Office (O) and High-Density Multifamily Residential (HR1) Districts in which the project site is located, given that;

1. The project design will be consistent with the maximum allowable density for the site, which is 318 units based on 7.3 acres of total lot area;
2. The project will be consistent with the minimum required yard setbacks for the project site, which are 20' front, 6' side, 10 street side and 20 rear in the O District and 15' front, 5' side 10' street side and 5' rear in the HR1 District;
3. The project will be consistent with the maximum height allowed for the project site, which 36' (Uniform Building Code 1997);
4. The project will be consistent with the maximum lot coverage for the project site, which is 40% in the O District and 60% in the HR1 District;
5. The project will be consistent with the minimum landscaping requirement for the project site, which is 25% in the O District and 50% of the required front and street side yards in the HR1 District;
6. The project will be consistent with the minimum common or private outdoor area for the project site, which is 100 sq. ft. per unit in the HR1 District;
7. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit;
8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site; and
9. The formal project design was reviewed by the Design Review Board (DRB) on two separate meetings and was, ultimately, recommended for approval on May 21, 2019.-=

C. The project design, as revised and conditioned, minimizes adverse environmental impacts, given that;

1. The project site is encumbered by a 35'-wide creek setback easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limiting tree removal to unhealthy specimens;
2. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined by the drainage report submitted on the project and the review and recommendation by the City Engineer; and
3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location were threatened and

endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found.

- D. The project design, as revised and conditioned, 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, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.

Use Permit (UP16-018) Findings

- A. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the HR1 District, in which the project site is located, given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 3. The proposed project will be consistent with the purposes of the HR1 District, given that; a) The project will provide for high-density residential development in the HR1 District, a high-density residential zoning district; b) The project will provide a wide variety of housing opportunities in terms of housing type ("senior", market-rate and affordable residential condominium units) and sizes (studio units averaging 621 sq. ft. in size, 1-bedroom units averaging 716-840 sq. ft. in size, 2-bedroom units averaging 1,090 sq. ft. in size, 3-bedroom units averaging 1,315 sq. ft. in size, 2-bedroom townhomes averaging 1,430 sq. ft. in size and 3-bedroom townhomes averaging 1,460 sq. ft. in size); c) The project will comply with the existing 35' landscape setback easement along the west elevation with Gallinas Creek and proposes a 25' creek setback for those portions of the project site not encumbered by the existing landscape setback easement; d) The project proposes to provide a new easement providing pedestrian access for outdoor recreational activities, from Manuel Freitas Parkway and throughout the west elevation of the project site, along Gallinas Creek; and e) The project has been reviewed by the appropriate City department and non-city agencies and determined that adequate infrastructure exists to meet all new service demands.
- B. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, 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, given that; the project has been reviewed by appropriate City departments, non-

City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project; and

- C. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance..

Vesting Tentative Map (S16-001) Findings

- A. The proposed Vesting Tentative Map for the proposed project as revised and conditioned, is consistent with the San Rafael General Plan 2020 and any applicable, adopted specific plan or neighborhood plan, given that; as documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020). The Vesting Tentative Map proposes to subdivide an existing 293,953 sq. ft. (6.75 acre) parcel into three (3) new parcels containing the existing hotel and the new residential condominium buildings at 1020 and 1030 Northgate Dr. The Vesting Tentative Map further proposes to create a total of 136 residential condominium units within the three (3) new residential buildings (30 condominium units at 1007 Northgate Dr., 48 condominium units at 1020 Northgate Dr. and 58 condominium units at 1030 Northgate Dr.);
- B. The design or improvement of the subdivision is consistent with the San Rafael General Plan and any pertinent, adopted specific plan or neighborhood plan; given that, the subdivision will create three (3) new residential buildings with a total of 136 condominium units within the project site, which is consistent with the maximum allowable density (318 units) under the Office (O) and High-Density Residential (HR1) Districts zoning designation. The design of the subdivision also will be consistent with all applicable development standards of the O and HR1 Districts;
- C. The property subject to subdivision is physically suitable for the type of the development proposed, given that; 1) Residential development, either rental units or condominium units, is allowed on the project site "by right"; 2) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; 3) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use; and 4) The project site is an in-fill development location and all service providers have concluded adequate capacity exists to meet service demands for the number of residential units proposed;
- D. The property subject to subdivision is physically suitable for the density of development, given that; 1) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; and 2) The proposed subdivision will create airspace

condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use;

- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat given that: 1) Both the subdivision and the proposed project complies with the existing 35' landscape setback easement along the west elevation of the project site, along Gallinas Creek; 2) Both the subdivision and the proposed project meet the minimum required 25' creek setback along the west elevation of the project site, along Gallinas Creek, not currently encumbered by the easement; and 3) Both the subdivision and the proposed project preserve most of the existing landscaping within the project site, particularly within the 35'-wide landscape setback easement and 25' creek setback along Gallinas Creek and within the uncovered parking areas surrounding the hotel (The project proposes to remove 109 existing trees (23 existing trees at 1005 Northgate Dr. and 86 at 1010 Northgate Dr.) New landscaping includes trees (126 new trees in 15-gallon, 24"-box and 72"-box container sizes), shrubs (897 new shrubs and ferns in 5- and 15-gallon container sizes), groundcovers and vines (2,158 new groundcovers and vines in 1- and 5-gallon container sizes) and succulent vertical planter walls (53 new succulents in 1-gallon container size);
- F. The design of the subdivision or the type of the proposed improvements is not likely to cause serious health problems, given that; 1) Residential development, either rental units or condominium units, is allowed by both the Zoning Ordinance and the General Plan on the project site "by-right"; 2) The San Francisco Bay Regional Water Quality Control Board (RWQCB) has historically regulated environmental activities on the project site (1007 Northgate Dr.) and granted "case closure" on hydrocarbon contamination beneath the site; and 3) Both the subdivision and the proposed project has been reviewed by all appropriate city departments, non-city agencies and the Design Review Board who recommend approval of Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001), subject to conditions of approval to mitigate potential adverse impacts; and
- G. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, given that; 1)) Both the subdivision and the proposed project complies with the existing 35' landscape setback easement along the west elevation of the project site, along Gallinas Creek, which provide access through the three (3) new parcels (1010 Northgate Dr. – the existing hotel, 1020 Northgate Dr. and 1030 Northgate Dr. from a new easement; 2) Both the subdivision and the proposed project provide a new 25' creek setback along the west elevation of the project site, along Gallinas Creek, which will provide access from Manuel Freitas Parkway, through the existing parcel at 1005 Northgate Dr. and connecting with the new easement through the new parcels; and 3) Both the subdivision and the proposed project provide new access easements throughout the project site, connecting the three (3) new parcels to Northgate Dr.

California Environmental Quality Act (CEQA) Findings

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Based on supporting studies submitted with the project and as documented in the Notice of Exemption (Exhibit 6 to staff's report), a Class 32 categorical exemption under the CEQA Guidelines applies to this in-fill development project by meeting specific criteria listed below:

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 3 and 4);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project proposes neither redevelopment nor improvements on the existing hotel site (1010 Northgate Dr.) other than subdividing it into three (3) new smaller parcels and, thereby, reducing the hotel site to a smaller parcel; the project site is a total of 210,274 sq. ft. (4.8 acres) after removing the proposed new hotel parcel (318,413 sq. ft.–108,139 sq. ft.) from the project site. The project is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development
- c) The project site has no value as habitat for endangered, rare or threatened species given that a Biological Assessment was completed on the project site which determined no critical habitat exist among the biological resources;
- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and, in the case of the traffic study, peer reviewed. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001), based on the findings of fact above and, subject to the following conditions of approval:

**Environmental and Design Review Permit (ED16-038)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their July 23, 2019 hearing, stamped "approved" 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 project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.

2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves:
 - a) The demolition of an existing commercial building and self-serve gas station and the construction of a new, 36'-high, residential building for 'senior' residents with 30 condominium units above 29 garage parking spaces at 1007 Northgate Dr.;
 - b) The construction of a new, 36'-high, mixed-use building with 48 condominium units above 147 garage parking spaces for residents and their guests and hotel guest and 'hospitality' space (restaurant, bar and dividable meeting room) for the adjacent hotel (1010 Northgate Dr.) at 1020 Northgate Dr.; and
 - c) The construction of a new, 36'-high residential building with 58 condominium units above 207 garage parking spaces for residents and their guests and hotel guest at 1030 Northgate Dr.
4. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
5. All grading and construction activities shall be limited to 8 a.m. to 6 p.m., Monday through Friday. Low-noise construction, occurring entirely within the interior of the building, may be permissible on Saturdays with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved, Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.
6. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
7. 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.
8. All site improvements, including but not limited to the site lighting, hardscape, and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
9. The 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.

