

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION  
Marin Jewish Campus Temporary Use Permit**

**Decision:** Approved with Conditions  
**Date:** July 18, 2022

Project ID No: P3638      Applicant(s): Melissa Garcia, on behalf of property owners  
Owner(s): Congregation Rodef Shalom Marin  
Assessor's Parcel No(s): 180-281-34  
Property Address: 170 North San Pedro Road, San Rafael  
Project Planner: Immanuel Bereket (415) 473-6235  
[ibereket@marincounty.org](mailto:ibereket@marincounty.org)  
Signature:

Countywide Plan Designation: SF5 (Single-Family Residential, 2-4 units per acre) and SF6 (Single-Family Residential, 4-7 units per acre)  
Community Plan Area: Santa Venetia  
Zoning District: A2-B2 (Agriculture Limited) and RA (Residential Agricultural)  
Environmental Determination: CEQA Guidelines section 15304(e), Class 4

**PROJECT SUMMARY**

The applicant requests a Temporary Use Permit approval to allow temporary placement of a modular building that will be used as office spacing during the demolition and construction of the Congregation Rodef Shalom synagogue on a developed lot in San Rafael. The proposed each modular building would be single-story and would measure approximately 12 feet wide by 32 feet long (384 square feet) and would measure approximately nine feet above the surrounding grade. The modular building would be placed approximately four feet from the rear property line, 30 feet from the south side property line, and over 100 feet from all other property lines.

Under the Marin County Code Section 22.50.040, Temporary Use Permit approval is required because the project entails the placement of a temporary residence on the property.

## COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees. As documented in the Arborist Report, prepared by Hort Science Bartlett Consulting, dated June 20, 2018, the project site contains a total of 54 trees, including over 20 native and non-native species. As depicted on the site plan (Sheet C3.1), no tree would be removed to accommodate the temporary placement of a modular office building.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals. The proposed project is proposed to occur on ground previously graded and improved with minimal off-site impacts.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands. All project activities will occur within the previously developed area on site and will not cause adverse impacts on riparian habitat or water quality. Implementation of best management practices (BMPs) will further protect sensitive biological resources
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development. The Project site is not located within a Ridge and Upland Greenbelt area (RUG). Any potential visual impacts due to the project are reduced through compliance with Chapter 22.26.040 of the Marin County Code and the mandatory findings for design review approval.

## DEVELOPMENT CODE CONSISTENCY

### Mandatory Findings for Temporary Use Permit (Marin County Code Section 22.50.060)

- A. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.**

The applicant is seeking approval to allow placement of modular building for use as an office during the demolition of the existing synagogue (Congregation Rodef Shalom) and construction of its replacement. Construction activity is anticipated to last up to 24 months (two years). The temporary modular buildings will be located entirely on the subject property, within a previously improved surface and, as conditioned herein, will be removed once construction is completed. Therefore, the project will not increase the general intensity of the school beyond what is currently permitted. By granting an approval to allow placement of modular buildings for use as temporary classrooms, the health, safety, and/or general welfare of persons residing or working on the school grounds, and in the neighborhood, will not be impacted.

- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

The general construction activities and modular office building will be utilized during the construction activities will be subject to limitations established by Planning Permit No. 2960, including hours of operation. All activities authorized under this application will be temporary in nature and granted solely to facilitate the construction activities in compliance with the approved Marin Jewish Campus Variance and Design Review. All facilities associated with the temporary modular office building will not obstruct pedestrian movement on walkways, existing vehicular access will remain open, driver's sight distance will not be obstructed, fire protection apparatus or fire lanes will not be blocked, building entrance will be kept clear, and pedestrian traffic will not be shifted into the driveway or fire lane aisles. Therefore, the use would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County because it would be temporary, would have limited hours of access, and would not result in a permanent structure.

- C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by this Development Code.**

There will be no permanent structures set up for this project; the site will be returned to its original state after use.

## ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code

and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

## **CONDITIONS OF PROJECT APPROVAL**

### **CDA-Planning Division**

1. This Temporary Use Permit approval authorizes the temporary placement of a modular building that will be used as office spacing during the demolition and construction of the Congregation Rodef Shalom synagogue on a developed lot in San Rafael. The proposed each modular building would be single-story and would measure approximately 12 feet wide by 32 feet long (384 square feet) and would measure approximately nine feet above the surrounding grade. The modular building would be placed approximately four feet from the rear property line, 30 feet from the south side property line, and over 100 feet from all other property lines.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Congregation Rodef Shalom Reconstruction," consisting of 4 sheets prepared by KPFF, received in final form on June 1, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. This Temporary Use Permit shall expire within two years of the effective date of this approval. All components of project shall be removed and no permanent structures, nor structures that would otherwise require a building permit, shall be allowed to remain after the expiration of this Temporary Use Permit.
4. This Temporary Use Permit shall not authorize additional scope of work beyond currently permitted under Marin Jewish Campus Variance and Design Review No. P2960.
5. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2022" with respect to all of the standard conditions of approval.

### **VESTING**

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

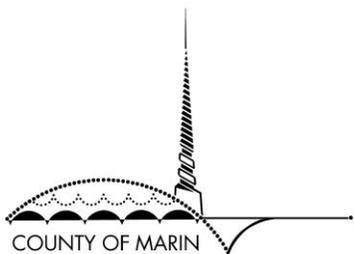
## **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision.

cc: *{Via email to County departments}*  
CDA – Assistant Director  
CDA – Planning Manager  
DPW – Land Development  
CDA – Environmental Health Services  
North Marin Water District  
Novato Fire Protection District

### Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Department of Public Works, Inter-Office memorandum, dated June 20, 2022



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS  
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

**2022**

**STANDARD CONDITIONS**

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

**SPECIAL CONDITIONS**

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being

properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

### CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

# PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: June 20, 2022

DUE: June 16, 2022

TO: Immanuel Bereket

FROM: Cara E. Zichelli

APPROVED: \_\_\_\_\_

RE: Congregation Rodef Shalom Marin

Temporary Use Permit P3638

APN: 180-281-34

ADDRESS: 170 N San Pedro Road, San Rafael

## TYPE OF DOCUMENT

- DESIGN REVIEW
- COASTAL PERMIT
- LAND DIVISION
- VARIANCE
- USE PERMIT (Temporary)
- ADU PERMIT
- ENVIRONMENTAL REV.
- OTHER: \_\_\_\_\_

**Department of Public Works Land Use Division  
has reviewed this application for content and:**

**Comments Included (Inc.) or  
Attached (Att.) from other DPW  
Divisions:**

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic
- Flood Control
- Other: \_\_\_\_\_

### Merit Items/Prior to Issuance of Building Permit:

1. Site plan shall show and label the temporary utilities to service the trailers.
2. Accessible access shall be provided into the trailers. Site plan shall show and label elements to provide a compliant path of travel into the trailer office.

**-END-**