



**Planning Commission
Regular Meeting**

**Tuesday, July 11, 2023, 7:00 P.M.
AGENDA**

Participate In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901
or**

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/PlanningCommission23>

Watch on YouTube: <http://www.youtube.com/cityofsanrafael>

Telephone: 1 (669) 444-9171

Meeting ID: 815 0028 1975#

One Tap Mobile: US: +16694449171, 81500281975#

This meeting will be held in-person. The public may attend in-person or participate virtually using Zoom.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to PlanningPublicComment@cityofsanrafael.org
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and press *9 to raise your hand, and *6 to unmute yourself, then provide verbal public comment.

If you experience technical difficulties during the meeting, please contact PlanningPublicComment@cityofsanrafael.org.

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to three minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

CONSENT CALENDAR

The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Commission members who wish to discuss.

- 1. Approval of the Planning Commission Meeting Minutes of April 25, 2023**
Recommended Action – Approve minutes as submitted.

ACTION ITEMS

2. 76 Albert Park Lane – Wildcare

Request for an Environmental and Design Review Permit for proposed replacement of existing Wildcare wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site and requests for a Variance and an Exception for proposed fencing; APN: 013-061-54; Multi-Family Zoning District (HR1.5); PLAN22-127, ED22-040, V22-001, EX23-004

Recommended Action – approval of the Environmental and Design Review Permit, Variance, and Exception applications subject to conditions of approval in the Draft Resolution

DIRECTOR’S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing “711”, at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350 (for non-applicants) or a \$4,476 deposit (for applicants) made payable to the City of San Rafael and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.



**Planning Commission
Regular Meeting**

**Tuesday, April 25, 2023, 7:00 P.M.
AGENDA**

Participate In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901
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CALL TO ORDER

Chair Saudi called meeting to order at 7:02 PM. She then invited Planning Manager Leslie Mendez to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

PRESENT: ALDO MERCADO, COMMISSIONER
JON PREVITALI, COMMISSIONER
SHINGAI SAMUDZI, COMMISSIONER
JON HAVEMAN, VICE-CHAIR
SAMINA SAUDE, CHAIR

ABSENT KELLY SHALK, COMMISSIONER

ALSO PRESENT: LESLIE MENDEZ, PLANNING MANAGER
BARRY MILLER, CONTRACT PLANNER
CHRIST HESS, ASSISTANT DIRECTOR
ALEXIS CAPTANTIAN, HOUSING ANALYST

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Chair Saude moved on to the order of the agenda, she asked if there are any changes.

No changes were made to the order of the agenda.

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Saude asked Planning Manager Leslie Mendez to address how public comment will work this evening. She mentioned that due to the number of folks in attendance, public comment will be limited to three minutes.

Planning Manager Leslie Mendez informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom, and members of the public could provide public comment either on the telephone or through Zoom. She explained the process for the community participating through Zoom and in-person.

Chair Saude describes the meeting procedures for the night.

ORAL COMMUNICATIONS FROM THE PUBLIC

Chair Saude next allowed time for those who have urgent communication on a topic not on the agenda, to address the Commission at this time.

Leslie Mendez invited the public to give comments on items not on the agenda. She then provided reminders of how to give public comments for both in person, zoom, or by phone.

There was no comment from community members.

CONSENT CALENDAR

- 1. Approval of the Planning Commission Meeting Minutes of April 11, 2023**
Recommended Action – Approve minutes as submitted.

Chair Saude invited public comment and there was none.

Commissioner Previtali moved, and Vice Chair Haveman seconded to approve both the Consent Calendar.

Chair Saude then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioner Mercado, Previtali, Samudzi, Vice-Chair Haveman, and Chair Saude.

NOES: None

ABSENT: Commissioner Shalk

ABSTAIN: None

Motion carried 5– 0

ACTION ITEMS

- 2. Housing Element Adoption Resolution.** Adoption of the San Rafael 2023-2031 Housing Element, Amendments to the Safety and Resilience Element of the 2040 San Rafael General Plan to comply with recent changes to State law, and Rezoning of certain properties for consistency with the 2040 San Rafael General Plan.

Chair Saude invited Staff to present the staff report for the adoption of the San Rafael 2023-2031 Housing Element, Amendments to the Safety and Resilience Element of the 2040 San Rafael general Plan to comply with the recent changes to State law, and Rezoning of certain properties for consistency with the 2040 San Rafael General Plan.

Assistant Community Development Director, Chris Hess provided introduction for the presentation of the proposed Housing Element Adoption Resolution by Barry Miller, Contract Planner.

Chair Saude asked for questions from the Commissioners, and to save comments and discussion until after the public hearing.

The Planning Commissioners presented questions to staff. Staff responded.

Chair Saude asked for Leslie Mendez to open the public hearing.

Leslie Mendez provided instructions once more on how to provide public comment for those who are watching and or present.

There were two attendees who provided public comment. One in person and one virtual.

Chair Saude closed the public hearing and allowed staff to answer questions that were raised by the public.

Chair Saude turned it over to the Commissioners for comments or discussion.

Commissioner Samudzi moved and Chair Saude seconded to Recommend City Council Adoption of the San Rafael 2023-2031 Housing Element.

Chair Saude then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Mercado, Previtali, Samudzi, Vice-Chair Haveman, and Chair Saude.

NOES: None

ABSENT: Commissioners Shalk

ABSTAIN: None

Motion carried 5 – 0

Commissioner Previtali moved and Commissioner Samudzi seconded to Recommend City Council adopt amendment to the Safety and resilience element.

