

RESOLUTION NO. 22-11

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED21-071) AND A LOT LINE ADJUSTMENT (LLA21-004) TO MERGE TWO LOTS AND CONSTRUCT 10 RESIDENTIAL DWELLING UNITS WITHIN THREE BUILDINGS AND ON-SITE PARKING LOCATED AT 55 BROOKDALE AVENUE.  
APNS: 011-074-04 AND 011-074-04-05

**WHEREAS**, on August 9<sup>th</sup>, 2021, Mike Folk and Steve Crutchfield submitted planning applications (Lot Line Adjustment LLA21-004 and Environmental and Design Review Permit ED21-004) to seek City approval to merge two lots and construct 10 residential dwelling units within three (3) structures; and

**WHEREAS**, on June 14, 2022, the City of San Rafael Planning Commission and Design Review Representatives held a duly noticed public hearing on the proposed project, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

**WHEREAS**, on June 14, 2022, the City of San Rafael Design Review Representatives reviewed and provided comments and recommendations to the Planning Commission; and

**WHEREAS**, on June 14, 2022, the City of San Rafael Planning Commission considered the comments and recommendations of the Design Review Representatives; and

**WHEREAS**, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines because it involves an infill development project that meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.
- b. The proposed development occurs within city limits on a project site of no more 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 related to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby conditionally approves Environmental and Design Review Permit ED21-071 and Lot Line Adjustment LLA21-004 for the Project based upon the following findings required by San Rafael Municipal Code (SRMC) Section 14.25.090 – Findings and Title 15.05 – Lot Line Adjustment and Consolidations.

Findings for Environmental and Design Review Permit (ED21-071)

- A. As proposed and as conditioned, the Project is in accord with the San Rafael General Plan 2040, the objectives of the zoning ordinance and the purposes of Chapter 14.25.090 – Environmental and Design Permits.
1. The project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter in that it includes the merger of two vacant, non-complying lots to create one complying lot. The project is located within the High Density Residential (HR1) Zone and includes the new construction of ten (10) residential dwelling units on a site containing 11,340 square feet. The project would not exceed the maximum allowable density for the district and with the approval of the requested waivers to development standards and concession, would meet the intent of the general plan and Title 14 of the Zoning Ordinance.
  2. As proposed, the project would be consistent with the applicable goals and policies of the Housing Element in that the project meets the intent of Policies H-1 and H-2 and is consistent with the applicable goals and policies of the Land Use Element in that the project meets the intent of Policies LU-1.1 through LU-1.3, Policy LU-1.8 and Policy LU-2.6.
- B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located.

The site plan complies with the design criteria by creating a harmonious relationship between structures within the development and includes on-site courtyard areas and landscaping. The project design is generally harmonious with neighboring structures, as well as the variety of urban uses surrounding the project site. The project site plan has been designed to minimize impacts to adjacent properties, while maximizing on-site residential uses.

- C. As proposed and as conditioned, the project design minimizes adverse environmental impacts in that;
- The project has been reviewed by city agencies and is required to comply with all agency regulations. Pursuant to the requirements of the California Environmental Quality Act (CEQA) Guidelines, this project is categorically exempt under Section 15332. In-Fill Development Projects as the project is (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) The proposed development occurs within city limits on a project site of no more 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, (e); and The site can be adequately served by all required utilities and public services.
- D. As proposed and as conditioned, the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity;
1. The project has been reviewed by all required city agencies and Conditions of Approval have been included. The applicant has submitted a geotechnical report, a stormwater, drainage report, a biological assessment report, a culvert structural analysis report, and

traffic analysis for review. Further, mentioned above, the project site has no value, as habitat for endangered, rare or threatened species, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

2. The project will enhance and improve the existing condition of the vacant project site, by added residential housing to an in-fill area. Further, due to the proximity of the project to nearby transit, the project would encourage alternate transportation options.

