

RESOLUTION NO. 21-08

RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION AMENDING USE PERMIT (UP21-006) AND AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED21-022) APPROVALS TO ALLOW AN 11' 2" INCREASE IN HEIGHT, FROM 36' TO 47' 2", AND INCREASE IN ROOMS, FROM 77 TO 103 ROOMS, AND AN INCREASE IN BEDS, FROM 88 TO 105 BEDS FOR A PREVIOUSLY APPROVED SENIOR LIVING FACILITY WITH MEMORY CARE SERVICES, WITH 40 GARAGE PARKING SPACES AND SITE IMPROVEMENTS ON TWO VACANT DOWNTOWN LOTS LOCATED AT 800 MISSION AVE. (APNS: 011-184-08 & -09)

WHEREAS, on September 4, 2018, the City Council denied an appeal and upheld the Planning Commission's conditional approval of a Use Permit (UP17-030) and an Environmental and Design Review Permit (ED17-090) to allow the construction and operation of a new 77-residential room assisted living facility with memory care services and associated garage parking, and site improvements on two (2) vacant Downtown parcels located at 800 Mission Ave; and

WHEREAS, on September 8, 2020, the Community Development Director approved the consolidation (LLA19-006) of the two (2) parcels. This Lot Line Adjustment/Consolidation will need to be recorded with the County of Marin by the applicant or property owner prior to issuance of building permits; and

WHEREAS, on February 25, 2021, the Zoning Administrator approved a two (2) year time extension for the project due to the project's financial infeasibility to construct during a global pandemic event. No additional changes, modifications or additions were proposed or approved to the project; and

WHEREAS, on March 8, 2021, the applicant submitted an application to amend the project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) by requesting an 11' 2" height bonus to allow expansion of memory care services, from 1 to 2 floors, and to increase residential rooms, from 77 to 103 rooms, and beds, from 88 to 105 beds; and

WHEREAS, on July 7, 2021, the Community Development, Planning Division, deemed the application submittal "complete"; and

WHEREAS, on August 3, 2021, the Design Review Board (Board) continued their review of the proposed design changes from a duly-noticed public hearing June 8, 2021 and unanimously (5-0 vote) recommended approval of the requested design changes to the approved project, subject to the following conditions: 1) Provide additional setback of the upper-story - along the Mission Ave elevation; 2) Update the landscape plan, showing the proposed landscaping at all outdoor common areas (patios and terraces); and 3) The applicant is encouraged to explore providing greater articulation to the north elevation to help break up perceived visual bulk; and

WHEREAS, these requested additional design changes requested by the Board have been incorporated into the plans prior to Planning Commission review and the Board also requested the additional design changes return to them after Planning Commission review for final review, prior to building permit submittal: and

WHEREAS, the proposed project changes have been reviewed with the requirements of the California Environmental Quality Act (CEQA) and will continue to allow the approved project to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to

Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development which meet specific conditions; and

WHEREAS, on August 2, 2021 the City Council adopted a comprehensive new General Plan 2040 to set the City's General Plan goals, policies and programs through the year 2040; and

WHEREAS, on August 16, 2021 in connection with the adoption of General Plan 2040, the City Council adopted Ordinance No. 1996 adopting amendments to the San Rafael Municipal Code (SRMC) Title 14 – Zoning to introduce, reference and incorporate the Downtown Precise Plan Form-Based Code by: a) establishing a new Downtown Mixed-Use (DMU) District that encompasses the boundaries of the Downtown Precise Plan area and serves as the base zoning and foundation for the Form-Based Code; b) amending, deleting and replacing certain zoning provisions applicable to Downtown San Rafael; and c) introducing new provisions to address and reference the Downtown Precise Plan Form-Based Code; and

WHEREAS, on August 16, 2021, in connection with the adoption of General Plan 2040, the City Council adopted Ordinance No. 1997 adopting the Downtown San Rafael Precise Plan – Chapter 9 Downtown Form-Based Code to serve as the primary regulatory City zoning code for Downtown San Rafael; and