Chair Saude then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Mercado, Previtali, Samudzi, Vice-Chair Haveman, and Chair Saude.

NOES: None

ABSENT: Commissioners Shalk

ABSTAIN: None

Motion carried 5 – 0

Chair Saude moved and Vice Chair Haveman seconded to Recommend City Council rezoning of residence adjacent to 86 Cullendon Park.

Chair Saude then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Mercado, Previtali, Samudzi, Vice-Chair Haveman, and Chair Saude.

NOES: None

ABSENT: Commissioners Shalk

ABSTAIN: None

Motion carried 5 – 0

Vice Chair Haveman moved and Chair Saude seconded to recommendation to City Council for the rezoning of what is essentially 380 and 401 Merrydale.

Chair Saude then invited Planning Manager Leslie Mendez to take roll:

AYES: Commissioners Mercado, Previtali, Samudzi, Vice-Chair Haveman, and Chair Saude.

NOES: None

ABSENT: Commissioners Shalk

ABSTAIN: None

Motion carried 5 - 0

DIRECTOR'S REPORT

Planning Manager reported on the following items:

1. Commissioner updates: Hoping to start Jill Rodby, a new member of the Planning Commission Board in the next meeting.
2. Upcoming PC meetings: There will not be a meeting on May 9th, 2023, next meeting may be scheduled May 23, 2023.
3. George's Nightclub has been appealed and will go to the City Council on May 1st.
4. 1515 Fourth Steet is going to City Council on May 8th as Planning Commission Approval has been appealed.
5. The Housing Element will be going to City Council on May 15th.

COMMISSION COMMUNICATION

Chair Saude asked if any members have any communication and allowed opportunity to provide comments.

The board expressed their thanks and appreciation for the staff.

Vice Chair Haveman brought up the projects brought to the Design Review Board Meeting.

ADJOURNMENT

There being no further business, Chair Saude adjourned the meeting at 8:08 PM.

JEFF BALLANTINE, Senior Planner

APPROVED BY PLANNING COMMISSION ON July 11, 2023

DRAFT



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: July 11, 2023
Agenda Item: 2
Case Numbers: ED22-040,
PLAN22-127,
V22-001, EX23-004
Project Planner: Jeff Ballantine,
jeff.ballantine@cityofsanrafael.org

REPORT TO PLANNING COMMISSION

SUBJECT: 76 Albert Park Lane – Wildcare. Request for an Environmental and Design Review Permit for proposed replacement of existing Wildcare wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site and requests for a Variance and an Exception for proposed fencing; APN: 013-061-54; Multi-Family Zoning District (HR1.5); Wildcare, owner; Cheryl Lentini, applicant; PLAN22-127, ED22-040.

EXECUTIVE SUMMARY

The proposed project includes a major redevelopment of the existing Wildcare facilities. Wildcare is a wildlife hospital, nature education center and wildlife advocacy organization. The proposal includes: relocating and restoring the historic Terwilliger Building; demolishing all other existing structures on the site; constructing a new attached three-story animal hospital and office building along with a new courtyard for gathering spaces and for the educational Ambassador Animals.

REQUESTED ENTITLEMENTS

The project requires a Major Environmental and Design Review Permit pursuant to San Rafael Municipal Code (SRMC) Section 14.25.040, which requires approval by the Planning Commission with a recommendation from the Design Review Board (DRB). The project also requires a Variance for fencing located within the front yard that exceeds 6 feet in height as well as an Exception for fencing that exceeds 7 feet in height in the side and rear yard. Typically, the Zoning Administrator is the appropriate authority for reviewing a Variance and the planning director is the appropriate authority for reviewing an Exception. However, since the Environmental and Design Review Permit for this project requires Planning Commission approval, the Planning Commission is then the responsible authority for reviewing all requested entitlements for this project pursuant to San Rafael Municipal Code (SRMC) Section 14.02.020 (J).

PROPERTY FACTS

The following table provides an overview of General Plan and Zoning designations for the project site and immediately surrounding area as well as existing developed land uses.

Table 1: Designations and Existing Uses

Location	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	HRR	HR1.5	Wildcare
North:	PROS	P/OS	Albert Park
South:	HDR	HR1.5	Duplex
East:	HDR	LMU	Carpenters Local Union
West:	HDR	HR1.5	Single Family Residence

HDR = High Density Residential; PROS = Parks, Recreation, and Open Space; P/OS = Public/Open Space; HR1.5 = High Density Residential; LMU = Lindero Mixed-Use

Site Description & Setting

The project site is located north of Mariposa Road. The site is accessible from Albert Park Lane. Wildcare visitors that arrive by automobile typically park on the street on Albert Park Lane. Then they walk across San Rafael Creek on a bridge into the main entrance for Wildcare. The project site also has frontage on Mariposa Road. This frontage is only utilized for trash collection purposes.



Figure 1. Site Location

PROJECT DESCRIPTION

Project Summary

The proposed project includes a major redevelopment of the existing Wildcare facilities. Wildcare is a wildlife hospital, nature education center and wildlife advocacy organization. The existing facilities are located in a flood plain and have often flooded in the past, rendering those facilities unusable. The

proposal includes: relocating and restoring the historic Terwilliger Building; demolishing all other existing structures on the site; constructing a new attached three-story animal hospital and office building along with a new courtyard for gathering spaces and for the educational Ambassador Animals. The total area of the proposed facilities and structures is approximately 11,400 square feet with approximately 4,600 square feet of caging on roofs and 1,600 square feet of caging on the ground.