10. 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.
11. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
12. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass.
13. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
14. The project shall implement, and adhere to, the following recommended Best Management Practices to reduce potential grading and construction noise impacts on nearby sensitive receptors:
 - Equip all grading and construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptor nearest the project site;
 - Locate equipment staging in areas that would create the greatest possible distance between noise sources and noise-sensitive receptor nearest the project site;
 - All noise producing grading and construction activities, including warming-up or servicing equipment and any preparation for grading or construction, shall be limited to the hours between 7 a.m. and 6 p.m. on weekdays and between 9 a.m. and 6 p.m. on Saturdays. No grading or construction activities shall occur on Sundays or federally-recognized holidays.
 - Designate a "disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and determine and implement reasonable measures warranted to correct the noise issue.

15. The project shall implement, and adhere to, the recommended tree protection and tree trimming guidelines at all times, including but not limited to:
- Tree Protection Fencing. All trees to be retained shall receive Tree Protection Fencing (TPF) in order to prevent direct damage to the trees and their growing environment. The TPF shall consist of blaze orange barrier fencing supported by metal "T-tail" fence posts. The TPF shall be placed at a distance that is at or outside the driplines of retained trees to the extent feasible. TPF shall be installed before site preparation, grading, construction or tree trimming activities and shall be installed under the supervision of a qualified arborist.
 - Use of Heavy Equipment. Heavy equipment shall not be allowed to operate or park within or around areas containing retained trees, unless these areas are currently paved surfaces. If it is necessary for heavy machinery to operate within the dripline of retained trees, a layer of mulch or pea gravel at least four inches (4") in depth shall be placed on the ground beneath the dripline. A 3/4-inch (3/4") sheet of plywood shall be placed on top of the mulch. The plywood and mulch shall be removed once grading and/or construction activities are complete.
 - Storage of Construction Materials and Debris. Construction materials (e.g., gravel, aggregate, heavy equipment) or project debris and waste material shall not be placed adjacent to or against the trunks of retained trees.
 - Attachments. The attachment of wires, signs and ropes to any retained tree is strictly prohibited.
 - Trimming. The following trimming guidelines shall be followed at all times:
 - All pruning of retained trees shall be performed by a licensed contractor familiar with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture which includes Best Management Practices for Tree Pruning;
 - All trimming shall be pruned back to an appropriately sized lateral or to the trunk by following proper pruning guidelines; and
 - All trimming shall be conducted by or under the supervision of a certified arborist.
16. All HVAC equipment shall be installed on the rooftop and behind a parapet to create a noise barrier and reduce potential noise levels. In the alternative, ground-mounted HVAC equipment shall be adequately enclosed or shielded.
17. To reduce potential interior noise impacts on the residential units within the project, the following measures are required (Noise Impact Analysis; LSA Associates, Inc., dated March 2016); page 28): a) In order to allow windows and doors to remain closed, mechanical ventilation, such as air conditioning, shall be provided; b) All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two (2) 90° turns in the duct; and c) All windows and doors shall be installed in an acoustically-effective manner where sliding window panels shall form an air-tight seal when in the closed position, the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration and exterior doors shall seal air-tight around the full perimeter when in the closed position.
18. All windows and doors for residential units at 1030 Northgate Dr (closest building to U.S. Highway 101) shall be constructed with Sound Transmission Class (STC) ratings. All windows and doors rated STC 36 or higher shall have glass lite thickness no less than 3/16 inch.

19. Applicant agrees to defend, indemnify, release and hold harmless the City, 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 adoption 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.
20. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant 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 the applicant 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 applicant 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.
21. As a condition of this application, applicant 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, processing 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 the City for City Attorney expenses and costs within 30 days following billing of same by the City.
22. 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. This Environmental and Design Review Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced for all three (3) new residential buildings or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **July 23, 2021** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' on all three (3) new residential buildings, or failure to obtain a time extension within the two-year period, will result in the expiration of this Environmental and Design Review Permit.
23. This Environmental and Design Review Permit does not approve phasing of the project approvals. Phasing of the project approvals shall require amendment of this Environmental and Design Review Permit and shall be supported with a phasing plan with reasonable and reliable milestones for development of the site, as approved by the project.

24. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP16-018) approval. If the Environmental and Design Review Permit expires, the Use Permit approval shall also expire and become invalid.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