WHEREAS, the new zoning regulations in Ordinance No. 1996 and Ordinance No. 1997 would be applicable to the proposed project at 800 Mission Avenue; however staff is recommending that, to avoid unnecessary disruption of the processing of applications for development in Downtown San Rafael that were deemed complete prior to adoption of these new zoning regulations, those development applications, including the project at 800 Mission Avenue, should be grandfathered for processing and approval subject to the zoning regulations in effect prior to the adoption of Ordinances No. 1996 and No. 1997 on August 16, 2021; and

WHEREAS, staff intends to place an ordinance approving such grandfathering on the agenda for the City Council's meeting on November 2, 2021; and

WHEREAS, the applicant has requested the City of San Rafael Planning Commission (Planning Commission) to consider the application for 800 Mission Avenue pursuant to the zoning regulations in effect prior to August 16, 2021, with the understanding and agreement that any approval of the application must be conditioned on the City Council acting to approve the ordinance staff has proposed to exempt from the new zoning regulations those Downtown development applications deemed complete prior to August 16, 2021; and

WHEREAS, the Planning Commission is willing to review the project application pursuant to the zoning regulations in effect prior to August 16, 2021 on that basis; and

WHEREAS, on October 12, 2021, the Planning Commission held a duly-noticed public hearing on the proposed design changes to the approved project (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) and accepted all oral and written public testimony and the written report of the Community Development Department Planning staff and closed said hearing on that date;

NOW, THEREFORE, BE IT RESOLVED, that this resolution shall become effective only upon the effective date of an ordinance adopted by the San Rafael City Council which ordinance requires

that the City only apply to applicant's project those zoning ordinances, standards and regulations in place at the time of submission of applicant's complete development application. For purposes of this resolution "zoning ordinances, standards and regulations," means the City's general plan, precise plan, zoning, design review standards and criteria, and subdivision standards and criteria;

BE IT FURTHER RESOLVED, that the Planning Commission hereby makes the following findings related to the applications to amend the prior project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022):

**Use Permit Amendment (UP21-006)
Findings**

A. The proposed use continues to be in accord with the General Plan 2020, the objectives of the Zoning Ordinance, and the purposes of the previous Multifamily Residential-High Density (HR1) District zoning in which the project site is located in, given that:

1. The amended project will be consistent with all pertinent General Plan 2020 policies, including, but not limited to:

- *Land Use Policy LU-12 (Building Heights). Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.*
- *Community Design Policy CD-1d (City Image) Landscape Improvements) recognizes that landscaping is a critical design component to. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.*
- *CD-2 (Neighborhood Identity) Recognize and promote the unique character and integrity of the city's residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by: a) Maintaining the urban, historic, and pedestrian character of the Downtown; b) Preserving and enhancing the scale and landscaped character of the City's residential neighborhoods; c) Improving the appearance and function of commercial areas; and d) Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places.*
- *CD-3 (Neighborhoods) seeks to recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. New development should respect the context and scale of existing neighborhoods.*
- *CD-5 (Views) seeks to respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.*
- *CD-7 (Downtown and Civic Center) Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City's character, and requiring that these and other architectural characteristics and land uses that give these areas their identity are strengthened.*

- *CD-9 (Transportation Corridors) seeks to improve the function and appearance of transportation corridors, recognize those shown on Exhibits 17 and 18 and define each corridor's contribution to the City based upon its land use and transportation function and how it is experienced by the public.*
- *CD-10 (Nonresidential Design Guidelines) Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.*
- *CD-18 (Landscaping) recognizes landscaping as a significant component of all site design.*

According to Exhibit 9 (*Building Heights Limits in Downtown San Rafael*) of the General Plan, the maximum height limit for this property is 36 feet. The General Plan defines height of a building for non-hillside as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum is determined as follows: if the difference in grade between the lowest and highest-grade point is greater than 10', the reference datum is located 10' vertically from the lowest grade point. The project site has an average cross-slope of greater than 11% that trends southeast to northwest. Due to this grade change on the project site, the project will have the appearance of five-stories along the street frontages and four-stories along the interior elevations. The proposed height of the project, with the requested 11' 2" height bonus, is 47' 2" from the reference datum point to the roof. The scale and mass of the proposed project would be similar to the project that is approved for the site, which was previously determined to be compatible with the adjacent, four-story residential condominium building immediately to the west of the project site, at 820 Mission Ave. The two blue-tiled dome towers are proposed to exceed the height allowance as architectural features, which is permitted with an Environmental and Design Review Permit.