Architecture, Colors, and Materials

The proposal relocates the historic Terwilliger Building to make it a focal point from the main entrance on the northern end of the project site. The non-historic stucco on the building would be removed and the existing horizontal Dutch lap siding of this building would be replaced in kind and painted white. The building would be reroofed with asphalt shingles. The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls with white decorative metal screens (Bok Modern or equal) mounted in front of select areas of the north building elevation. This building would include aluminum frame windows. The proposed roofing is a single ply Thermoplastic Polyolefin (TPO) system. In addition to the project plans in Exhibit 1, please see project renderings and materials details that are provided in Exhibit 2, starting on the 19th presentation slide.



Figure 2. Rendering of North Elevation



Figure 3. North Elevation

Landscaping and Lighting

The project does not include proposed landscaping, other than some minimal creek enhancement that will likely be required, consisting of native plant seeding and removal and control of certain species. The project includes wall wash lighting at the building entry, low wall lighting at the bridge and exit path, and wall sconce lighting at secondary doors. All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227.

Flood Level Elevations

Preliminary survey information indicates that a majority of the project site is approximately at an elevation of 9.0 feet above sea level. The property is located within Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Zone AE with a Base Flood Elevation (BFE) of 11 feet (datum NAVD 88). Pursuant to the applicable FEMA regulations in *ASCE 24-14: Flood Resistant Design and Construction*, nonresidential structures shall be elevated to a minimum of one foot above BFE. As a result, City staff and the applicant anticipate that the floor level of new construction will need to be at least 12 feet above sea level to clear the 100-year flood elevation. Consequently, three-foot tall retaining walls are required on the eastern, northern, and western edges of the property.

Fencing

The proposed perimeter fencing consists of six-foot-tall weathered wood fencing at the front of the site (facing Albert Park Lane); wooden fencing up to nine-feet-tall on the western side property line and the southern rear property line; and six-foot-tall chain link fencing on the eastern side property line. The fencing on the front and eastern side property lines is considered nine-feet-tall because both fences are on top of a three-foot-tall retaining wall.

Bridge

A new prefabricated pedestrian bridge will be erected over the creek to provide the main entry to the site. The new bridge will be sloped up from the street level to the approximate finished site floor height.

ANALYSIS

San Rafael Municipal Code (Title 14 – Zoning)

Review criteria for Environmental and Design Review permits are included in SRMC Section 14.25.050. Some of the pertinent review criteria that relate to the proposed project are included in Table 2 below.

Table 2: Design Review Criteria (SRMC Section 14.25.050)		
Review Criteria	Proposed	Code Subsection
CMU Finishes. Concrete surfaces shall be colored, textured, sculptured and/or patterned to serve a design as well as a structural function	The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls.	(F)(2)(c)
Entry. Provision of a sense of entry	The proposed new bridge, relocation of the historic Terwilliger Building, and courtyard redesign all contribute to an improved entrance.	(F)(1)(d)
Height Variation. Variation in building placement and height	The proposed new animal hospital and office building varies in height as it steps down in height as it spans from the southern to the northern portion of the site. The relocated historic building provides additional variety in building height and location in relation to the proposed new building.	(F)(1)(e)
All Facades. Equal attention to design of all facades in sensitive locations	Each proposed building elevation includes variety in architectural details, building forms, and materials.	(F)(1)(g)

San Rafael Design Guidelines

The [San Rafael Design Guidelines](#) apply to all of the City of San Rafael except for the Downtown Precise Plan area and except for those lots where the Hillside Design Guidelines apply. Some of the pertinent design guidelines that relate to the proposed project are included in Table 3 below.

Table 3: San Rafael Design Guidelines (for Nonresidential projects)		
Design Guideline	Proposed	Topic Area
Consider pedestrian orientation when designing building entries, windows, signage and doors.	The proposed new bridge, relocation of the historic Terwilliger Building, and courtyard redesign all contribute to an improved entrance	Pedestrian Circulation
Include a well-defined pedestrian walkway between the street and building entries		
Limit the intensity of lighting to provide for adequate site security and for pedestrian and vehicular safety	The project includes wall wash lighting at the building entry, low wall lighting at the bridge and exit path, and wall sconce lighting at secondary doors. All proposed lighting will be required to be designed	Lighting

Table 3: San Rafael Design Guidelines (for Nonresidential projects)

Design Guideline	Proposed	Topic Area
Shield light sources to prevent glare and illumination beyond the boundaries of the property	and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227	
Where appropriate, locate the building, or a substantial portion of the building along the front yard setback or street edge to create spatial enclosure in relation to the street	The project proposes to locate the historic Terwilliger Building and a portion of the proposed animal hospital/office building along the front yard setback.	Building Form
Consider the pedestrian experience when designing the ground floor of buildings.	The proposed relocation of the historic Terwilliger Building at the front of the site as well as stepping down the proposed animal hospital/office building towards the front of the site improves the pedestrian experience as visitors enter the site.	Building Form
Continuity of design, materials, color, form and architectural details is encouraged for all portions of a building and between all the buildings on the site	Each proposed building elevation includes variety in architectural details, building forms, and materials.	Building Form
Use articulation, texturing and detailing on all concrete exposed to exterior view	The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls.	Materials and Colors
Use color to provide appropriate accents on a building.	The historic Terwilliger Building would be painted white. The proposed new animal hospital and office building would have light grey CMU walls with white decorative metal screens mounted in front of select areas of the north building elevation.	Materials and Colors

Fencing Regulations

Review criteria for fencing is included in SRMC Section 14.16.140. Fencing taller than six feet within a required front yard requires a Variance, pursuant to procedures in SRMC Chapter 14.23, and fencing taller than seven feet but no taller than nine feet within a required side or rear yard requires an Exception, pursuant to procedures in SRMC Chapter 14.24.

