

**MARIN COUNTY PLANNING DIVISION
MINISTERIAL DECISION
Village Baptist Affordable Housing Zoning Compliance Review**

Decision: Approve with Conditions
Date: November 30, 2020

Project ID No: P2813
Application No(s): N/A

Applicant(s): Alex Gevorgian
Owner(s): Affordable Housing Land Consultants, LLC
Assessor's Parcel No(s): 052-112-03
Property Address: 825 Drake Avenue, Marin City
Project Planner: Immanuel Bereket
(415) 473-2755
ibereket@marincounty.org

Signature:

Countywide Plan Designation: MF- 4.5 (Multi-Family Residential, 11-40 units/acre)
Community Plan Area: Marin City Community Plan
Zoning District: RMP- 34 (Residential, Multiple-family Planned District)
Environmental Determination: Exempt per Government Code Section 65913.4 (a);
Public Resources Code §21080(b)(l).

PROJECT SUMMARY

The applicant requests Zoning Compliance Review approval to demolish an existing 9,750 square foot church and construct a new 73,793 square foot multi-family apartment building on a lot in Marin City. The project would entail the construction of a five-story, 56 feet eight inches tall, residential building with 74 units restricted to lower-income households, as defined in Health and Safety Code Section 50079.5,¹ a manager's office, residential amenities, and 24 on-site parking spaces. Exterior walls would be set back 13 feet four inches from the southern front property line; 28 feet two inches from the eastern side property line; six feet nine inches from the western side property line; and 42 feet one inch from the northern rear property line. The 74 units are comprised of 24 one-bedroom units, 42 two-bedroom units, and eight three-bedroom units.

¹ "Lower income households" includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106.

The removal of one tree, classified as "heritage" per the Marin County Development Code section 22.62.020 is proposed. Proposed landscaping includes various perennial shrubs, ground covers, grass, stormwater management plantings, and trees including three Coastal Live Oak (*Quercus agrifolia*), five Monterey Cypress (*Hesperocyparis macrocarpa*), seven Desert Museum Pal Verde (*Parkinsonia*), Western Redbud (*Cercis occidentalis*).

Various site improvements would also be entailed in the proposed development, including a new retaining wall that would be 13 feet five inches high, new driveways, secure storage for 30 bicycles, and general site improvements to accommodate the proposed project.

Under Government Code Section 65913.4 ("SB 35"), a Zoning Compliance Review is required because the application meets the eligibility criteria outlined in Government Code Section 65913.4.

BASIS OF APPROVAL

The proposed project is consistent with Government Code Section 65915 (Density Bonus Law) and Government Code Section 65913.4 (SB 35) for the following reasons:

A. Section 65915 – 65918 (State Density Bonus Law)

The State Density Bonus Law is one of the main ways to encourage affordable housing development. Government Code section 65915 (Density Bonus Law) allows applicants that provide sufficient affordable housing in their residential projects to receive, an increase over the otherwise maximum allowable residential density (a "density bonus"), as well as other benefits. The Density Bonus Law enables eligible applicants to receive (1) a density bonus, (2) incentives and concessions, (3) waivers and reductions of development standards, and (4) reduced parking requirements. To determine how many bonus units are awarded, the Density Bonus Law uses a sliding scale based on the percentage of affordable units provided and their level of affordability.

Under the Government Code Section 65915(d)(1), the applicant has requested an 80 percent density increase over the otherwise maximum allowable gross residential density. In addition, the applicant has requested the following concessions:

1. **Height:** Relief from the requirement in Marin Development Code Section 22.10.040 for a building height increase from 30 feet to 56 feet eight inches;
2. **Windows:** Relief from the requirement of the Multi-Family Design Guidelines Policy DG-20, for reduction of windows and fenestration from 25 percent to 21 percent; and
3. **Tree Canopies:** Relief from the requirement of the Multi-Family Design Guidelines Policy DG-80, for a reduction in tree canopies from 25 percent to zero percent.

