



Pursuant to [Senate Bill 9 \(SB 9\)](#), effective January 1, 2022, owners of a property zoned single-family residential may construct up to two units on a property in accordance with objective development standards, as codified in San Rafael Municipal Code (SRMC) § 14.16.282 – SB 9 Housing Developments.

### What is an SB 9 Housing Development and Urban Lot Split?

Senate Bill 9 (2021 Atkins) (SB 9) requires cities to streamline the approval of certain housing projects by providing a ministerial (i.e. by-right) approval process, removing the requirement for analysis under the California Environmental Quality Act (CEQA), and removing the requirement for Environmental and Design Review authorization or other similar discretionary entitlement granted by the Zoning Administrator or Planning Commission. This is a voluntary program that a project sponsor may elect to pursue, provided that certain eligibility criteria are met and the project complies with all objective development and design standards.\* SB 9 requires ministerial approval of a housing development of up to two units on a single-family zoned parcel (SB 9 Housing Development), the subdivision of a single-family zoned parcel into two parcels (Urban Lot Split), or both.

\*The City may not preclude the development of up to two 800 square feet residential units on what is otherwise an eligible SB 9 parcel.

### How to Apply for an SB 9 Housing Development or Urban Lot Split

To apply for a SB 9 development project, submit a completed SB 9 Development Supplemental Questionnaire and Application [online](#) in conjunction with a [building permit submittal](#). If pursuing an Urban Lot Split, submit an [Application for Filing for a Minor Subdivision](#) with a copy of the SB 9 Development Supplemental Questionnaire and Application as part of the [online subdivision map submittal](#).

**Note: Applications for subdivision or construction will not be considered for SB 9 review without the completed SB 9 Supplemental Questionnaire.**

Prior to submitting directly for building permit or subdivision review, an applicant may elect to submit the SB 9 Development Supplemental Questionnaire and project plan set/parcel map for preliminary review by a planner using the [Planning Application online portal](#). Applicants will be charged the hourly planner rate for SB 9 project submittal or preliminary review.

**Note: Before starting or investing in plans, homeowners, designers, and professionals should review the SB 9 Development Supplemental Questionnaire. This questionnaire will help you verify if your project is eligible for SB 9 streamlined review and processing.**

### INSTRUCTIONS

Respond to the questions in the table below, placing a checkmark in the Yes or No column as appropriate and read the outcome for a "yes" or "no" answer to understand if your project can proceed, or whether an additional action will be required of you.

- For all SB 9 applications/preliminary reviews, fill out Part I
- For a SB 9 housing development, fill out Part II
- For an Urban Lot split, fill out Part III

ELIGIBILITY QUESTIONNAIRE	YES	NO
<b>PART I. PROPERTIES THAT QUALIFY</b>		
<p>1) <b>SINGLE-FAMILY RESIDENTIAL ZONING.</b> Is the site located in a single-family zoning district? Single-family zoning districts in the City of San Rafael include: R2a, R1a, R20, R10, R7.5, R5, as well as certain PD zoning. You can locate your zoning district by using our <a href="#">Interactive San Rafael Zoning Map</a>. Please contact a planner for any questions about a lot with PD zoning.</p> <p style="text-align: right;"><b>Enter Zoning District:</b></p> <p style="text-align: center;"><i>If yes, you can proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2) <b>HOUSING WITHDRAWN FROM RENTING OR LEASING.</b> Is the project located on a parcel on which the owner has withdrawn it from renting or leasing under <a href="#">Section 7060 of the Government Code</a> within 15 years preceding the development application (i.e., an exit of the rental housing business pursuant to the Ellis Act)?</p> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3) <b>HISTORIC DESIGNATION.</b> Is the site located within a historic district, included on the State Historic Resources Inventory, or within a site that is legally designated or listed as a city or county landmark or historic property or district? Look up on <a href="#">City of San Rafael Historical/Architectural Survey</a></p> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4) <b>DEMOLITION OR ALTERATION OF “PROTECTED HOUSING.”</b> Will the project require demolition or alteration of any of the following types of housing?</p> <ul style="list-style-type: none"> <li>• Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li> <li>• Housing that is subject to rent control through valid local rent control provisions.</li> <li>• Housing that has been occupied by a tenant in the last 3 years.</li> </ul> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5) <b>LOCATION.</b> Is the site located in any of the specified designated areas?</p> <p>a. <a href="#">Prime farmland or farmland</a> of statewide importance, look up on <a href="#">California Important Farmland Finder map</a>;</p> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. <a href="#">Wetlands</a> as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2, look up on <a href="#">National Wetlands Inventory Map</a>;</p> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection. Look up on <a href="#">fire hazard severity zone finder map</a> This does not apply to sites excluded from the specified hazard zones by the City, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;</p> <p style="text-align: center;"><i>If no, you can proceed. If yes, an SB 9 application is not allowed.</i></p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. A hazardous waste site that is listed pursuant to Section <a href="#">65962.5</a>, look up property</p>	<input type="checkbox"/>	<input type="checkbox"/>