As stated previously in this report, the proposed perimeter fencing consists of six-foot-tall weathered wood fencing at the front of the site (facing Albert Park Lane); wooden fencing up to nine-feet-tall on the western side property line and the southern rear property line; and six-foot-tall chain link fencing on the eastern side property line. The fencing on the front and eastern side property lines is considered nine-feet-tall because both fences are on top of a three-foot-tall retaining wall. This three-foot-tall retaining wall along the eastern, northern, and western edges of the property is required in order to comply with FEMA floodplain regulations.

Pursuant to Section 3.127(d) of the United States Department of Agriculture (USDA) regulations, six-foot-tall fencing is required at least three feet from primary enclosures for animals, in order to function as a secondary containment system for animals in the facility. Therefore, the applicant is required to propose fencing that is nine feet above grade in order to comply with relevant State and Federal regulations.

Since three-foot tall retaining walls are required on the eastern, northern, and western edges of the property pursuant to FEMA floodplain regulations, the applicant is not able to seek an Exception that would allow six-foot-tall fencing along the front property line since the height of the retaining wall is counted towards the height measurement of the fencing. Owners of other surrounding property are able to seek such an exception who are not required to raise the elevation of their property in order to comply with FEMA floodplain regulations.

DESIGN REVIEW BOARD RECOMMENDATION

On March 7, 2023, the DRB recommended Planning Commission approval of the project as proposed.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines. Support of this determination is provided in the CEQA Categorical Exemption Review Memorandum found in Exhibit 7.

NEIGHBORHOOD CORRESPONDENCE

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of all meetings, including this hearing. Staff have not received any public comments, as of the posting of this staff report.

CONCLUSION

Staff request that the DRB provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on the applicable objective development standards described in this staff report and consider providing a recommendation to the Planning Commission.

EXHIBITS

1. Draft Resolution
2. [Architectural Plans, 5/11/2023](#)
3. [Materials Board](#)
4. [Civil Engineering Plans, 5/11/2023](#)
5. [General Plan Consistency Table](#)
6. [Zoning Ordinance Consistency Table](#)
7. [CEQA Categorical Exemption Memo, 6/29/2023](#)
 - a. [Biological Constraints Assessment Report, 2/3/2021](#)
 - b. [Air Quality and Greenhouse Gas Analysis, 2/14/2023](#)
 - c. [Schematic Design Report, 2/25/2022](#)
 - d. [Noise and Vibration Analysis, 2/14/2023](#)
 - e. [Historic Design Review, 8/1/2022](#)
8. [Geotechnical Report, 8/30/2022](#)
9. [Hydrology Report, 3/2/2023](#)

RESOLUTION NO. 23-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED22-040), A VARIANCE (V22-001), AND A FENCE EXCEPTION (EX23-004) FOR NEW WILDLIFE HOSPITAL AND EDUCATIONAL FACILITIES INCLUDING A NEW 11,400 SQUARE FOOT ANIMAL HOSPITAL AND OFFICE BUILDING AT 76 ALBERT PARK LANE (APN 013-061-54)

WHEREAS, the City of San Rafael received an application on August 8, 2022 for an Environmental and Design Review Permit (ED22-040), a Variance (V22-001), and a Fence Exception (EX23-004) for new wildlife hospital and educational facilities including a new 11,400 square foot animal hospital and office building at 76 Albert Park Lane in the HR1.5 (High Density Residential) zoning district; and

WHEREAS, on June 9, 2023, staff deemed the application complete; and

WHEREAS, on March 7, 2023, the project was reviewed by the Design Review Board at a duly noticed public hearing and the DRB recommended approval of the project design; and

WHEREAS, on July 11, 2023, the San Rafael Planning Commission held a duly noticed public hearing on the requested Environmental and Design Review Permit, Variance, and Exception accepting all oral and written public testimony and the written report of the Community Development Department staff; 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 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating Environmental and Design Review (ED22-040), Variance (V22-001), and Fence Exception (EX23-004):

**ENVIRONMENTAL AND DESIGN REVIEW FINDINGS
(ED22-040)**

A. The project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:

The site is designated as High Density Residential on the General Plan 2040 Land Use Map which allows for multi-family residential uses. The use of the site is wildlife hospital and nature education center, which is not a multi-family residential use. However, the project will not involve the expansion of the existing use of the site. The purpose of the project is to upgrade the existing wildlife hospital and nature education center to meet California Department of Fish and Wildlife (CDFW) standards for minimum cage sizes and to ensure compliance with current building codes for veterinary facilities. Expansion beyond current operation is not

proposed as the site is not large enough to accommodate additional patients pursuant to CDFW regulations.

The project is consistent with the General Plan and specifically with design-related policies of the Neighborhoods Element and Community Design and Preservation Element as identified in the General Plan Consistency Table, Exhibit 5.

B. 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:

On March 7, 2023, the Design Review Board found the project design to be consistent with applicable regulations and guidelines and recommended approval of the project design to the Planning Commission as proposed.