In addition, the applicant requested the following waivers to development under Government Code Section 65915 (e)(1):

1. **Open space:** Relief from the Multi-Family Design Guidelines Policy DG-29 to reduce the required open space from 7,400 square feet to 1,665 square feet; and
2. **Bicycle Parking:** Relief from the Multi-Family Design Guidelines Policy DG-84, for reduction of bicycle storage from 37 to 30 spaces.

The Countywide (CWP) is the governing general plan for the unincorporated areas of the County and establishes goals, policies, and programs that govern existing and future land uses and developments. The Countywide Plan also includes adopted community area plans as they pertain to specific unincorporated communities.

The project site is in Marin City and within the City-Centered Corridor, which is primarily designated for urban development in conjunction with environmental resources protection. Medium to high-density residential land use categories are established within the City-Centered Corridor in communities where multi-family development can be accommodated with easy access to a full range of urban services at locations near major arterials, public transit, and community and regional shopping facilities.

The project site is subject to the CWP's MF 4.5 (Multi-Family Residential, 11-40 units per acre) land use designation, and the City-Centered Corridor policies. This land use designation translates to a potential residential density range of 11.11 to 40.4 units for the subject property, given its size of 1.01 acres. The subject property is governed by the RMP – 34 (Residential, Multiple-family Planned District) zoning designation, which permits a maximum density of 34 dwelling units per acre. In instances where density allowed under the zoning ordinance is inconsistent with the density allowed under the Countywide Plan's land use element, the general plan density prevails under Government Code Section 65915(o)(2). Therefore, the project's base density is 41 units, as stipulated in the CWP.²

Since the proposed project is exclusively an affordable housing project for lower-income households, as defined in Health and Safety Code § 50079.5, and is located less than one-half mile from a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the project qualifies for a density bonus increase of 80 percent, or 33 units, above the otherwise maximum allowable density under the Countywide Plan under the State Density Bonus law. As illustrated in Table 1 below, the project density would increase from 41 units to 74 units.

Table 1 – Density Bonus Calculations

BASE PROEJCT	BASE UNIT	% VLI UNITS	# VLI UNITS	DENSITY EARNED	DB UNITS	DB UNITS	PROJECT TOTAL
Project without Density Bonus	Base Units (rounded up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units	Per State Law	%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)
40.4	41.00	100%	41.00	80.0%	32.80	33.00	74.00

Note: Each component of any density calculation, including base density and bonus units, resulting in fractional units, shall be separately rounded up to the next whole number.

² The Community Development and Planning Areas chapters of the CWP together form the Land Use Element of the CWP. The Community Development chapter includes policies that restrict density to the lowest end of the range while the Planning Areas chapter does not have provisions that restrict density. The CWP Implementing Program CD-6.a (pg. 3.4-26) provides that annexation of lands proposed for development in urban service areas should be encouraged "by calculating density at the lowest end of the Countywide Plan designation range . . . (unless limited to housing affordable to very-low or low-income residents. . .). This policy is inapplicable in this case because the project is a multi-family housing development that contains 74 residential units that will be reserved for "Lower income households", as defined in Health and Safety Code § 50079.5.

The applicant is allowed up to a maximum of an 80 percent density increase and four concessions under the Density Bonus Laws, due to the amount of affordable housing proposed in the application and due to the site's location 0.1 mile away from a Marin County Transit District bus stop.

Government Code Section 65915 states that the County shall approve a density bonus and requested incentive(s) unless it finds that:

1. *The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.*

As detailed in the application material, the requested concessions are necessary to allow the construction of the density bonus units on the site, and would result in an actual, identifiable cost reduction. If the project complied with the County's development standards, and the requested concessions were denied, the bonus units would be eliminated, translating to an increase in land and soft costs per unit.

The record does not contain substantial evidence that would allow the County to make a finding that the requested incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs per State Law. The California Health & Safety Code Sections 50052.5 and 50053 define formulas for calculating affordable housing costs for very-low, low-, and moderate-income households. Section 50052.5 addresses owner-occupied housing, and Section 50053 addresses rental households. Affordable housing costs are a calculation of residential rent or ownership pricing not to exceed 25 percent gross income based on area median income thresholds dependent on affordability levels.