#### Findings for Lot Line Adjustment (LLA21-004)

- A. The Planning Commission hereby makes the following findings in support of approving the lot line adjustment application consistent with Government Code §66412(d) and San Rafael Municipal Code Chapter 15.05 in that:
  1. The lot line adjustment is between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.
  2. The parcels resulting from the proposed lot line adjustment conform to the general plan and any applicable specific plan and Zoning Ordinance.
  3. The parcels resulting from the proposed lot line adjustment conform to the building ordinance and zoning ordinance, including but not limited to those provisions which address minimum lot size, required lot frontage, lot width at the front yard setback, building setbacks, building lot coverage, and floor area ratio.
  4. The lot line adjustment would not change the existing single-family residential land use of the property, which will remain and is consistent with the General Plan 2020 high density residential land use designation.
  5. The project would merge two vacant, non-complying lots, each containing 5,625 square feet and 5,715 square feet to create one, code complying lot totaling 11,349 square feet. The merger of the two lots would allow for more reasonable development of the proposed residential uses on the site, including allowing for on-site open space areas and on-site parking flexibility.
  6. The adjustment would not eliminate any existing required parking and access to the existing developed property at 55 Brookdale Avenue.
  7. The resulting parcel would not create conflicts with the building code.
  8. Notice of the lot line adjustment has been provided to neighbors and posted on-site at least 15 days prior to the hearing, in compliance with Chapter 14.29 noticing requirements.
- B. The Planning Commission has exercised its independent judgement and determined that the lot line adjustment would not have a significant impact on the environment as it qualifies for

an exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 that applies to minor lot line adjustments.

**BE IT FURTHER RESOLVED**, that the Planning Commission and Design Review Representatives of the City of San Rafael approves ED21-071 and LLA21-004 subject to the following conditions:

Conditions of Approval (LLA21-004)

1. This approval of a Lot Line Adjustment between Assessor Parcel Numbers 011-074-04 and 011-074-04-05, to merge the two lots to create one, code compiling lot, as shown on approved plans, shall be valid for two (2) years from approval or until June 14, 2024, and shall be null and void if a final parcel is not submitted or a time extension granted prior to the expiration date.
2. Three (3) copies of the Final Plat maps, deeds and closure documents shall be submitted to the Planning Division for review and approval by the Planning and Public Works prior to recordation.
3. The Lot Line Adjustment shall be recorded prior to approval of the required building permit for the proposed new construction.

Conditions of Approval (ED21-071)

**Community Development Department, Planning Division**

4. One on-site, ADA parking space is required for this project. The ADA space shall be located on the site plan in the area currently shown as off-street parking and will result in a total of 17 or less spaces. Prior to submittal of a building permit, the applicant shall submit plans demonstrating on-site ADA parking compliance with the California Building Code, to be reviewed and approved by the Chief Building Official.
5. A minimum number of on-site parking spaces of 15 is required for this project.
6. The conditions of this permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this permit, under the title 'ED21-071, LLA21-004 Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
7. The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the permit.
8. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated April 19, 2022, and on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Planning staff. Modifications deemed not minor by the Community

Development Director may require review and approval as an amendment to the permit by Planning staff.

9. Plan submitted for a building permit shall include an extension of the fence along the south side property line at a three-foot height towards Brookdale that shall stop, subject to review and approval of the Traffic Engineer, approximately three feet from the street or at the front property line, whichever comes first.
10. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.
11. The front property line is along Lincoln Avenue and rear property line is along Brookdale Avenue. This permit (ED21-071, LLA21-004) shall be valid for one year from the approval or until June 14, 2023, and shall be null and void if a building permit is not issued or a time extension granted prior to the expiration date
12. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
13. The building techniques, materials, elevations and appearance of this project, as presented for approval by the Planning Commission on May 24, 2022 shall be the same as required for the issuance of a building permit. Any future additions, expansions, remodeling, etc., shall be subject to the review and approval of the Community Development Director.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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 one (1) lower income for rent housing unit.
27. 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 unit.

**Community Development Department, Building Division**

28. The design and construction of all site alterations shall comply with the 2019 California Building Code (CBC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Mechanical Code (CMC), 2019 California Fire Code (CFC), 2019 California Energy Code, 2019 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 a 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 plane and height of the building)
  - g. Structural Calculations
  - h. Truss calculations
  - i. Soils report
  - j. Green Building documentation
  - k. Title-24 energy documentation
30. The occupancy classification, construction type and square footage of each 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. Building height and story must comply with CBC Section 504. On the plan justify the proposed building area and height.
33. Each building must 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. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.
34. The address for structures is determined by the Chief Building Official.
35. If proposed fencing exceeds 7' in height, a building permit is required.
36. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
37. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
38. Regarding any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. 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. A grading permit may be required for the above-mentioned work.
39. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
40. The proposed facility shall be designed to provide access to the physically disabled. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities shall be required unless CASP report states compliant. 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



39. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility. 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. The civil, grading and landscape plans shall address these requirements to the extent possible.
40. 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.
41. 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 percent.
42. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent 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.
43. At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off- load area. Additionally, one in every eight required handicap spaces must be van accessible.
44. Construction activities shall comply with City's Noise Ordinance.