C. The project design minimizes adverse environmental impacts:

The project qualifies for exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which includes alteration of existing public or private facilities involving negligible or no expansion of the existing or former use and Section 15302 (Replacement or Reconstruction) which consists of replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity.

The project will not involve the expansion of the existing use of the site. The purpose of the project is to upgrade the existing wildlife hospital and nature education center to meet California Department of Fish and Wildlife (CDFW) standards for minimum cage sizes and to ensure compliance with current building codes for veterinary facilities. Expansion beyond current operation is not proposed as the site is not large enough to accommodate additional patients pursuant to CDFW regulations.

The Categorical Exemption Review Memorandum for this project, dated June 29, 2023 further elaborates why this project qualifies for these CEQA exemptions.

D. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

The project has been reviewed by various departments of the City of San Rafael and appropriate agencies and where applicable, conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity. In addition, the project will be built in accordance with the applicable California Building Code.

**VARIANCE FINDINGS
(V22-001)**

A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification:

The proposed perimeter fencing consists of six-foot-tall weathered wood fencing at the front of the site (facing Albert Park Lane); wooden fencing up to nine-feet-tall on the western side property line and the southern rear property line; and six-foot-tall chain link fencing on the eastern side property line. The fencing on the front and eastern side property lines is considered nine-feet-tall because both fences are on top of a three-foot-tall retaining wall.

Preliminary survey information indicates that a majority of the project site is approximately at an elevation of 9.0 feet above sea level. The property is located within Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Zone AE with a Base Flood Elevation (BFE) of 11 feet (datum NAVD 88). Pursuant to the applicable FEMA regulations in ASCE 24-14: Flood Resistant Design and Construction, nonresidential structures shall be elevated to a minimum of one foot above BFE. As a result, City staff and the applicant anticipate that the floor level of new construction will need to be at least 12 feet above sea level to clear the 100-year flood elevation. Consequently, three-foot tall retaining walls are required on the eastern, northern, and western edges of the property in order to raise base elevation of the site to 12 feet above sea level.

Pursuant to Section 3.127(d) of the United States Department of Agriculture (USDA) regulations, six-foot-tall fencing is required at least three feet from primary enclosures for animals, in order to function as a secondary containment system for animals in the facility. Therefore, the applicant is required to propose fencing that is nine feet above grade in order to comply with relevant State and Federal regulations.

Since three-foot tall retaining walls are required on the eastern, northern, and western edges of the property pursuant to FEMA floodplain regulations, the applicant is not able to seek an Exception that would allow six-foot-tall fencing along the front property line since the height of the retaining wall is counted towards the height measurement of the fencing. Owners of other surrounding property are able to seek such an exception who are not required to raise the elevation of their property in order to comply with FEMA floodplain regulations.

B. That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated;

As stated in Variance Finding A above, since three-foot tall retaining walls are required on the eastern, northern, and western edges of the property pursuant to FEMA floodplain regulations, the applicant is not able to seek an Exception that would allow six-foot-tall fencing along the front property line since the height of the retaining wall is counted towards the height measurement of the fencing. Owners of other surrounding property are able to seek such an exception who are not required to raise the elevation of their property in order to comply with FEMA floodplain regulations. Therefore, the variance will not constitute a grant of special privileges.

C. That granting the variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located:

The existing use of wildlife hospital and educational facilities is considered an existing nonconforming use. The project proposes replacement of existing wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site. The project will not involve the

expansion of the existing use of the site. The purpose of the project is to upgrade the existing wildlife hospital and nature education center to meet California Department of Fish and Wildlife (CDFW) standards for minimum cage sizes and to ensure compliance with current building codes for veterinary facilities. Therefore, the project would not expand an existing nonconforming use and the variance does not authorize a use which is not authorized by the zoning regulations.

D. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

The project proposes improvements that will improve the aesthetics of the site and address existing nonconforming conditions with adjacent neighbors. The existing facilities on the project site are partially located on a portion of the properties to the east and to the west of the site. The project proposes to bring all facilities onto the property owned by the applicant and to remove any improvements located on these adjacent properties.

In addition, the project is designed to comply with Marin Countywide Stormwater Pollution Prevention Program (MCSTOPP) requirements such that the ability of the site to capture stormwater will be improved and reduce the amount of stormwater that leaves the site and flows onto adjacent properties.

The proposed wood fencing on the northern and western property lines is consistent with the material of fencing of properties immediately to the west of the project site and the proposed chainlink fencing on the eastern property edge is consistent with the fencing materials of properties immediately east of the project site.

**EXCEPTION FINDINGS
(EX23-004)**

A. That there are special circumstances applicable to the property or land use, including but not limited to the size, shape, topography, location or surroundings that warrant granting of a minor exception from the strict application of the standards in this title:

The proposed perimeter fencing consists of six-foot-tall weathered wood fencing at the front of the site (facing Albert Park Lane); wooden fencing up to nine-feet-tall on the western side property line and the southern rear property line; and six-foot-tall chain link fencing on the eastern side property line. The fencing on the front and eastern side property lines is considered nine-feet-tall because both fences are on top of a three-foot-tall retaining wall.

Preliminary survey information indicates that a majority of the project site is approximately at an elevation of 9.0 feet above sea level. The property is located within Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Zone AE with a Base Flood Elevation (BFE) of 11 feet (datum NAVD 88). Pursuant to the applicable FEMA regulations in ASCE 24-14: Flood Resistant Design and Construction, nonresidential structures shall be elevated to a minimum of one foot above BFE. As a result, City staff and the applicant anticipate that the floor level of new construction will need to be at least 12 feet above sea level to clear the 100-year flood elevation. Consequently, three-foot tall retaining walls are required on the eastern, northern, and western edges of the property.