25. All trash and recycling facilities shall be approved by Marin Sanitary Service and a letter approving the location and sizing of these facilities shall be submitted with the building permit.
26. The location and dimensional size of all communal refuse and recycling facilities shall be shown on the building permit plans. All communal refuse and recycling facilities shall be screened from public view.
27. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
28. Any outstanding Planning Division application processing fees shall be paid.
29. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (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.
30. Proposed retaining walls along the U.S. Highway 101 elevation will be up to 13' in height. These significant retaining walls shall be redesigned to conform more and work better with existing topography. These retaining walls shall be reduced in height of equal height and staggered or offset with landscape improvements between and below the retaining wall sections.
31. If grading and/or construction activities (e.g., ground disturbance, tree removal or tree trimming) are scheduled during the bird nesting season (typically defined by the California Department of Fish and Wildlife as February 15 to August 31), a qualified licensed biologist shall conduct a preconstruction survey for nesting birds no more than 14 days prior to the start of the work. If the survey indicated the presence of nesting birds, the biologist shall delineate a buffer zone where no grading and/or construction will occur until the biologist has determined that all young have successfully fledged. The size of the buffer shall be determined by the biologist and will be based on the nesting species and its sensitivity to disturbance. Typical buffer zones are 50' for passerines and up to 250' for raptors. Nests shall be monitored regularly to determine if grading and/or construction activities are affecting the nesting activities and when young birds have fledged.
32. When trimming large branches or removing trees from the site, the cut branches and trees will be left in place overnight to allow foliage roosting bats to escape and find new roosting sites in the adjacent habitat. Branches and trees can be removed from the site or chipped the following day.
33. An acoustical test report of all sound-rated windows and doors, by a qualified (licensed) acoustical consultant, shall be submitted to Planning, ensuring that the selected windows

and doors would reduce the interior noise levels to normally acceptable level adopted by the City (i.e., 40 dBA in bedrooms and 45 dBA in all other rooms).

34. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code), a statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on Northgate Dr. and Manuel Freitas Pkwy shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.

35. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval. This Dust Control Plan shall implement BAAQMD (Bay Area Air Quality Management District) established standard measures (*Basic Construction Mitigation Measures*) for reducing fugitive dust emissions, including but not limited to:

- All exposed surfaces (e.g., parking areas, staging areas soil piles, graded areas and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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 grading and construction workers at all access points.
- 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.
- A publicly visible sign shall be posted with the telephone number and the person to contact at the City of San Rafael regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

36. The project shall complete a soil vapor survey at 1007 Northgate Dr. (prior address, 1005 Northgate Dr.) to determine the necessity of incorporating a chemical or gas impermeable vapor barrier or membrane into the design of the senior residential development. Boring

samples points, generally, shall be taken across the site. Final sampling points shall be determined after consultation with RWQCB (San Francisco Regional Water Quality Control Board). The soil vapor sampling results shall be provided to RWQCB for comparison with RWQCB residential Environmental Screening Levels for Total Petroleum Hydrocarbons for gasoline and benzene.

37. Soil shall be field screened or sampled by an on-site environmental consultant in areas identified or suspected as having the potential to have impacted soil present, in the vicinity of the underground fuel storage tanks and dispenser islands, as deemed appropriate by the environmental consultant or as reported by the grading contractor for the project or subcontractors. If required, soil samples shall be screened for the presence of volatile organic compounds, using a hand-held photo-ionization detector (PID). Samples with PID levels greater than 10 parts per million by volume shall require laboratory testing. If soils are required to be excavated from the impacted areas, such soil will be stockpiled separately on-site pending characterization for offsite disposal. Stockpiled soil shall be covered by a impermeable liner, such as plastic sheeting, to control odors and fugitive dust emissions, reduce potential infiltration by rainwater, and minimize the potential for cross-contamination of underlying soil. Stockpiles shall be checked daily by the contractor to verify that they are adequately covered.
38. The project shall comply with the City's inclusionary or affordable housing requirement (currently Section 14.16.030 of the SRMC) by providing a minimum of 28 affordable 'for sale' housing units.
 - a. If the project proposes to provide condominium units, 14 units shall be required at the low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.) and 14 units shall be required at the moderate-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.);
 - b. If the project proposes to provide rental units, 14 units shall be required at the very low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.) and 14 units at the low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.); and
 - c. The project sponsor is required to enter into a BMR (below-market-rate) agreement with Marin Housing Authority, deed-restricting the income level for occupancy of the affordable units and obtain City Council approval of the BMR agreements. The configuration of the BMR units shall reflect the generally configuration of each new building. The 'senior' residential building at 1007 Northgate Dr shall provide a total of 6 BMR units; all 1-bedroom BMR units. The new mixed-use building at 1020 Northgate Dr. shall provide a total of 10 BMR units (2 studio BMR units, 2, 1-bedroom BMR units and 6, 2-bedroom BMR units). The new residential building at 1030 Northgate Dr. shall provide a total of 12 BMR units (2 studio BMR units, 4, 1-bedroom BMR units and 6, 2-bedroom BMR units.). These BMR units shall be spread out evenly throughout the floors of each building. If the project proposes to provide condominium units, the location of these BMR units shall be shown on the final map and shall be subject to review and approval by the City as part of the its consideration of the BMR agreements. If the project proposes to provide rental units, the location of these BMR units may 'float' though they shall be 'bunched' together. These BMR units shall be comparable in size, finishes and unit mixture to the market rate units.