The amended project continues to meet their affordable housing requirement (1.13 below market rate units, or a revised affordable housing in-lieu fee of \$389,488.66 for the project, using today's updated affordable housing in-lieu fee of \$343,969.47 per unit) and voluntarily proposes to increase the affordable housing in-lieu fee to \$600,000, the difference of which is the 'public benefit'.

On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to providing greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation, finding the amended project adequately met all applicable design guidelines and standards.

2. The proposed use will continue to be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, given that;
 - a. The project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 above;
 - b. The amended project will continue to reduce or remove negative impacts caused by inappropriate location, use or design of building and improvements, given that; 1) The project design includes aesthetic elements to improve the pedestrian environment, including new street trees, landscaping within the 10-15' building setback and uncovered ground-floor

patio terraces along both the Lincoln and Mission Ave. frontages; 2) The project design also includes safety features to improve the pedestrian environment, including a 85'-long dedicated fire lane pull-out/deceleration turn pocket lane along Mission Ave. with directional controls allowing right turns only in and out of the primary driveway to the project; 3) The Board has recommended approval of the amended project subject additional improvements including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation; and 4) The amended project will continue to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines;

- c. The amended project will continue to ensure the adequate provision of light, air space, fire safety and privacy between buildings, given that; construction of the project is conditioned to be designed and built in accordance with the most current building, fire and seismic codes;
- d. The amended project will continue to provide for adequate, safe and effective off-street parking and loading facilities, given that; 1) The project will continue be consistent with the parking requirement, as determined by the updated traffic and parking study for the project and as supported by the City's Traffic Engineer; and 2) On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation;
- e. The amended project will continue to promote a safe, effective traffic circulation system, and maintain acceptable local circulation system operating condition, given that; 1) The City Engineer has determined the proposed project would not adversely affect the LOS for the nearby intersections, based on the 15 new AM and PM peak hour vehicle trips that would be generated by the project, and conditioned on the payment of traffic mitigation fees to fund the project's fair share of local circulation improvement projects by the City; and 2) The proposed project has been conditioned to require all "off-haul" of excavation during off-peak traffic trip hours – between 9:00 a.m. and 4:00 p.m. – only;
- f. The amended project will continue to provide for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of the project to the appropriate neighborhood group (Lincoln-San Rafael Hill Neighborhood Association), and the notice of two (2) separate Board meetings and this Planning Commission hearing in compliance with Chapter 29 of the Zoning Ordinance (*Public Notice*). Notice of both the Board meetings and this hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meeting or hearing, and notice was posted on the project site at the northwest corner of the Lincoln and Mission Avenue intersection. At the time of distribution of staff's report to the Commission, staff received a total of 59 email comments on the project, 44 in opposition, 12 in support, one (1) requesting all utilities be underground for the project and one (1) requesting a continuance of the processing of the project. All but 16 of these comments were received by staff prior to the Board's review of the project; and
- g. The project has been reviewed by Community Development Department, other appropriate City Departments and non-City agencies and conditions have been created to minimize potential impacts to the public health, safety and welfare;