Pursuant to Section 3.127(d) of the United States Department of Agriculture (USDA) regulations, six-foot-tall fencing is required at least three feet from primary enclosures for animals, in order to function as a secondary containment system for animals in the facility. Therefore, the applicant is required to propose fencing that is nine feet above grade in order to comply with relevant State and Federal regulations.

Since three-foot tall retaining walls are required on the eastern, northern, and western edges of the property pursuant to FEMA floodplain regulations, the applicant needs an exception to allow fencing that is six-feet above the finished elevation of the site and that is nine-feet above the existing grade of the adjacent properties to the east and to the west. Owners of other surrounding property are able to construct fencing up to seven feet tall in the required side and rear yards, who are not required to raise the elevation of their property in order to comply with FEMA floodplain regulations.

B. That granting the exception will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

The project proposes improvements that will improve the aesthetics of the site and address existing nonconforming conditions with adjacent neighbors. Currently, the existing facilities are partially located on a portion of the properties to the east and to the west of the site. The project proposes to bring all facilities onto the property owned by the applicant and to remove any improvements located on these adjacent properties.

In addition, the project is designed to comply with Marin Countywide Stormwater Pollution Prevention Program (MCSTOPP) requirements such that the ability of the site to capture stormwater will be improved and reduce the amount of stormwater that leaves the site and flows onto adjacent properties.

The proposed wood fencing on the northern and western property lines is consistent with the material of fencing of properties immediately to the west of the project site and the proposed chainlink fencing on the eastern property edge is consistent with the fencing materials of properties immediately east of the project site.

**CONDITIONS OF APPROVAL
FOR ENVIRONMENTAL AND DESIGN REVIEW (ED22-040),
VARIANCE (V22-001), AND FENCE EXCEPTION (EX23-004)**

Planning Division

1. This Environmental and Design Review Permit approves the proposed replacement of existing wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site. This Variance approves fencing located within the front yard that exceeds 6 feet in height this Fence Exception approves fencing that exceeds 7 feet in height in the side and rear yard.

Plans submitted for building permit shall be in substantial conformance to the plans approved July 11, 2023 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by the Community Development Department, Planning Division. Modifications deemed greater than minor in

nature by the Community Development Director shall require review and approval by the Planning Commission.

2. This Permit shall become effective on **July 19, 2023** and shall be valid for a period of two (2) years from the date of final approval, or **July 19, 2025**, and shall become null and void if a building permit is not issued or a time extension is not applied for prior to the expiration date. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
3. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to conceal light sources from view off-site and avoid spillover onto adjacent properties pursuant to SRMC §14.16.227. The project shall be subject to a 90-day post installation lighting inspection to evaluate the need for adjustment and assure compliance with SRMC Section 14.16.227.
4. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, trees, or groundcover plantings shall be replaced with new healthy stock of a size appropriate and compatible with the remainder of the growth at the time of replacement.
5. Prior to issuance of permits or authorization to proceed, the applicant must provide written verification of final landscape and irrigation plan approval from the Marin Municipal Water District (MMWD). All landscaping and irrigation must meet the MMWD water conservation rules and regulations. The landscape plans and supportive materials shall also be provided and designed to comply with the Water Efficient Landscape requirements of San Rafael Municipal Code Section 14.16.370 and MMWD Ordinance No. 414 (including amendments), if applicable.
6. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:
 - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of San Rafael. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
7. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Marin County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
 8. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
 9. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
 10. Plans submitted for building permit shall incorporate all recommendations included in the Noise and Vibration Analysis, prepared for the project by Baseline Environmental Consulting, dated February 14, 2023.
 11. Plans submitted for building permit shall incorporate all recommendations included in the Biological Constraints Assessment Report, prepared for the project by WRA Environmental Consultants, dated February 3, 2021.
 12. Plans submitted for building permit shall incorporate all recommendations included in the Historic Design Review Report, prepared for this project by Valerie Nagel, August 1, 2022.

13. Plans submitted for building permit shall incorporate all recommendations included in the Geotechnical Investigation, prepared for this project by Miller Pacific Engineering Group, August 30, 2022.
14. During construction, the following measures included in the Air Quality and Greenhouse Gas Analysis, prepared for the project by Baseline Environmental Consulting, dated February 14, 2023:
 - a. Construction Exhaust-Control Measure
 - i. All off-road equipment with engines greater than 175 horsepower will be equipped with Tier 4 final engines or Level 3 diesel particulate filters
 - b. Construction Dust-Control Measures
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - v. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - vii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - viii. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations
15. Prior to Issuance of Building Permits, the applicant shall pay all applicable development impact fees required for this project, including those fees mentioned herein and other fees required by ordinance.

Building Division

16. The design and construction of all site alterations shall comply with the latest adopted Building Codes in effect at time of building permit submission. Currently the following codes are adopted: 2022 California Building Code (CBC), 2022 California Plumbing Code (CPC), 2022 California Electrical Code (CEC), 2022 California Mechanical Code CCMC), 2022 California

Fire Code (CFC), 2022 California Energy Code, 2022 California Green Building Standards Code and City of San Rafael Ordinances and Amendments

17. A building permit is required for the proposed work. Applications shall be accompanied by complete sets of construction drawings to include:
 - Architectural plans
 - Structural plans
 - Electrical plans
 - Plumbing plans
 - Mechanical plans
 - Site/civil plans (clearly identifying grade plane and height of the building)
 - Structural Calculations
 - Truss Calculations
 - Soils reports
 - Green Building documentation
 - Title-24 energy documentation
18. 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.
19. 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.
20. This building contains several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, nonseparated occupancies, and separated occupancies) to address the mixed-occupancy concerns.