Department of Public Works

39. A grading permit is required for the project from the Department of Public Works (111 Morphew St.). The grading permit submittal shall include a site-specific erosion and sediment control plan
40. The project sponsor shall obtain an encroachment permit for any work within the Right-of-Way (ROW) from the Department of Public Works. Access to the adjacent properties shall be maintained throughout construction unless alternative arrangements are made.
41. The proposed bicycle storage rooms for each building shall be located as close to the garage entrances as possible to provide more direct access and limit the distance traveled through the garages, which thereby, improves safety by reducing potential conflicts with motor vehicles.
42. The proposed stormwater drainage system is designed for multiple parcels. A stormwater maintenance agreement shall be required. Depending on how the stormwater maintenance agreement is proposed for the properties, a drainage easement may be required.
43. Per San Rafael Municipal Code (SRMC) Section 15.07.030, all driveways shall not exceed a grade of 18%. Provide a profile for the driveways and ramps to show that the proposed slopes and transitions are compliant and adequate. Show the driveway vertical curves demonstrating that a vehicle will not scrape or bottom out when accessing the steep driveways.
44. The geotechnical report indicates soil tie-backs may be necessary for construction of some retaining walls, which may extend beyond the property line and into easements Show all retaining wall footing and soil tie-back encroachments on the project plans. Provide easements if crossing property lines.
45. Due to soil conditions and the size of the excavation proposed by the project, a third-party review shall be required for the geotechnical report and design. The project sponsor, or successor, shall provide a \$5,000.00 deposit for this peer review, which shall be completed prior to issuance building or grading permits.
46. Due to the proximity of the first driveway for the proposed building at 1007 Northgate Dr. to Manuel Freitas Parkway, "KEEP CLEAR" pavement striping along Northgate Dr. will be required.
47. To improve pedestrian safety, the existing marked crosswalks and signalized crossings at the Freitas Parkway/Northgate Dr. intersection shall be improved to provide pedestrian signal heads and/or push buttons. The project shall contribute the cost to install these pedestrian facilities to the City.
48. To improve pedestrian circulation, the Freitas Parkway/Northgate Dr. intersection shall be redesigned to eliminate the 'pork chop' islands and tighten the curb radii on the north leg of the intersection. This redesign shall be done in conjunction with the added pedestrian crossing features listed above.
49. The project shall comply with the adopted San Rafael Bicycle and Pedestrian Master Plan Update, which calls for a Class 1 multi-use path and/or six foot (6')-wide sidewalk along Manuel Freitas Parkway. The project shall either provide the Right-of-Way for the City's

future construction of these improvements and/or contribute the cost to construct these pedestrian improvements to the City.

50. The project shall pay a traffic mitigation fee of \$229,284 for 54 additional peak hour (36 a.m. and 18 p.m.) traffic trips (54 x \$4,246).

Community Development Department, Building Division

51. School fees will be required for the project. Calculations are done by the Dixie School District, and those fees are paid directly to them and proof of payment shall be submitted to the Building Division prior to issuance of the building permit.

52. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

53. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:

- a) Architectural plans
- b) Structural plans
- c) Electrical plans
- d) Plumbing plans
- e) Mechanical plans
- f) Site/civil plans (clearly identifying grade plan and height of the building)
- g) Structural Calculations
- h) Truss Calculations
- i) Soils reports
- j) Green Building documentation
- k) Title-24 energy documentation

54. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.

55. The new buildings contain several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, non-separated occupancies, and separated occupancies) to address the mixed-occupancy concerns.

56. Site/civil plans prepared by a California licensed surveyor or engineer must clearly show topography and identify grade plane and height of the building. The building height must comply with CBC (California Building Code) Section 504 and Table 503. On the plan, justify the proposed building height.