3. The proposed use would continue to be consistent with the purposes of the HR1 District in which the project site is located, given that:
 - a) The project will continue to help meet the City's goal of providing a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards, given that; the project will provide housing options for our older residents who wish to "age-in-place".
 - b) The project will continue to protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character, given that; 1) The scale and mass of the proposed project would be similar to the project that is approved for the site, which was previously determined to be compatible with the adjacent, four-story residential condominium building immediately to the west of the project site, at 820 Mission Ave. (The two blue-tiled dome towers are proposed to exceed the height allowance as architectural features, which is permitted with an Environmental and Design Review Permit); 2) The proposed project is consistent with the height limits for this site, subject to the requested height bonus; and 3) The project proposes a California Mission Revival architecture with predominant design features including large arched windows, whitewashed stucco walls, red clay roof tiles, blue-tiled dome towers, decorative heavy-timber rafter 'tails' under the eaves, and decorative wrought iron balconies, railings, fencing and gates. This proposed new design is similar to that of the Mission San Rafael Archangel, which is located approximately 1,000' west of the project site, though unique for the immediate neighborhood. The Board has reviewed the amended project design with the requested height bonus and unanimously (5-0 vote) recommended approval subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.
 - c) The project will continue to provide opportunities for churches, day care facilities, residential care facilities and other uses which are considered to be compatible and desirable land uses within the residential neighborhood;
 - d) The project will continue to provide outdoor recreational amenities for residents and guests, given that; common outdoor areas are proposed on the ground-floor, the 2nd floor and 5th floor for the assisted living residents (The project also proposes private outdoor terrace deck area for many of the assisted living residential rooms on the 5th floor). The project will voluntarily provide nearly 6,000 sq. ft. of outdoor area, both common and private, for residents and guests; and
 - e) The project will continue to ensure the provision of public services and facilities needed to accommodate planned residential densities, given that; all service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City's Traffic Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project.
- B. The proposed use will continue to not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, given that: 1) The project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood group (Lincoln-San Rafael Hill Neighborhood Association) and the Board; and 2) Conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed use and construction to the proposed use; and

- C. The proposed use continues to comply with each of the applicable provisions of the Zoning Ordinance, including property development standards, subject to the request of the height bonus, affordable housing requirement, parking requirements and design criteria, as determined on August 3, 2021, by the Board who unanimously (5-0 vote) recommended approval of the amended project design, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.

**Environmental and Design Review Permit Amendment (ED21-022)
Findings**

- A. The amended project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning Ordinance; in that:
1. The proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 (Use Permit UP21-006) above;
 2. The proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, as identified in Finding A2 (Use Permit UP21-006) above;
 3. The amended 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 area to contribute to the attractiveness of the City, as determined during the review of the amended project by the Board. On August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and greater articulation to the upper-story along the north elevation.
- B. The amended project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the previous HR1 District and current T4N 40/50 form-based zone in which the project site is located, given that;
1. The amended project design continues to propose no density. The project proposes an assisted living facility with memory care services which is comparable to a hotel use. The proposed facility would provide rooms or suites without individual kitchens but, rather, individual 'efficiency' kitchens and offer ancillary services to the residents like communal food service opportunities;
 2. The project will be consistent with the minimum required yard setbacks (15' front, 10' street side, 5' interior side and rear) for the project site;
 3. The project will be consistent with the maximum 36' height allowed for the project site, subject to approval of the requested 11' 2" height bonus;
 4. The project will be consistent with the maximum 60% lot coverage for the project site;
 5. The project will be consistent with the minimum 50% landscaping requirement for the front and street side yard setbacks for the project site;

6. The project will be consistent with the parking requirement, as determined by the updated traffic and parking study for the project and as supported by the City's Traffic Engineer;
 7. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), given that; on August 3, 2021, the Board reviewed the amended project design and unanimously (5-0 vote) recommended approval, subject to additional improvements, including greater setback of the upper-story along the Mission Ave elevation and exploring greater articulation to the upper-story along the north elevation.
- C. The amended project design minimizes adverse environmental impacts, given that;
1. The previously approved landscape design includes new trees shrubs, grasses and vines, within the 10-15' building setback. The amended project proposes to no changes to the approved landscape plan beyond providing additional plantings on the new 5th floor outdoor terrace along the Mission Ave. frontage. In their recommendations of the amended project, the Board requested the project return for final review of updated landscape plans.
 2. The approved 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. The amended project design proposes no changes to the approved drainage;
 3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features.
- D. The amended project design, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, as identified in Finding B2 (Use Permit UP21-006) above.