This concern is raised during the Planning Division's review because the proposed design may require cost prohibitive fire-resistive assemblies, and/or the building may need to comply throughout with more restrictive code requirements and fire protection systems. During the Planning Division process, the project architect's forethought will hopefully prevent an unattainable building permit because a definitive answer will not be available until the "Building Permit" application's plan review process.
21. Building height and story must comply with CBC Section 504. On the plan justify the proposed building area and height.
22. Building areas are limited by CBC Table 506.2. On plan justify the proposed building area.
23. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected.
24. Walls separating the purposed occupancies are required to be a minimum of 1-hour construction. You may provide justification per CBC 508 that the mixed occupancy types do

not need to be separated by fire resistive construction because they comply with CBC 508.2 Accessory Occupancies or CBC 508.3 Nonseparated Occupancies.

25. 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.
26. Bollards must be placed in the garage to protect mechanical equipment, water heater, and washer dryer from vehicular damage when located in the path of a vehicle.
27. Any demolition of existing structures will require a permit. Submittal shall include 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.
28. 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.
29. 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.
30. 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.
31. Natural light, the minimum net glazed area shall not be less than 8 percent of the floor area of the room served CBC 1205.2 or shall provide artificial light in accordance with CBC 1205.3.
32. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
33. Each building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities shall be required for each sex.

34. In accordance with California Plumbing Code section 422.2, separate toilet facilities shall be provided for each sex. Except: 1) residential installations. 2) In occupancies with a total occupant load of 10 or less, including customers and employees, one toilet facility designed for use by no more than one person at a time, shall be permitted for use by both sexes. 3) In business and mercantile occupancies with a total occupant load of 50 or less, including customers and employees, one toilet facility designed for use by no more than one person at a time, shall be permitted for use by both sexes.
35. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
36. 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 inches by 54 inches and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.
37. If occupant load for an area requires more than one exit and the occupant load served by the corridor exceeds 30, rated corridors may be required. This does not apply to B occupancies equipped throughout with an automatic sprinkler system.
38. 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.
39. 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
 - i. Accessible special features, i.e., ATM's point of sale machines, etc.
40. 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.

41. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
42. 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

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.

Fire Department

44. The design and construction of all site alterations shall comply with the 2022 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.
45. A fire hydrant capable of delivering 1,500 gpm is required at a location near the end of Mariposa Rd.
46. The cul-de-sac at the end of Mariposa Rd will be painted red with FIRE LANE stenciled on the curb in white paint.
47. In addition to the fire alarm and fire sprinkler system, a four inch fire department standpipe system will be installed in each stairwell terminating on the roof. This is in lieu of not being able to meet the provisions for ladder truck access
48. 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. a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b. b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c. c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)

- d. d. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
49. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following (that are applicable to your project):
- a. a. Designated fire apparatus access roads.
 - b. b. Red curbs and no parking fire lane signs.
 - c. c. Fire hydrants.
 - d. d. Fire Department Connection (FDC).
 - e. e. Double detector check valve.
 - f. f. Street address sign.
 - g. g. Recessed Knox Box
 - h. h. Fire Alarm annunciator panel.
 - i. i. NFPA 704 placards.
 - j. j. Provide a note on the plan, as follows: The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
50. 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/>
51. 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.
52. 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.
53. 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.
54. Hazardous Materials Placards shall be installed in accordance with NFPA 704.

55. If applicable, provide a Hazardous Materials Management Plan to be submitted to Marin County Department of Public Works, CUPA
56. 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.
57. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection system.

Department of Public Works

58. One of the ADA stalls near the childcare facility on Albert Park Ln needs to be removed.
59. During the project meeting held on December 15, 2022, the design team stated the bridge will need to be constructed below the BFE and therefore will need to be designed to resist hydraulic loads during a design level flood event. Structural analysis/calculations shall be provided to the City to confirm the proposed bridge design is adequate.
60. Sheet C2.2 – Mariposa Road Improvement Plan
 - a. Show the existing sanitary sewer in Mariposa Road. It is not clear why the on-site sewer is not connecting to the sewer in Mariposa Road.
61. Sheet C2.3 – Albert Park Lane Improvement Plan
 - a. Coordinate with Fire Department if a fire hydrant is required across from WildCare.
 - b. Please include removal of the existing crosswalk, restoration of curb ramp, and addition of parking spaces at location of pedestrian bridge to be demolished.
 - c. Provide profile at bridge showing approaches, abutments, deck, bridge soffit, creek grades, 10-year and 100-year HGL.
 - d. Please clearly show property lines and limits of the public right-of-way on this plan or a separate exhibit with the bridge layout. This is necessary to understand the parcels and/or rights-of-way that the bridge will encroach into.
62. Sheet C3.0 – Utility Plan
 - a. Remove existing building outlines and existing information that is not pertinent to the
 - b. proposed utilities. Don't show utilities that are removed as part of the project.
 - c. Show domestic water service to the building.
 - d. The existing SS lateral to Mariposa Road is shown to be removed. It is not clear why the project sewer is routed to the rear of the property to an existing sewer which parallels San Rafael Creek. Provide documentation showing alignment of the existing sewer and its connection to the main sewer trunk line.
63. Traffic mitigation fee. Prior to issuance of a building permit, the applicant will be responsible to pay a traffic mitigation fee for net new AM and PM peak hour trips generated by the proposed development. The current rate is \$5,674 per trip. The current rate is valid until January 1, 2024. The rate is subject to change and will be assessed at the time the building

permit is submitted. The applicant shall submit trip generation calculations for review and approval by the Public Works Department.