57. Building areas are limited by CBC Table 503. On the plan justify the proposed building area.

58. Buildings located four (4) or more stories above grade plane shall provide one stairwell extending to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1009.13.
59. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected:
- 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
 - 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property
60. Each building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background (SMC 12.12.20).
61. The address for structures is determined by the Chief Building Official. The address of the existing building on this parcel is 1010 Northgate Drive. The building on the adjacent property is 1050. The tentative address for the proposed mixed-use building is **1020 Northgate Drive**. The address for the "New Residential Building" will be **1030 Northgate Drive**; the address of the "Senior Housing Building" will be **1007 Northgate Drive**. These proposed addresses will be legalized upon completion of construction. However, each page of the plan's title block and all permit application documents must show the proposed building's address identification information.
62. Bollards must be placed in the garage to protect mechanical equipment from vehicular damage when located in the path of a vehicle (if applicable).
63. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
64. School fees will be required for the project. School fees for residential construction are currently computed at \$3.79 per square foot of new living area, Commercial space is computed at \$0.61 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
65. Improvements within on-site privately-owned streets, such as retaining walls, street light standards, and private sewer systems, may require plan review and permits from either the Department of Public Works or the Building Division.

66. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
67. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated, redesigned to fall within property line boundaries.
68. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted. Building pad locations will have to be surveyed and marked prior to placement of foundations.
69. All site signage requires a separate permit (excluding address numbering).
70. Monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign. This would apply particularly at or near the intersection of Northgate Drive and Freitas Parkway.
71. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4.
72. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
73. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
74. Any public area within each building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities may be required for each sex depending on use.
75. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
76. All buildings with four (4) or more floors and one or more elevators shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" x 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
77. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:
 - a) Path of travel from public transportation point of arrival

- b) Routes of travel between buildings
- c) Accessible parking
- d) Ramps
- e) All public entrances
- f) Sanitary facilities (restrooms)
- g) Drinking fountains & Public telephones (when provided)
- h) Accessible features per specific occupancy requirements
- i) Accessible special features, (i.e., ATM's point of sale machines, etc.)

78. 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.

79. The parking garages shall have a minimum vertical clearance of 8' 2" ceiling height where required for accessible parking.

80. Multistory apartment with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the accessible requirements per CBC 1102A.3.

81. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2%.

82. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5% of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.

83. Public accommodation disabled parking spaces must be provided according 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

84. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off-load area or 17'-wide overall. Additionally, one in every eight required handicap spaces shall be van accessible.
85. Minimum shower size in the fully accessible room must be a minimum of 60" wide by 30".
86. This project will be required to employ recycled water for both landscaping and inside the building for water closets for both the residential and commercial spaces. Check with Marin Municipal Water District (MMWD) for details.
87. This project will be required to employ a gray water reuse system. Check with MMWD for details.
88. The proposed residential units shall meet the sound attenuation requirements of CBC Chapter 12. In particular, the residential units facing both Manuel Freitas Parkway and U.S. Highway 101 will likely require special glazing and/or sound attenuation features to compensate for the adjacent traffic/street noise.

Las Gallinas Valley Sanitation District (LGVSD)

89. The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. Please download the application form at: http://www.lgvsd.org/docs/application_allocation.pdf.
90. The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may be required.
91. LGVSD requires a special site visit with the applicant to discuss potential capacity and access issues. Applicant 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.
92. Provide profile and sewer flow calculations for proposed sanitary sewer main.
93. The project applicant shall be responsible for preparation of quitclaim deeds and new sewer easement documents necessary for recordation by the District.
94. All new precast concrete manholes (MH) shall be HDPE or PVC T-lock lined. As an option, applicant may use fiberglass reinforced plastic manholes. Lateral connection to existing 12" trunk sewer shall have inside drop, if necessary. New SS shall be 8" PVC C905.
95. Submit details for all sanitary sewer (SS) facilities, e.g. backwater prevention devices for sewer laterals).
96. Add a plumbing fixture unit (PFU) table for each proposed and existing building showing both existing and proposed plumbing fixture unit counts per most current edition of the California Plumbing Code.

97. The applicant shall perform closed circuit television (CCTV) inspection of all existing sanitary sewers and building laterals within the property, which the applicant intends of reusing for the renovated structures and new buildings. Submit a CCTV inspection report in DVD format to the District for review.
98. Resubmit revised plans for LGVSD review.
99. Based on District Ordinance adopted on August 10, 2017, 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) Applicant 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

100. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.
101. 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) Private Fire Service Main plans (Deferred Submittal to the Fire Prevention Bureau)
 - d) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
102. Show the location of address numbers on the building elevation. Each building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Please refer to Fire Prevention Bureau Premises Identification Standards 09-1001, Table 1.
103. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
104. The minimum unobstructed width for an aerial fire apparatus access road is 26'.
105. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.