California Environmental Quality Act (CEQA) Finding

The proposed design changes to the approved project will continue to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development meeting the following conditions: (a) The project continues to be consistent with the applicable General Plan land use designation and all applicable General Plan policies and all applicable Zoning Ordinance standards and regulations; b) The proposed development continues to occur within the San Rafael city limits on a project site of less than five acres substantially surrounded by urban uses; c) The project site has no value as habitat for endangered, rare or threatened species; d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and e) The site can be adequately served by all required utilities and public services.

The project continues to require the consolidation of two separate legal lots, with an average cross-slope of approximately 11%, so that all of the proposed new construction is located within a single parcel. Additionally, the project continues to qualify for a Class 32 In-Fill exemption based on the following: a) The project will continue to be consistent with the applicable General Plan policies and the

Zoning Ordinance land use designation for the project site and all applicable Zoning Ordinance standards and regulations; b) The project site continues to be comprised of two adjacent vacant legal lots with a combined area of 29,885 sf (0.69 acre) and is located in an urban area that is immediately surrounded by development (i.e., multifamily residential development immediately to the north and west, Mission Ave. to the south and Lincoln Ave. to the east); c) The project site continues to have no creeks, drainageways, seasonal freshwater wetlands, tidal wetlands, or riparian areas that are valued resources as wildlife or plant habitat for endangered, rare or threatened species; d) The additional parking demand generated by the requested height bonus has been determined to be met by the off-street parking already provided by the approved project (40 off-street parking spaces approved; off-street parking required by the project increased from 31 to 37 parking spaces); e) The additional traffic generated by the project has been deemed insignificant by the City's Traffic Engineer conditioned on the payment of the appropriate traffic mitigation fee (15 total peak hour trips), any additional noise or impacts to air and water quality created by the approved project will be temporary and limited to the period of construction period, the new residential uses for the site would generate noise levels that are similar to the other multi-family residential uses in the surrounding neighborhood, and f) All utility agencies continue to indicate that they have adequate capacity to provide services to the approved project with the requested height bonus.

BE IT RESOLVED, the project approvals (Use Permit Amendment UP21-006 and Environmental and Design Review Permit Amendment ED21-022) are subject to adoption by City Council of the proposed zoning ordinance amendment to exempt from the new Downtown zoning regulations adopted by Ordinance No. 1996 and Ordinance No. 1997 those projects that were deemed complete on or before August 16, 2021.

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the Use Permit Amendment (UP21-006) and Environmental and Design Review Permit Amendment (ED21-022), subject to the following conditions of approval:

**Use Permit (UP21-006)
Conditions of Approval**

Community Development Department, Planning Division

1. This Use Permit shall only become effective and shall be conditioned upon a future adoption of an ordinance by the San Rafael City Council which ordinance requires that the City only apply to applicant's project those zoning ordinances, standards and regulations in place at the time of submission of applicant's complete development application. For purposes of this resolution "zoning ordinances, standards and regulations," means the City's general plan, precise plan, zoning, design review standards and criteria, and subdivision standards and criteria.
2. This Use Permit approves a 'Residential Care Facility, Large' (7 or more residents), with memory care services, to operate on the project site with up to 103 residential rooms and 105-beds of capacity.
3. This Use Permit includes a 11' 2" height bonus for complying with the required affordable housing requirement and providing a community or public benefit, which is the deference between the required affordable housing in-lieu fee (\$389,488.66) and voluntarily increase in the affordable housing in-lieu fee (\$600,000) that continues to be a condition of project approval.
4. This Use Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a grading permit or building permit is issued by the City and work commenced or a time extension request is submitted to the

City's Community Development Department, Planning Division, within **two (2) years** of this approval, or until **October 12, 2023**. Failure to obtain a grading permit or building permit or submit a time extension request by the specified date will result in the expiration of this Use Permit Amendment.