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<p>on <a href="#">Cortese List Data Resources</a> page; or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section <a href="#">25356</a> of the Health and Safety Code</p> <p><i>If no, you can proceed. If yes</i>, the site may still be eligible if the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.</p>		
<p>e. A delineated earthquake fault zone. Look up your property in the <a href="#">California Earthquake Hazards Zone Application</a> online map;</p> <p><i>If no, you can proceed. If yes</i>, the site may still be eligible if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.</p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>f. A 100-year floodplain or a floodway? Look up your property flood zone designation in the <a href="#">FEMA Flood Map</a>; print out a copy of the map and submit along with the application.</p> <p><i>If no, you can proceed. If yes</i>, the site may still be eligible if the project satisfies either of the applicable federal qualifying criteria set forth in subparagraphs (G)(i)(ii) of paragraph (6) of subdivision (a) of <a href="#">Section 65913.4</a> of the California Government Code:</p> <p>(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.</p> <p>(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.</p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>g. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan;</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>h. Habitat for protected species;</p> <p>For g &amp; h: sign up for an account with IPAC, select all layers, look up property on <a href="#">US Fish and Wildlife Map</a>, print out and submit query results (“What’s Here?”) with application.</p> <p><i>If yes to g. and/or h. above, an SB 9 application is not allowed.</i></p> <p><b>Action: submit a screenshot of relevant map page and submit with application.</b></p>	<input type="checkbox"/>	<input type="checkbox"/>

<b>PART II. SB 9 HOUSING DEVELOPMENT (SKIP IF APPLYING FOR URBAN LOT SPLIT ONLY)</b>																
<p>6) <b>SHORT TERM RENTALS PROHIBITED.</b> Will the rental of any unit in an SB 9 Housing Development or any unit created through an Urban Lot Split, either primary or accessory, be for a term of longer than thirty (30) days?</p> <p style="text-align: center;"><i>If yes, you can proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>														
<p><b>Recordation of Deed Restriction.</b> Prior to approval of the building permit, the applicant will be required to record a deed restriction identifying that the units on the property may not be rented for a term of 30 days or less. Staff will provide you with further instruction after you submit your building permit application.</p>																
<p>7) <b>NUMBER OF UNITS:</b></p> <ul style="list-style-type: none"> <li>○ <b>Without Urban Lot Split:</b> Will the project result in more than two primary residential units on the parcel? Each primary unit may have one JADU and one ADU if an urban lot split is not utilized.</li> <li>○ <b>With Urban Lot Split:</b> Will the project result in more than two primary residential units or more than one primary unit and either one ADU or JADU?</li> </ul> <p style="text-align: center;"><i>If no to any of the above, you can proceed. If yes to any of the above, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>														
<p>Note: A single-family home with an ADU and JADU that was issued a building permit prior to July 18, 2022, shall not otherwise preclude an applicant from developing two dwelling units pursuant to the provisions of SRMC 14.16.282 on a vacant lot created through an Urban Lot Split (Chapter 15.155).</p>																
<p>8) <b>UTILITY CONNECTIONS.</b> Will each primary unit in the SB 9 Housing Development be served by separate water, sewer and electrical utility connections which connect each unit directly to the utility?</p> <p style="text-align: center;"><i>If yes, you can proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>														
<p>9) <b>CONSISTENCY WITH OBJECTIVE STANDARDS.</b> Will the project meet all objective zoning and development standards in effect at the time the application is submitted?</p> <p>Submit the Tabulation Form that lists all required and proposed development standards that includes information 10a – 10g below.</p>	<input type="checkbox"/>	<input type="checkbox"/>														
<p>Note: The development standards cannot preclude two primary units that are 800 square feet in size, or if the development of a unit includes the conversion of, or the construction of a unit within the same location of, an existing structure.</p>																
<p>10a. <b>Front Setback.</b> The front setback is the distance from the front property line to front of the unit. Does your project concept comply with the <a href="#">Table 14.04.030 of the San Rafael Municipal Code</a> for front setback requirements for your particular zoning district, as shown below, or as allowed by the block average front setback provision noted in footnote (B) of <a href="#">Table 14.04.030</a>? If you are located in a PD district, please contact a planner at (415) 485-3095.</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 5px;">Zoning District</th> <th style="padding: 5px;">R2a</th> <th style="padding: 5px;">R1a</th> <th style="padding: 5px;">R20</th> <th style="padding: 5px;">R10</th> <th style="padding: 5px;">R7.5</th> <th style="padding: 5px;">R5</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Front Setback</td> <td style="padding: 5px;">20'</td> <td style="padding: 5px;">20'</td> <td style="padding: 5px;">20'</td> <td style="padding: 5px;">20'</td> <td style="padding: 5px;">15'</td> <td style="padding: 5px;">15'</td> </tr> </tbody> </table> <p style="text-align: center;"><i>If yes, you can proceed. If no, an SB 9 application is not allowed.</i></p>	Zoning District	R2a	R1a	R20	R10	R7.5	R5	Front Setback	20'	20'	20'	20'	15'	15'	<input type="checkbox"/>	<input type="checkbox"/>
Zoning District	R2a	R1a	R20	R10	R7.5	R5										
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<p>10b. <b>4-foot Minimum Side and Rear Setbacks.</b> The minimum required distance from the side property lines to the unit and from the rear property line to the unit is 4 feet. This requirement does not apply if the unit is proposed through either the conversion of an existing structure or a structure that would be constructed in the same location and to the same dimensions as an existing structure. Does your project meet the side and rear setback requirements?</p> <p style="text-align: center;"><i>If yes, you can proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>														

