



**SAN RAFAEL ZONING ADMINISTRATOR  
REGULAR HEARING  
October 18, 2023**

***Minutes and Notice of Decision (Pursuant to San Rafael Municipal Code 14.28.050)***

- 10:05 -10:15 am 1. **407 Fairhills Drive** - Request for an Environmental and Design Review Permit for a modification of roofline, located on residential lot with average slope of twenty-five percent (25%) or greater and hillside residential general plan land use designations.; APN: 010-111-02; Residential Zoning District on the Hillside Overlay (R20- H); Greg Peters, Owner; Eric Layton, Applicant; File No: ED23-052 (PLAN23-121)

**Project Planner: Michaela O'Brien**

**PERMITS REQUIRED**

A Minor Environmental and Design Review Permit, Zoning Administrator, is required for any modification that increases the height of the roofline, when located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations.

**SITE DESCRIPTION**

Situated in the center of Fairhills Drive adjacent to Valley View Avenue, the project site is accessible via driveway on the east side of the property. Its surroundings comprise single-family residential properties on the hillside. The majority of the property features preexisting driveway pool and house.

**PROJECT DESCRIPTION**

The project proposes to construct a new entry and a reconstruction from a flat roof to a sloped roof. This roofline alteration results in a 5.5-foot increase to the height of the structure.

**PUBLIC HEARING**

On October 18, 2023, a Zoning Administrator meeting was convened for this Environmental and Design Review Permit ED23-052. The Acting Zoning Administrator for this meeting, Michaela O'Brien, opened the meeting at 10:05 am.

**A. Applicant presentation**

The applicant gave a brief presentation on the project, summarizing the proposed work.

**B. Public Comments**

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There's no one in attendance that wishes to provide public comment.

**C. ZA discussion**

The Zoning Administrator approved the project.

These conditions of approval are listed below and included as part of the Zoning Administrator's decision. As such the request for an Environmental and Design Review Permit to adjust the roofline on a property located on hillside was approved.

The meeting was adjourned at 10:15 am.

**FINDINGS**

**CEQA Findings**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).

**Environmental and Design Review Permit Findings (SRMC §14.25.090)**

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

The lot is located in R20 zoning district where most commonly single-family homes are found within the surrounding neighborhood. This proposed work meets the General Plan LU-3.2: to enhance neighborhood image and design quality by enhancing the roofline design to match surrounding properties.

**B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located.**

The proposed project design has been evaluated against SRMC Section 14.04.030 and 14.12.030 and the *Design Guidelines Applicable to All Hillside Residential Development Projects* (Design Guidelines). The proposed design is in compliance with all the requirements in which the property is regulated.

**C. That the project design minimizes adverse environmental impacts; and**

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The proposed project design does not look to have an effect on the surrounding environment. The project design will not increase the Natural State that currently stands.

**D. That 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 is under review by the Building Division and the Fire Department to make sure construction is in compliance with applicable building and fire code.

**CONDITIONS OF APPROVAL**

**Planning Division Standard Conditions of Approval**

1. Approved Project. This Environmental and Design Review Permit conditionally approves a single-family home remodel and design located at 407 Fairhills Drive. Plans submitted for building permit shall be in substantial conformance to the approved plans dated June 1, 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. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.
3. Permit Validity. This Permit shall become effective on **October 25, 2023** and shall be valid for a period of two (2) years from the date of final approval or **October 25, 2025**, and shall become null and void if a building permit is not issued or a time extension granted by **October 25, 2025**. 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.
4. Building Permit. Prior to the commencement of work, a building permit shall be obtained from the Building Division.



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5. Construction Hours. Except as otherwise provided in subsection B of the San Rafael Municipal Code Section 8.13.050, or by the planning commission or city council as part of the development review for the project, on any construction project on property within the city, construction, alteration, demolition, maintenance of construction equipment, deliveries of materials or equipment, or repair activities otherwise allowed under applicable law shall be allowed between the hours of seven a.m. (7:00 a.m.) and six p.m. (6:00 p.m.), Monday through Friday, and nine a.m. (9:00 a.m.) and six p.m. (6:00 p.m.) on Saturdays, provided that the noise level at any point outside of the property plane of the project shall not exceed ninety (90) dBA. All such activities shall be precluded on Sundays and holidays. Violation of the foregoing may subject the permittee to suspension of work by the chief building official for up to two (2) days per violation.
6. Colors, Materials, and Lighting. Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with San Rafael Municipal Code Section [14.16.227](#), subject to review and recommendation by the police department, public works department, and community development department.
7. Exterior Lighting. Any exterior lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with San Rafael Municipal Code Section [14.16.227](#) - Light and glare. The project proponent is responsible for hiring a qualified lighting expert to conduct the inspection and to prepare a summary analysis verifying the projects meets City standards to be submitted to the Planning Division.
8. Rooftop Equipment. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See [Chapter 14.16](#) for exclusions to maximum height requirements and [Chapter 14.25](#) for design review requirements.
9. Mechanical Equipment. No swimming pool, hot tub, air conditioning unit or mechanical equipment shall encroach into any front yard or street side yard setback. No pump or filter installation, air conditioning unit or similar mechanical equipment, including new but not limited to transformers for electric vehicle charging stations and wind energy systems, shall be less than five feet (5') from any property line. If a pump or filter or any similar mechanical equipment, including new but not limited to transformers for electric vehicle charging stations and wind energy systems, is located within fifteen feet (15') of any bedroom window on an adjacent lot, a three (3) sided solid enclosure with baffles to screen the equipment from the bedroom, or equally effective measure(s), shall be provided to reduce noise impact. Sound attenuation shall be provided around mechanical equipment to ensure that any mechanical noise that is perceptible at the property line (and generally measured in direct line of



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sight of the equipment) is attenuated to the maximum extent practicable and that daytime/nighttime thresholds established under SRMC Table 8.13-1 for the applicable zoning district are not exceeded.

10. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with San Rafael Municipal Section [14.16.140](#) and must be immediately removed upon completion of the construction authorized by the building permit.
11. Landscape Projects. For all applicable landscape projects (new or rehabilitated landscape area is equal to or greater than 5,000 square feet), landscape and irrigation plans required by and submitted with this permit application shall be designed and prepared to comply with the provisions and requirements of MMWD Ordinance as adopted and periodically amended. The applicant shall provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit. See [Marin Water Landscape Plan Review](#).

**ACTION TAKEN: On October 18, 2023, the Zoning Administrator Approved the requested Minor Environmental and Design Review (ED23-052) subject to the Findings and Conditions above.**

This Notice of Zoning Administrator decision is provided in compliance with SRMC Section 14.28.050 - *Notice of decision*. Any aggrieved party may appeal this decision pursuant to SRMC Section 14.28.030 - *Filing and time limit of appeals*, by submitting a letter of appeal and the appropriate fees within five (5) working days of the date of approval, or by **October 25, 2023 at 4:00 p.m.** This approval shall become effective at the end of the appeal period.

Once a permit approval has been implemented/established in compliance with all City requirements, it shall run with the land and be valid for the time period specified; e.g., duration of the project/use.



10/24/23

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Michaela O'Brien, Acting Zoning Administrator

Date