64. A design-level geotechnical report and/or supplemental letter with design-level geotechnical recommendations will be required prior to issuance of a building permit.
 - a. Sheet C 1.0 in the project civil drawings references a planned over excavation of 2 feet below existing site grades and backfill with lightweight fill. The drawings do not appear to address the approximately 3 feet of fill required above existing site grades up to the proposed finished floor elevation of the new structures. This is critical due to the presence of Bay Mud below the site. Filling/grading should be coordinated with the project geotechnical engineer.
65. We understand per sheet A01.1 that the project intends to abandon in place the bridge abutments on the creek banks after removal of the existing pedestrian bridge. Please submit plans to the U.S. Army Corps of Engineers, the Regional Water Quality Control Board and the California Department of Fish and Wildlife for the removal of the existing bridge and construction of the new pedestrian bridge. In the transmittal to these agencies, clearly indicate the extent of the existing bridge abutment demolition (abutments abandoned in place) as well as the location and details of the new pedestrian bridge. Provide review comments from these agencies to the City. All appropriate approvals from these agencies shall be attained at the appropriate time, as required by each of these agencies.
66. Pending your response to comment 3.d above, and review by the City Attorney's office, an access easement and/or license agreement will be required to accommodate the proposed pedestrian bridge. The license agreement and/or access easement shall be secured and recorded by the applicant prior to the issuance of a building permit and start of construction of the bridge.
67. This project is considered a regulated project and the following documents are required in addition to the stormwater control plan.
 - a. 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. The maintenance plan shall include the manufactures recommended maintenance practices, designated parties of responsible for upkeep, specify funding source for ongoing maintenance with provisions for full replacement when necessary and provide a site-specific inspection checklist. (Provide prior to occupancy).
 - b. 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)
68. Prior to issuance of building permit please submit a separate set of drawings detailing the improvements in the public right-of-way for DPW review and approval. (e.g., sidewalks, pavement restoration, driveway approach, lighting). The final limits of pavement restoration in Mariposa Road (2"-thick grind and overlay) will be finalized near the end of the construction based on field conditions.
69. Provide Utilities Crossing Table. Provide rim elevations, invert elevations, pipes lengths, material, and slopes. Provide details for manholes, catch basins, and inlets.
70. Please coordinate with Marin Sanitary Service regarding the layout, location, and access to the proposed trash enclosure.

71. Any use of City property or the public right-of-way to support construction of the proposed development shall be submitted for review and negotiated with the City prior to the start of construction.
72. Applicant shall contact the adjacent property owners and obtain necessary permissions to remove the existing structures encroaching into their properties and obtain necessary temporary construction easement for construction of the retaining walls at the property lines.
73. The existing power pole and guy wire is shown to remain. Ensure this will not conflict with any proposed fencing or features behind the sidewalk.
74. Do not add and/or divert drainage onto adjoining properties.
75. Prior to start of construction, a grading permit will be required from the Department of Public Works. Applications can be found on the City's website: <https://www.cityofsanrafael.org/grading-permits/>
76. Prior to the start of construction, provide a construction management plan for review by City staff.
77. An encroachment permit is required from the Department of Public Works prior to conducting any work within or any time the Public Right-of-Way (ROW) is restricted. Encroachment permits can be applied for online on the City of San Rafael website: <https://www.cityofsanrafael.org/encroachment-permits/>
78. 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.
79. The applicant shall install full trash capture storm drain inlet filters in all onsite and any new and adjacent off-site inlets per the requirements of Provision C.10 of the Regional Water Quality Control Board's Municipal Regional Permit. The applicant will be required to provide funding to allow for 3rd party review of the project on behalf of the Department of Public Works. This may include, but not limited to, review of the traffic, civil engineering, geotechnical engineering, and surveying aspects of the project.

Additional comments may be provided based on further review of detailed Plans and Reports.

San Rafael Sanitation District

80. Provide a fixture count table detailing all existing drainage fixtures for the old building and all proposed drainage fixtures for the new building, and their corresponding Drainage Fixture Units (DFU). Include all existing and proposed drainage fixtures on the plans and clearly distinguish between the two. Fixture unit counts shall be pursuant to Table 702.1 of the 2019 CPC.
81. On site/civil plans, show how the existing sewer lateral connects to the new facilities including pipe depth and length.
82. Provide a cleanout/backflow-prevention device in line with the new building and no further than 2-ft from the building, if not already present. Note that the Contra Costa-type backflow device with a 2-way cleanout is preferred. Show the pipe material type and diameter proposed for the lateral connection per Table 1 of the SRSD Specifications for Laterals.
83. Please be apprised of the following: Independent of a Building Permit, a sewer permit from the San Rafael Sanitation District is required for all proposed sewer lateral connections outside the building footprint. The contractor shall apply for a sewer permit at the District office located at 111 Morphew Street prior to the start of work.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 11th day of July, 2023. 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 _____ and seconded by _____. The vote is as follows:

AYES:

NOES:

ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Alicia Giudice, Secretary

BY: _____
Chair