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<p>10c. <b>Maximum Height.</b> 16' height limit for portions of new development located outside the minimum rear and side yard setbacks of the parcel's zoning district. Within district standards the maximum allowable height for the District: 30' for most zoning districts, 17' in the Eichler and Alliance Home Overlay (-EA) District, check with a planner if located within a PD district. Does your project meet the maximum height requirements?</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: left;">Zoning District</th> <th>R2a</th> <th>R1a</th> <th>R20</th> <th>R10</th> <th>R7.5</th> <th>R5</th> </tr> </thead> <tbody> <tr> <td>Side Setback</td> <td>15'</td> <td>15'</td> <td>12' 6"</td> <td>10'</td> <td>6'</td> <td>10% lot width, min. 3' max. 5'</td> </tr> <tr> <td>Rear Setback</td> <td>25'</td> <td>25'</td> <td>10'</td> <td>10'</td> <td>10'</td> <td>10'</td> </tr> </tbody> </table> <p style="text-align: center; font-style: italic;">If yes, you can proceed. If no, an SB 9 application is not allowed.</p>	Zoning District	R2a	R1a	R20	R10	R7.5	R5	Side Setback	15'	15'	12' 6"	10'	6'	10% lot width, min. 3' max. 5'	Rear Setback	25'	25'	10'	10'	10'	10'	<input type="checkbox"/>	<input type="checkbox"/>
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<p>10d. <b>Lot Coverage.</b> "Lot coverage" means that portion of the lot covered by buildings, including stairways; covered walkways; covered patios; covered parking structures; covered decks or uncovered decks over thirty inches (30") in height; and detached recreational and storage structures that are greater than one hundred (120) square feet in size. Does your project meet the maximum lot coverage requirement?</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: left;">Zoning District</th> <th>R2a</th> <th>R1a</th> <th>R20</th> <th>R10</th> <th>R7.5</th> <th>R5</th> </tr> </thead> <tbody> <tr> <td>Lot Coverage</td> <td>20%</td> <td>25%</td> <td>30%</td> <td>40%</td> <td>40%</td> <td>40%</td> </tr> </tbody> </table> <p style="text-align: center; font-style: italic;">If yes, you can proceed. If no, an SB 9 application is not allowed.</p>	Zoning District	R2a	R1a	R20	R10	R7.5	R5	Lot Coverage	20%	25%	30%	40%	40%	40%	<input type="checkbox"/>	<input type="checkbox"/>							
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<p>10e. <b>Maximum Upper Story Floor Size.</b> Does your project meet the upper story floor size?</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="text-align: left;">Zoning District</th> <th>R2a</th> <th>R1a</th> <th>R20</th> <th>R10</th> <th>R7.5</th> <th>R5</th> </tr> </thead> <tbody> <tr> <td>Maximum upper story floor size</td> <td>50%/75% of lot coverage calculation</td> <td>50%/75% of lot coverage calculation</td> <td>50%/75% of lot coverage calculation</td> <td>50%/75% of lot coverage calculation</td> <td>50%/75% of lot coverage calculation</td> <td>50%/75% of lot coverage calculation</td> </tr> </tbody> </table> <p style="text-align: center; font-style: italic;">If yes, you can proceed. If no, an SB 9 application is not allowed.</p>	Zoning District	R2a	R1a	R20	R10	R7.5	R5	Maximum upper story floor size	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	50%/75% of lot coverage calculation	<input type="checkbox"/>	<input type="checkbox"/>							
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<p>Note:</p> <ul style="list-style-type: none"> <li>In the -EA Combining District, maximum height of seventeen feet (17') to peak, and one habitable floor.</li> <li>For design criteria for upper-story construction, see Section 14.25.050(F)(6), Upper-Story Additions.</li> <li>For lots less than five thousand (5,000) square feet, the maximum upper story shall be fifty percent (50%) of the maximum lot coverage calculation; for lots five thousand (5,000) square feet or larger, maximum upper story size shall be seventy-five percent (75%) of maximum lot coverage calculation.</li> </ul>																							
<p>10f. <b>Natural State. Not applicable to non-hillside housing developments (average slope less than 25%).</b> "Natural state" means all portions of lots that remain undeveloped and undisturbed. A minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%), must remain in its natural state.</p> <p style="text-align: center; font-style: italic;">If yes, you can proceed. If no, an SB 9 application is not allowed.</p>	<input type="checkbox"/>	<input type="checkbox"/>																					
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<p>10g. <b>Parking Requirements.</b> For an SB 9 Housing Development project, you must provide one</p>	<input type="checkbox"/>	<input type="checkbox"/>																					