Environmental and Design Review Permit Amendment (ED21-022) 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 September 28, 2021 hearing, stamped "approved" and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building and grading permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board on design-related changes.
2. This Environmental and Design Review Permit Amendment requires final review by the Design Review Board on the following additional recommended design changes after Planning Commission review: A) Provide additional stepback of the upper-story more along the Mission Ave elevation; B) Update the landscape plan, showing the proposed landscaping at all outdoor common areas (patios and terraces); and C) Explore providing greater articulation to the north elevation to help break up perceived visual bulk.
3. 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.
4. This Environmental and Design Review Permit Amendment approves development of a 103-residential room / 105-bed senior living facility, with memory care services, a total of 40 garage parking spaces and miscellaneous site improvements, including new landscaping, grading and drainage.
5. This Environmental and Design Review Permit Amendment approves 'efficiency kitchens' in each residential room (no cooking facilities) rather than full kitchens since the project proposes to include common dining areas with the other service amenities for residents and guests.
6. 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.
7. All grading and construction activities shall comply with the City's adopted noise limits at all times. All grading and construction activities shall occur Mondays – Fridays, 7 a.m. – 6 p.m. Low-noise construction, occurring entirely within the interior of the building, may be permissible beyond the allowable construction hours of operation with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved,

Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.

8. All new landscaping shall comply with Marin Municipal Water District's most recent water conservation ordinance and measures. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
9. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
10. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
11. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass
12. 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.
13. This Environmental and Design Review Permit Amendment shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a building or grading permit is issued and construction commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of approval, or **October 12, 2023**. Failure to obtain a building permit or grading permit and construction or grading activities commenced, or failure to obtain a time extension within the two-year period will result in the expiration of this Environmental and Design Review Permit
14. This Environmental and Design Review Permit shall run concurrently with the Use Permit Amendment (UP12-006) approval. If the Environmental and Design Review Permit expires, the Use Permit Amendment approval shall also expire and become invalid.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

15. The project sponsor, or its successor, shall pay all outstanding balances of fees due the City in the review, approval and/or issuance of Planning and/or Building Permits for entitlements on the project site.
16. Updated details of the proposed site landscaping of all outdoor common areas and the upper-story setback from the gabled roof feature along the Mission Avenue elevation shall require final review and approval by the Design Review Board prior to building permit submittal.
17. 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 (District Code Title 13). 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 prior to building permit issuance
18. An acoustical analysis is required indicating the internal noise level of the residential rooms or suites and common outdoor terrace areas are consistent with the applicable City's noise standards.
19. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include, but is not limited to, a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, dust control plan or program, air quality best management practices recommended by project's air quality analysis (see Illingworth & Rodkin, dated November 30, 2017), 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 both Lincoln and Mission Avenues 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.
20. The project shall comply with the City's affordable housing requirement, using a hybrid rate that includes both the hotel rate (0.0075 affordable units per 1,000 gross sq. ft.) and the personal service rate (0.0225 affordable units per 1,000 gross sq. ft.) as adopted in Table 14.16.030 – 3 of the San Rafael Zoning Ordinance. The Community Development Director has determined an average nonresidential affordable housing rate of 0.015 affordable units per 1,000 gross sq. ft. shall be required of the project, which translates to 1.29 affordable housing units or an affordable housing in-lieu fee of approximately \$443,885.72 for the project, using the current affordable housing in-lieu fee of \$343,969.47 per unit. However, the applicant is proposing to voluntarily increase the affordable housing in-lieu fee to \$600,000, the difference as a public benefit for the requested height bonus.