The requested incentives would result in building design or construction efficiencies that provide for affordable housing costs. The requested incentives allow the developer to expand the building height so the additional units can be constructed, and the overall space dedicated to residential uses is increased. The incentives support the project's goal to construct an income-restricted housing development for Lower Income households for a period no less than 55 years.

2. *The incentives will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible methods to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65915(d)(1)(B) and 65589.5(d)).*

The project has been reviewed the Department of Public Works, the Marin County Fire Department, the Sausalito-Marin City Sanitary District, and the Marin Municipal Water District. There is no substantial evidence in the record to support a finding that the proposed incentives will result in a specific adverse impact. A "specific adverse impact," as defined in paragraph (2) of subdivision (d) of Section 65589.5, means "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public

health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." As discussed above, the project meets the eligibility criterion that is required for density bonus projects. The project also does not involve a designated historical landmark. Therefore, there is no substantial evidence that the proposed incentives will have a specific adverse impact on public health and safety.

3. *The incentives are contrary to state or federal law.*

There is no evidence in the record that the proposed incentives are contrary to Federal and State laws because the building will be constructed in compliance with the California Building Code.

Following is a discussion of the findings related to the Waiver of Development Standard, pursuant to Government Code Section 65915.

1. *The waiver will have specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.*

There is no substantial evidence in the record that the proposed waiver of open space and bicycle parking requirements will have a specific adverse impact. A "specific adverse impact," as defined in paragraph (2) of subdivision (d) of Section 65589.5, means "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete". The project does not involve the demolition of a historic structure that was placed on a national, state, or local historic register prior to the submission of the application. Therefore, there is no substantial evidence that the proposed waivers of development standards will have a specific adverse impact on public health and safety.

2. *The waiver or reduction of development standard is contrary to state or federal law.*

There is no evidence in the record that the proposed waivers are contrary to Federal or State laws.

These determinations, including the density bonus, the three concessions, and two waivers listed above, are collectively referred to as the "Project", and are reflected in the plan set in Attachment "A."

B. Government Code Section 65913.4 (SB 35)

Government Code Section 65913.4 sets forth a streamlined, ministerial approval process for certain housing developments in jurisdictions that have not made sufficient progress toward meeting their affordable housing goals as mandated by the State. On February 1, 2018, the California Department of Housing and Community Development ("HCD") determined that Marin County has not issued enough building permits to satisfy its RHNA obligation for all low-income, very-low income, and moderate-income categories. Therefore, HCD determined that the County

is subject to the streamlined, ministerial review and approval provisions in Government Code Section 65913.4 for very-low, low-income, and moderate-income housing projects.

The applicant submitted the Application to the County on May 19, 2020, under Government Code Section 65913.4. Upon preliminary review of the application, the County requested clarifying information, which was subsequently submitted by the applicant on August 7, 2020, August 28, 2020, and September 2, 2020. Within the prescribed 60-day time frame of resubmittal, the County determined that the application met the eligibility criteria outlined in Government Code Section 65913.4. On October 1, 2020, the County issued a letter informing the applicant that the application qualifies for the streamlined, ministerial review process.

In addition to the project plans received August 13, 2020, below is a list of the application's supporting information that the County reviewed in making this determination. All this information is located on the County's website.

1. Project Description
2. SB 35 Eligibility & Exhibits
3. Request for Development Incentives and Waivers
4. Affordable Housing Plan
5. Preliminary Title Report, prepared by First American Title Company, dated November 25, 2019
6. Phase I Environmental Site Assessment, prepared by Environmental Geology Services, dated September 23, 2015
7. Geotechnical Report, prepared by Herzog Geotechnical Consulting Engineers, dated September 25, 2015
8. Arborist Survey Report, prepared by WRA Environmental Consultants, dated March 2020
9. Biological Site Assessment, prepared by WRA Environmental Consultants, dated
10. Archaeological Report, prepared by Archaeological Resources Service, dated January 30, 2020

Under Government Code Section 65913.4(a), a development proponent may apply for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b). The local agency cannot require a conditional use permit if the development satisfies all of the following objective planning standards:

1. *The development is a multifamily housing development that contains two or more residential units.*

County analysis: The project is a multi-family housing development that contains 74 residential units and is 100% affordable, excluding the manager's unit.

