

RESOLUTION NO. 22-15

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING
A USE PERMIT (UP22-003) AND AN ENVIRONMENTAL AND DESIGN REVIEW
PERMIT (ED22-009) FOR A MAJOR MEDICAL FACILITY WITHIN AN EXISTING
BUILDING AT 800 A STREET AND TO DEMOLISH AN EXISTING BUILDING AT 804
A STREET IN ORDER TO EXPAND THE PARKING LOT
APN: 011-264-10 & 011-264-06**

WHEREAS, the Ritter Center offers medical, behavioral health, and case management services to people living in poverty in Marin County and the Ritter Center intends to relocate from 16 Ritter Street to a larger existing building at 800 A Street in order to be able to provide more services to the community; and

WHEREAS, on February 23, 2022, Scott Peterson submitted Use Permit and Environmental and Design Review Permit applications (PLAN22-026, UP22-003, ED22-009) for a Major Medical Facility within an existing building at 800 A Street and to demolish an existing building at 804 A Street in order to expand the parking lot in the T5N 50/70 District; and

WHEREAS, upon review of the application, the project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines which exempts Existing Facilities; and

WHEREAS, on August 9, 2022, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit and Environmental and Design Review Permit (UP22-003, ED22-009), accepting all oral and written public testimony and the written report of the Community Development Department staff.

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby conditionally approves Use Permit UP22-003 and Environmental and Design Review Permit ED22-009 based on the following findings required by San Rafael Municipal Code (SRMC) Title 14-Zoning:

**USE PERMIT FINDINGS
(UP22-003)**

A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located:

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map which allows for service and office uses. In addition, the project is consistent with the General Plan including applicable General Plan Policies for the reasons described in the General Plan Consistency Table, included as Exhibit 3 to

the staff report. The project is also consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance, including performance standards, as detailed in the Zoning Ordinance Consistency Table included in Exhibit 4 to the staff report. For the reasons described in Exhibits 3 and 4, the proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance and Downtown Precise Plan, and the purposes of the district in which the site is located, and therefore this finding can be made.

- B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city:**

The project has been reviewed by appropriate city departments, including the Building Division, Fire Department, Department of Public Works, and Marin Sanitary Service. As conditioned, the project will require application of a building permit that complies with all applicable Building and Fire Code requirements prior to construction. In addition, the applicant will be required to comply with conditions of approval imposed by the Department of Public Works, the Fire Department, and the Building Division as contained herein. Through compliance with standard conditions of approval and building and fire codes, the project will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city.

- C. That the proposed use complies with each of the applicable provisions of the zoning ordinance:**

For the reasons described in the Planning Commission Staff Report and Zoning Ordinance Consistency Table, the project, as proposed and conditioned, complies with Chapter 14 (Zoning) of the San Rafael Municipal Code (SRMC) and therefore this finding can be made.

ENVIRONMENTAL AND DESIGN REVIEW FINDINGS (ED22-009)

- 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 site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map which allows for service and office uses. In addition, the project is consistent with the General Plan including applicable General Plan Policies for the reasons described in the General Plan Consistency Table, included as Exhibit 3. The project is also consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance, including performance standards, as detailed in the Zoning Ordinance Consistency Table included in Exhibit 4. For the reasons

described in Exhibits 3 and 4, the proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance and Downtown Precise Plan, and the purposes of the district in which the site is located, and therefore this finding can be made.

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 project is consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance and in the City's Downtown Precise Plan, including site, architecture and landscaping design criteria, as detailed in the Zoning Ordinance Consistency Table included in Exhibit 4. The project sufficiently screens the parking lot on all four sides with landscaped strips and also screens rooftop mechanical equipment with metal screens. The project does not comply with all parking setback and driveway dimensional requirements. Pursuant to SRMC Section 14.18.040.B, a modification to parking requirements is allowed with a Use Permit when the modification provides adequate parking which is fair, equitable, logical and consistent with the intent of SRMC Ch.14.18 (Parking Standards). The requested parking modification will allow the expansion of the existing parking lot in a manner that will provide ADA accessible parking spaces and that will accommodate additional parking spaces to minimize parking impacts to parking spaces on the street. In addition, the expanded parking lot will accommodate a pedestrian pathway to access the building from A Street, instead of from Second Street. The City's Public Works Department is requiring that the driveway be 26 feet wide and that the curb cut be 20 feet wide to allow for safe ingress and egress of the proposed parking lot. As such, this finding can be made.

C. That the project design minimizes adverse environmental impacts:

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

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 has been reviewed by the appropriate agencies and 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.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael approves the Use Permit and Environmental and Design Review Permit subject to the following conditions:

**USE PERMIT CONDITIONS OF APPROVAL
(UP22-003)**

Planning Division Standard Conditions of Approval

1. Approved Use. This Use Permit approves a Major Medical Facility within an existing building at 800 A Street and a parking modification to parking setback and driveway width requirements to allow the proposed parking lot expansion onto 804 A Street.
2. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated **June 9, 2022** and on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Planning staff. Modifications deemed not minor by the Community Development Director may require review and approval as an amendment to the Environmental and Design Review Permit by Planning staff.
3. Permit Validity. This Permit shall become effective on **August 16, 2022** and shall be valid for a period of two (2) years from the date of final approval, or **August 16, 2024**, and shall become null and void if a building permit is not issued or a time extension granted by **August 16, 2024**. 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. 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.
5. Revocation. The City reserves the right to bring this application up for revocation per SRMC 14.21.150 and as provided in Chapter 14.29 of the San Rafael Zoning Ordinance for any use that is found to be in violation of any of these conditions of approval.
6. Building Permit Required. The applicant shall obtain a building permit prior to any tenant improvement to meet the requirements per the California Building Code (CBC).

7. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

ENVIRONMENTAL AND DESIGN REVIEW CONDITIONS OF APPROVAL (ED22-009)

Planning Division Standard Conditions of Approval

1. This Environmental and Design Review Permit approves minor exterior modifications to the existing building at 800 A Street and landscaping, parking lot, and pedestrian pathway improvements at 800 A Street and 804 A Street within the T5N 50/70 District.
2. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented for approval on plans, dated **June 9, 2022** and on file with the Community Development Department, Planning Division, shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Planning staff. Modifications deemed not minor by the Community Development Director may require review and approval as an amendment to the Environmental and Design Review Permit by Planning staff.
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4. 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.
5. Revocation. The City reserves the right to bring this application up for revocation per SRMC 14.21.150 and as provided in Chapter 14.29 of the San Rafael Zoning

Ordinance for any use that is found to be in violation of any of these conditions of approval.

6. Building Permit Required. The applicant shall obtain a building permit prior to any tenant improvement to meet the requirements per the California Building Code (CBC).
7. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
8. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, paying of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.
9. Landscaping. Prior to issuance of a building permit, the applicant shall receive approval from the Marin Municipal Water District for proposed landscaping. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. All existing landscaping damaged during construction shall be replaced. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion. No part of the existing landscaping shall be removed, unless their removal has been reviewed and approved by the Planning Division
10. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property. 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.
11. Fees. Prior to Issuance of Building Permits, the applicant shall pay all outstanding Planning Division application processing fees.

Planning Division Project Specific Conditions of Approval

12. Security cameras shall be provided covering entrances, the parking lot, and the south and east side of the building. These shall be shown on the plans for review and approval by the Police Chief and/or Community Development Director prior to issuance of a building permit.
13. A lot line adjustment application shall be submitted, reviewed and approved by the City, and then recorded with the County of Marin prior to issuance of certificate of

occupancy, such that both parcels are merged into one parcel. The applicant may propose reciprocal easements on both parcels with regards to the parking lot, for consideration by the Community Development Director.

Building Division

- 14.A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
- a. Architectural plans
 - b. Structural plans
 - c. Electrical plans
 - d. Plumbing plans
 - e. Mechanical plans
 - f. Site/civil plans (clearly identifying grade plane and height of the building)
 - g. Structural Calculations
 - h. Truss Calculations
 - i. Green Building documentation
 - j. Title-24 energy documentation

Fire Department

- 15.The design and construction of all site alterations shall comply with the 2019 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.
- 16.Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
- a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
 - d. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
- 17.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/>
- 18.A Knox key switch is required for driveway or access road automatic gates.
<https://www.knoxbox.com/gate-keys-and-padlocks/>
- 19.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.

20. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection system

Department of Public Works

21. This project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project. The following documents are required to be provided in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) and BASMAA requirements:

- a. A Final Stormwater Control Plan is required for review and approval by Public Works prior to issuance of a building permit. This is a brief written document to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. It shall include a detail of the pervious concrete that complies with BASMAA design requirements.
- b. A Stormwater Facilities Operations and Maintenance (O&M) Plan is required for review and approval by Public Works prior to issuance of a certificate of occupancy. This is a brief written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners.
- c. An Operations and Maintenance Agreement is required for review and approval by Public Works that shall be recorded with the property deed prior to issuance of a certificate of occupancy.

More information and templates are available from MCSTOPPP, website. See tools and guidance, and post construction requirements at: <https://mcstoppp.org/2020/03/new-andredevelopment/>

22. The property is located within SFHA Zone AH with a base flood elevation (BFE) of 11’ NAVD88. In accordance with FEMA requirements, substantial non-residential improvements must be adequately floodproofed one foot above BFE. A floodproofing certificate will be required prior to issuance of a certificate of occupancy.
23. 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.
24. A minor continuing encroachment permit from the Department of Public Works is required for the proposed landscaping in the Public Right-of-Way. Encroachment permits can be applied for online on the City of San Rafael website: <https://www.cityofsanrafael.org/encroachment-permits/>

25. A minor temporary 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/>

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 9th day of August, 2022. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Commissioner Mercado moved to approve the Application in front of them, and Commissioner Haveman seconded.

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

NOES: None

ABSENT: Commissioners Samudzi & Shalk

ABSTAIN: None

SAN RAFAEL PLANNING COMMISSION

ATTEST: 
Leslie Mendez, Secretary

BY: 
Chair







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Final Audit Report

2022-10-06

Created:	2022-10-06
By:	Danielle Jones (danielle.jones@cityofsanrafael.org)
Status:	Signed
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-  Document created by Danielle Jones (danielle.jones@cityofsanrafael.org)
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-  Document emailed to jprevitali.sanrafael@gmail.com for signature
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-  Email viewed by jprevitali.sanrafael@gmail.com
2022-10-06 - 7:50:40 PM GMT
-  Signer jprevitali.sanrafael@gmail.com entered name at signing as Jon Previtali
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-  Document e-signed by Jon Previtali (jprevitali.sanrafael@gmail.com)
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