Department of Public Works

21. A grading permit is required for the project from the Department of Public Works Department (111 Morphew St.).

22. Final details, including directional controls (i.e., signage and striping for right turns in and out of the garage) on the driveways, pull outs and turn pockets shall be reviewed by the Department of Public Work prior to building permit issuance.
23. The project proposes over 5,000 sq. ft. of impervious surface and is a regulated project under MCSTOPPP requirements. Provide a stormwater control plan, which includes a written narrative. A stormwater facility maintenance agreement shall be required. More specific information is available from MCSTOPPP, on the Marin County website. See tools and guidance, and post construction requirements at <http://marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>
24. While the preliminary design of the proposed stormwater control plan is acceptable, limited use of pumping and piping through the interior building is recommended.
25. The proposed project results in 18 AM and 23 PM peak hour trips. After crediting the project for the peak hour trips generated by the prior development on the site (13 AM and 13 PM peak hour trips from 24 residential apartments and one single-family residence). The traffic mitigation fee for the resulting increase of eight (15) peak hour trips is \$63,690 (15 x \$4,246) shall be paid prior to building permit issuance. Please note the traffic impact fee will be reconsidered by the City Council soon. Depending on their action, the actual fee may vary.
26. An encroachment permit is required for any work within the public Right-of-Way (ROW) from the Department of Public Works. Please note that Mission Ave. and a portion of Lincoln Ave., south of Mission Ave., are currently moratorium streets. Full width resurfacing is required. For Lincoln Ave. north of Mission Ave., 50% of the width shall require resurfacing. This shall be reviewed at the time of encroachment permit issuance.
27. A construction vehicle impact fee shall be required at the time of building permit issuance, which is calculated at 1% of the valuation with the first \$10,000 of valuation exempt.

Community Development Department, Building Division

28. 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
29. 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) CalGreen documentation
 - k) Title-24 energy documentation

30. The occupancy classification (in mixed occupancies-each portion of the building shall be individually classified), construction type and square footage of each use within the building shall be specified on the plans. In mixed occupancies, each portion of the building shall be individually classified.
31. 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.
32. The building height shall comply with CBC Section 504 and Table 503. On the plan justify the proposed building height.
33. Building areas are limited by CBC Table 506.2. On plan justify the proposed building area.
34. 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." In order 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.
35. Buildings located 4 or more stories above grade plane, one stairwell must extend to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1011.12.
36. Egress through stairwell must not be blocked by fire standpipes or other fire sprinkler equipment. Maintain egress path and follow protrusions per code.
37. Minimum elevator car size (interior dimension) is 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".
38. All buildings with one or more elevators shall be provided with 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" by 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
39. Due to ambient noise from the two arterial roadways that front on the property, sound attenuation will likely be required for those units that face Mission and Lincoln Avenues. An acoustical analysis will be required as part of the building permit submittal.
40. The address for structures is determined by the Chief Building Official. The tentative address for the proposed project is 800 Mission Avenue. This address will be legalized as we approach completion of the project construction. A written request from the property owner should be sent to the Chief Building Official. Each page of the plan's title block and all permit application documents must show the proposed building's address identification information.
41. If proposed fencing/gates exceed 7' in height, a building permit is required.

42. 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.
43. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted. Property lines must be staked for inspection of foundations.
44. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated or redesigned to fall within property line boundaries. Parcels 011-184-09 & 011-184-08 must be consolidated, and new map recorded prior to issuance of a building permit.
45. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
46. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
 - a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
 - b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
 - c. More than 12 inches into areas where openings are prohibited.
47. Walls separating sleeping rooms from each other and other occupancies contiguous must be a minimum of 1-hour construction.
48. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
49. Any monument sign(s) shall have address numbers posted prominently on the monument sign.
50. It appears that at least the lower level of parking in the parking garage will require mechanical ventilation capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 403.7.
51. 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.
52. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
53. Minimum elevator car size shall meet CBC 11A and 11B for accessibility.

54. This project 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.
55. In the service areas, mechanical ventilation will be required capable of exhausting a minimum of 1.5 cubic feet per minute per square foot of gross floor area. Connecting offices, waiting rooms, restrooms, and retail areas shall be supplied with conditioned air under positive pressure.
56. The proposed facility shall be designed to provide access to the physically disabled in accordance with the requirements of Title-24, California Code of Regulations. 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. Primary entrances
 - f. Sanitary facilities (restrooms)
 - g. Drinking fountains & Public telephones (when provided)
 - h. Accessible features per specific occupancy requirements
57. 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.
58. Multistory apartment or condominium on the ground floor in buildings with no elevator at least 10 percent but no less than one of the multistory dwellings in apartment buildings with three or more and condos with four or more dwellings shall comply with the following:
- a) The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in CBC Section 1150A.
 - b) At least one powder room or bathroom shall be located on the primary entry level, served by an accessible route.
 - c) All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms or hallways
59. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent (2%) of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent (2%).
60. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent (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.