106. Where a fire hydrant is located on a fire apparatus access road, the minimum width of the road shall be 26'. The 26' width is required to remain clear and unobstructed for at least 20' of the roadway on each side of the fire hydrant.
107. Aerial fire apparatus access roads shall be designated "fire lanes"; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC Section 503.3.
108. When a building is fully sprinklered, all portions of the exterior building perimeter shall be located within 250' of an approved fire apparatus access road.
109. The minimum width of the fire apparatus access road is 20'.
110. The minimum inside turning radius for a fire apparatus access road is 28'.
111. The fire apparatus access road serving this building is more than 150' in length which will require an approved turnaround. Contact the Fire Prevention Bureau for specific details.
112. Provide stairways for roof access to each building.
113. At least one (1) elevator in each building shall be designated as an accessible means of egress and will require emergency power. Please show the locations of the emergency generators. Separate permits will be required to be issued for any above ground fuel storage tanks.
114. Each building shall provide a least one (1) elevator that will accommodate an ambulance stretcher per CBC 3002.4.
115. Hazardous materials placards shall be installed in accordance with NFPA 704.
116. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
 - a) Designated fire apparatus access roads.
 - b) Red curbs and no parking fire lane signs.
 - c) Onsite fire hydrants.
 - d) Fire Department Connection (FDC).
 - e) Double detector check valve.
 - f) Street address sign.
 - g) Recessed Knox Box
 - h) Fire Alarm annunciator panel.
 - i) Provide a note on the plans as follows: "The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building".
117. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3275 Series is required for this project; the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans.

118. It appears that at least two of Post Indicator Valves and Fire Department Connections will need to be relocated to accommodate the construction. Please show the locations of the relocated devices.

119. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Marin Municipal Water District (MMWD)

120. The project shall require the relocation of existing MMWD water main. All costs associated with relocation of the water facilities are borne by the applicant. The relocated water main shall be included within an appropriate utility easement.

121. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:

- a) Complete a High-Pressure Water Service Application.
- b) Submit a copy of the building permit.
- c) Pay the appropriate fees and charges.
- d) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a meter per structure per use.
- e) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
- f) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- g) 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.
- h) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

122. 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.

123. 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.

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

Community Development Department, Planning Division

125. To reduce daytime noise impacts due to construction, to the maximum feasible extent, the applicant shall develop a site-specific noise reduction program, subject to City review and approval, which includes the following measures:

- a) Signs shall be posted describing the permitted hours of construction in a conspicuous location near the property entrance legible from the edge of the roadway. The exact wording of the sign is prescribed by the City's Noise Ordinance.
- b) An on-site complaint and enforcement manager shall be designated to respond to and track complaints.
- c) A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- d) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- e) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- f) Stationary noise sources shall be located as far from the adjacent residences as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

Prior to Occupancy

Community Development Department, Planning Division

126. Private streets are proposed to extend from Northgate Dr. across all four (4) parcels (1007, 1010, 1020 and 1030 Northgate Dr.). This Environmental and Design Review Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to all four (4) parcels, providing common shared access for use by residents, hotel guests and staff.

127. A pedestrian path, with exercise stations and seating areas, are proposed to cross all four (4) parcels (1007, 1010, 1020 and 1030 Northgate Dr.). This Environmental and Design Review Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to all four (4) parcels, providing common shared access for use by residents, hotel guests and staff.

128. Prior to occupancy of any of the units, a post construction report from an acoustical engineer shall be submitted to the Planning Division verifying that the multifamily residential

units comply with the interior noise standard as prescribed by State Administrative Code standards, Title 25, Part 2.

129. Prior to occupancy of any of the units, a post construction report from a lighting engineer shall be submitted to the Planning Division verifying that the lighting levels comply with the approved photometric plan.
130. Prior to occupancy, the project Geotechnical Engineer shall submit a letter to the City identifying that the project Geotechnical Engineer inspected the project during the construction and the project complied with their recommendations and that all recommendations were property incorporated during construction of the project
131. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
132. All landscaping and irrigation shall be installed prior to occupancy. In the alternative, the applicant or property owner shall post a bond with the City in the amount of the estimated landscaping/irrigation installed cost. In the event that a bond is posted, all areas proposed for landscaping shall be covered with bark or a substitute material approved by the Planning Division prior to occupancy. Deferred landscaping through a bond shall not exceed 3 months past occupancy.
133. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
134. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
135. All communal refuse and recycling shall be fully screened from public view.

After Occupancy

Community Development Department, Planning Division

136. 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.
137. The three (3) tandem parking spaces approved with the new residential building at 1030 Northgate Dr. shall be relocated from the hotel use to the residents use. These tandem parking spaces shall be reserved for, and used exclusively by, owners of the 2-bedroom or 3.-bedroom units. The project shall assign these tandem parking spaces, through sales agreements, to owners of the 2-bedroom or 3.-bedroom units only.