**Fire Prevention Bureau**

45. The design and construction of all site alterations shall comply with the 2019 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.
46. 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 Underground plans (Deferred Submittal to the Fire Prevention Bureau)
  - c. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
47. 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 new buildings; surface mount for all others.

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. <https://www.knoxbox.com/commercial-knoxboxes/>

48. A Knox key switch is required for driveway or access road automatic gates. <https://www.knoxbox.com/gate-keys-and-padlocks/>
49. 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; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.
50. If 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.
51. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking Fire Lane" A sign shall be posted in accordance with the CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.
52. 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 residential – 4" tall with ½" stroke. 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.

### **San Rafael Sanitation District**

53. Provide detailed flow calculations prepared by a California Registered Civil Engineer showing the average and peak flow cumulative rate for all ten units. Based on the results of these flow calculations, the project sponsor may be required to replace or upsize sewer mains within Brookdale Avenue to accommodate the flow increase.
54. Each separate residence shall have its own backflow device. Provide backflow locations on the Civil Plans submitted for the Building Permit. Each backflow device shall be located a maximum of 2-ft from the building exterior.
55. Sewer connection fees will apply. Based on the most current fee structure from SRSD and the Central Marin Sanitation Agency (CMSA) for the proposed improvements, the sewer connection fee has been estimated at \$104,824.20 (Table 1).

**Department of Public Works**

56. The Underground Culvert Structural Analysis prepared by Whitchurch Engineering only includes 3 feet of soil loading while the Civil Plans appear to show the proposed finished grade approximately 7 feet above the culvert. Please revise the analysis to model the final project conditions. The analysis should also include any loading from foundation systems for the car stacking system (if applicable).
57. Verify that the proposed trees and bushes in the bioretention areas are acceptable for stormwater treatment purposes. A bioretention plant matrix can be found in appendix F of the BASMAA Post Construction Manual.
58. This project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project. Multi-family residential lots do not qualify as a small project/ single family home project. The following documents are required to be provided in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) requirements:
  - a. Stormwater Control Plan - A short written document to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. (Needed to obtain planning permit.)
  - b. Stormwater Facilities Operations and Maintenance (O&M) Plan – A short written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. (Provide prior to occupancy).

Operations and Maintenance Agreement – A formal agreement between the property owner and the City that shall be recorded with the property deed prior to occupancy. (Provide prior to occupancy)

59. Include impermeable boundary on the sides of the drainage facilities to protect the structures on adjoining properties.
60. Prior to occupancy, record the Lot Line Adjustment (LLA).
61. A design-level geotechnical report will be required prior to issuance of a building permit. The report should include geotechnical design recommendations for the proposed structures and site improvements.
62. Include a roof on the trash enclosure and route the trash pad runoff to the sanitary sewer.
63. Update the stormwater control plan to show how the untreated areas flowing towards Brookdale are being offset.
64. A grading permit is required from DPW prior to commencement of grading and construction work.
65. Prior to commencing work within the right-of-way, the applicant shall obtain an encroachment permit from the City of San Rafael Department of Public Works.
66. The traffic impact fee is calculated as 46,706 (\$4,246 x 11) for the 6 net new AM and 5 net new peak PM trip (total of 11 net new peak-hour trips) due at the time of building permit issuance.

67. 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.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 14<sup>th</sup> day of June 2022. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 – Filing and time limit of appeals.

Moved by Commissioner Haveman and seconded by Commissioner Shalk.

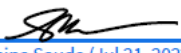
AYES: COMMISSIONERS HARRIS, HAVEMAN, SHALK, VICE-CHAIR SAUDE

NOES: None.

ABSENT: COMMISSIONERS MERCADO, SAMUDZI and CHAIR PREVITALI

SAN RAFAEL PLANNING COMMISSION

ATTEST:   
\_\_\_\_\_  
Leslie Mendez, Secretary

BY:   
\_\_\_\_\_  
Samina Saude (Jul 21, 2022 11:33 PDT)  
Samina Saude, Vice Chair