61. 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

62. At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off- load area, or 17' wide overall. Additionally, one in every eight required handicap spaces must be van accessible.

San Rafael Sanitation District

63. The building permit plans shall include Civil/Utility drawings which shows the sewer lateral design in compliance with the San Rafael Sanitation District Standard Specifications, including pipe information (pipe type, pipe size, inverts and slope) and a backflow preventer near the building.

64. Please add the following note to the Utility Plans: Notify the San Rafael Sanitation District Inspector, Rolando Calvo (415.485.3194 or Rolando.calvo@cityofsanrafael.org), 72 hours prior to start of sanitary sewer construction.

San Rafael Fire Department, Fire Prevention Bureau

65. 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.

66. 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 system plans (Deferred submittal to the Fire Prevention Bureau)
- c) Fire Alarm system plans (Deferred submittal to the Fire Prevention Bureau)
- d) Fire Underground plan (Deferred submittal to the Fire Prevention Bureau)
- e) Kitchen Hood Automatic Fire-Extinguishing System plans (Deferred submittal to the Fire Prevention Bureau).

67. A Fire apparatus access plan shall be prepared for this project. The fire apparatus plans shall show the location of 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) NFPA 704 placards
 - j) Note the designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
68. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box #3200 Series is required for his project. The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note that the Know Box must be installed between 72-78" above finished grade. Please show the location of the Knox Box on the plans (<https://www.knoxbox.com/commercial-knoxboxes/>).
69. A Knox key is required for driveway or access road automatic gates (<https://www.knoxbox.com/gate-keys-and-padlocks/>).
70. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road:
- a) The minimum width of the fire apparatus access road is 20-feet.
 - b) The minimum inside turning radius for a fire apparatus access road is 28-feet.
 - c) The fire apparatus access road serving this building is more than 150-feet in length so an approved turn-around is required.
71. 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:
- a) The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
 - b) The minimum unobstructed width for an aerial fire apparatus access road is 26-feet..
 - c) Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
72. Fire lanes must be designated with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC 503.3.
73. Hazardous Materials Placards shall be installed in accordance with NFPA 704.
74. Provide a Hazardous Materials Management Plan to be submitted to the Marin County Department of Public Works, CUPA.
75. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the

background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For commercial – 6” tall with ½” stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.

76. During construction, contractor is required to conform to the provisions of CA Fire Code Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION.
77. During construction, all secured access points must be equipped with Fire Department approved locks.
78. During construction, a plainly visible all-weather sign must be posted in a conspicuous location that provides 24-hour emergency contact information.
79. During construction, if warranted by the decision of the fire chief, an approved fire watch will be provided during all hours when the construction site is not occupied by construction staff.
80. 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

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

Pacific Gas & Electric

82. 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.

83. 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.
84. 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

85. The project shall minimize the potential air quality impacts to adjacent residences during all grading and construction activities by implementing best management practices (BMPs), as identified in the air quality analysis submitted with the project application (Illingworth & Rodkin, dated November 30, 2017, Page 3).

Prior to Occupancy

Community Development Department, Planning Division

86. 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.
87. All landscaping and irrigation shall be installed prior to occupancy.
88. 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.
89. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
90. All trash enclosures shall be fully screened from public view.

After Occupancy

Community Development Department, Planning Division

91. 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.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 12th day of October 2021.

Moved by Commissioner Mercado and seconded by Commissioner Saude.

:


AYES: COMMISSIONERS: Haveman, Lubamersky, Mercado, Saude & Chair Samudzi

NOES: COMMISSIONERS: Previtali

ABSENT: COMMISSIONERS: Harris

SAN RAFAEL PLANNING COMMISSION

ATTEST: 
Leslie Mendez, Secretary

Verified by PDFFiller
BY: 
Shingai Samudzi, Chair