**Use Permit (UP16-018)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. This Use Permit approves remote parking to satisfy the parking requirement for the existing hotel. This Use Permit approves the relocation of 139 existing and required surface parking spaces for hotel guest use to 1020 Northgate Dr. (7 surface parking spaces plus 41 garage parking spaces) and 1030 Northgate Dr. (91 garage parking spaces).
2. This Use Permit shall run with the land and shall remain valid regardless of any change- of ownership of the project site, subject to these conditions. This Use Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced for all three (3) new residential buildings or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **July 23, 2021** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' on all three (3) new residential buildings or submit a time extension request by the specified date will result in the expiration of this Use Permit.
3. This Use Permit does not approve phasing of the project approvals. Phasing of the project approvals shall require amendment of this Use Permit and shall be supported with a phasing plan with reasonable and reliable milestones for development of the site, as approved by the project.
4. This Use Permit shall run concurrently with the Environmental and Design Review Permit (ED16-038) approval. If the Use Permit expires, the Environmental and Design Review Permit approval shall also expire and become invalid.

Prior to Occupancy

Community Development Department, Planning Division

5. This Use Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to 1020 Northgate Dr. and 1030 Northgate Dr., restricting the use of these 139 remote parking spaces for exclusive use by hotel guests and staff for as long as the hotel exists and is in operation.

**Vesting Tentative Map (S16-001)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The Tentative Map (S16-001) shall be valid for a period of two (2) years from the date of Planning Commission approval, or until **July 23, 2021**, and shall become null and void unless a Final Map has been recorded or a time extension is granted.

2. Prior to the issuance of a building or grading permit or prior to recordation of the final map, whichever occurs first, Below Market Rate (BMR) agreements for 28 affordable units shall be approved by the City Council and recorded on the respective properties (1007, 1020 and 1030 Northgate Dr.) and shall be consistent with Condition No. 27 below (Environmental and Design Review Permit ED16-038).
3. Prior to issuance of building or grading permit or prior to the recordation of a Final Map, whichever occurs first, in lieu parkland dedication fees for 136 new cordiaminum units shall be paid to the City (136 units x \$1,967.98, parkland dedication fee as of July 23, 2019 = \$267,645.28) in accordance with the provisions of City Council Ordinance No. 1558. Parkland dedication in lieu fees are, at this time, based on 1989 dollars. Adjustments of this figure may be necessary at the time of fee payment if the fair market value for parkland and associated improvements is adjusted in accordance with Section 15.38.045 of the Ordinance.
4. Conditions, Covenants and Restrictions (CC&R's) shall be prepared and submitted with an application for a Final Map. The CC&R's shall include the following requirements and provisions:
 - a) The formation of a homeowner's association (HOA).
 - b) HOA responsibilities for ongoing maintenance of the shared or common facilities, including but not limited to the common driveway, common landscaping and irrigation, fencing, subdivision infrastructure improvements (storm water and sanitary sewer facilities) and exterior building and lighting improvements.
 - c) HOA financial responsibilities.
 - d) Restrictions and regulations imposed on each lot owner. The CC&R's shall include provisions which restrict the use of the tandem parking spaces (1030 Northgate Dr.) to the parking of motor vehicles to 2-bedroom units only.
 - e) Requirements and provisions for professional management services or the services of a Certified Public Accountant to oversee the HOA responsibilities and budget.
5. Prior to recordation of the Final Map, the CC&R's shall be reviewed and approved by the Community Development Department, Planning Division, and the City Attorney's Office.
6. Approved CC&R's shall be recorded concurrently with the Final Map.

Department of Public Works

7. Prior to the issuance of a building or grading permit or prior to recordation of the final map, the complete road access, pathway, all utility and, possibly, drainage and retaining wall easements shall be adequately shown on the plans. Recordation of all new easements and quitclaim deeds shall be required prior to issuance of a building or grading permit or prior to recordation of the final map.
8. A Final Map shall be required prior to occupancy. Provide a copy of the recent title report. The map shall be reviewed by the City Surveyor and City Engineer. Please see Title 15 of the Municipal Code for Final Map requirements. If the installation of subdivision improvements is not completed prior to recordation of a Final Map, a subdivision improvement agreement and security, such as a bond or deposit shall be required.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 23rd day of July 2019.

Moved by Commissioner Lubamersky and seconded by Commissioner Mercado.

AYES: Commissioners: Davidson, Lubamersky, Mercado, Samudzi, Schoppert

NOES: Commissioners:

ABSENT: Commissioners: Loughran, Schaeffer

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST:


Paul A. Jensen, Secretary

BY:


Jeff Schoppert, Vice Chair