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<p>parking space per unit as described below, unless your project qualifies for an exemption:  <u>Parking Space Type and Dimensions</u></p> <ul style="list-style-type: none"> <li>Covered Spaces: Garage or carport that meet all setback requirements, including 20' from front property lines when the driveway is perpendicular to the street; garages shall have minimum interior dimensions of at least 10' x 20' and carports shall have minimum interior dimensions of at least 9' x 19'.</li> <li>Uncovered Spaces: Parking space surfaced with gravel, concrete, asphalt, or similar materials to dimensions of at least 9' x 19'.</li> </ul> <p><u>Exemptions Based on Proximity to Car-Sharing or Bus Service</u></p> <ul style="list-style-type: none"> <li>A car-share vehicle located within one block of the property.</li> <li>The property is within a half-mile walking distance of:             <ul style="list-style-type: none"> <li>A bus line with bus service occurring at least every 15 minutes during peak commute hours.</li> <li>An existing bus rapid transit stop, or rail stop; or</li> <li>The intersection of two or more major bus routes with bus service occurring at least every 15 minutes during peak commute hours.</li> </ul> </li> </ul> <p>Based on the requirements described above, does your project propose one parking space per unit or qualify for an exemption?</p> <p><i>If yes to either, you can proceed. If no, an SB 9 application is not allowed.</i></p>		
<p><b>PART III. SB 9 URBAN LOT SPLIT</b></p>		
<p>10) <b>OWNER OCCUPANCY.</b> Will the owner(s) sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split?</p> <p>Note: Owner occupancy not required if the owner(s) are a community land trust or a qualified nonprofit corporation.</p> <p><i>If yes, the project may proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>11) <b>RESIDENTIAL USE.</b> Will the uses created through the Urban Lot Split be limited to residential uses?</p> <p><i>If yes, the project may proceed. If no, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>12) <b>PRIOR URBAN LOT SPLIT.</b> Has the parcel to be subdivided been established through prior exercise of an Urban Lot Split pursuant to San Rafael Municipal Code (SRMC) Chapter 15.155 – Urban Lot Splits?</p> <p><i>If no, the project may proceed. If yes, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>13) <b>SUBDIVISION OF ADJACENT PARCEL.</b> Has either the owner(s) of the parcel to be subdivided or any person acting in concert with the owner(s) previously subdivided an adjacent parcel using an Urban Lot Split pursuant to SRMC Chapter 15.155 – Urban Lot Splits?</p> <p>Note: “Acting in concert” means the owner(s), or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel.</p> <p><i>If no, the project may proceed. If yes, an SB 9 application is not allowed.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>14) <b>PARCELS CREATED THROUGH URBAN LOT SPLITS.</b> Will the parcels created through the Urban Lot Split conform to the following?</p> <p>a. One of the two parcels shall not be smaller than 40% of the lot area of the original parcel</p>	<input type="checkbox"/>	<input type="checkbox"/>

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area of the subdivision;		
b. Each of the two parcels shall have a minimum lot size of 1,200 square feet;	<input type="checkbox"/>	<input type="checkbox"/>
c. Each parcel shall have access to, provide access to, or adjoin the public right-of-way; and	<input type="checkbox"/>	<input type="checkbox"/>
d. Each parcel shall possess easements and/or other necessary property rights required for the provision of public services and facilities.	<input type="checkbox"/>	<input type="checkbox"/>
<i>If yes to a-d above, the project may proceed. If no to any of the above, an SB 9 application is not allowed.</i>		

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner/applicant of the property that is the subject of this application.
- b) The information presented is true and correct to the best of my knowledge.
- c) I acknowledge that additional information or applications may be required prior to a decision on this application.
- d) Applicant agrees to pay to the City all incurred costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use approval(s), even if the application is withdrawn or not approved.

**Property Owner:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Authorized Agent/Applicant:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

*For questions, contact the Planning Division at [planning@cityofsanrafael.org](mailto:planning@cityofsanrafael.org) or at (415) 485-3085.*