2. *The development is located on a site that satisfies all of the following:*

- a. *A site that is a legal parcel or parcels located in a City if, and only if, the City boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.*

County analysis: The project is located in the unincorporated area of the County within the boundaries of an urbanized area, as designated by the United States 2010 Census

Bureau, urbanized area boundary for San Francisco—Oakland, CA. (index. UA-78904-San Francisco-Oakland)

- b. A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.*

County analysis: The site is surrounded entirely by urban uses. “Urban uses”, as defined in SB 35, means “any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.” SB35 further clarifies that “parcels that are only separated by a street or highway shall be considered to be adjoined.” Based on these standards, the entirety of the project site’s perimeter is developed with urban uses.

- c. A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.*

County analysis: The Countywide (CWP) is the governing general plan for the unincorporated areas. The CWP designated the project site as Multi-Family Residential, with a density range of 11 to 40 units per acre (MF 4.5). This land use designation translates to a potential residential density range of 11.11 to 40.4 units for the subject property given its size of 1.01 acres. The proposed project is a residential project with two or more units. Residential use is allowed by the property’s RMP-34 (Residential, Multiple-family Planned) zoning district.

3. *If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:*
 - a. Fifty-five years for units that are rented.*

County analysis: The SB 35 Guidelines defines “subsidized” as “units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code”

The project contains 74 units – 73 below market rate and 1 manager’s unit. Pursuant to Marin County Code Section 22.22.080, the applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the County to reserve all affordable housing units within the project to lower income households in perpetuity, unless the County reduces the term of the affordability requirement to reflect the maximum term that is permitted by Federal or State financing sources.

- b. Forty-five years for units that are owned.*

County analysis: If the units are subdivided for sale, they will be subject to income qualifications and resale restrictions. However, the project as proposed, is an income-restricted development available for rent only. The applicant will be required to record a deed restriction, making the development available for rent in perpetuity, unless the County reduces the term of the affordability requirement to reflect the maximum term that is permitted by Federal or State financing sources.

4. *The development satisfies both of the following:*
- a. *Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.*
 - b. *The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:*
 - i. *The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.*
 - ii. *The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.*
 - iii. *The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).*

County analysis: On February 1, 2018, the California Department of Housing and Community Development ("HCD") released maps showing which cities and counties in

California are subject to streamlined housing development under SB 35. The information shows the County has not made sufficient progress in meeting the RHNA for the lower income categories. Therefore, the County is subject to SB 35.

Section 402(c) of the SB 35 Guidelines dated November 29, 2018 clarifies that “the percentage of units affordable to households making at or below 80 percent of the area median income... is calculated based on the total number of units in the development exclusive of additional units provided by a density bonus”. Therefore, projects are required to provide 50 percent of the total (base density) for lower-income households to qualify under SB 35.

The applicant is required per the Conditions of Approval to record a covenant to the satisfaction of the County to make all the units in the development, except the manager’s unit, affordable to households making at or below 80 percent area median income, which is equivalent to lower-income households per Health and Safety Code Section 50079.5. Therefore, the project meets the affordability requirements of SB 35.

5. *The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a County or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:*
 - a. *A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.*
 - b. *In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.*

County analysis: The project site is subject to the CWP’s MF 4.5 (Multi-Family Residential, 11-40 units per acre) land use designation, and the City-Centered Corridor policies. This land use designation translates to a potential residential density range of 11.11 to 40.4 units for the subject property, given its size of 1.01 acres. The subject property is governed by the RMP – 34 (Residential, Multiple-family Planned District) zoning designation, which permits a maximum density of 34 dwelling units per acre. In instances where density allowed under the zoning ordinance is inconsistent with the density allowed under the Countywide Plan’s land use element, the general plan density prevails under Government Code Section 65915(o)(2). Therefore, the project’s base density is 41 units, as stipulated in the CWP.

The project is consistent with all relevant objective standards outlined in the Countywide Plan, zoning ordinance and the Multi-Family Design Guidelines. The project is also subject to the State Density Bonus law, an objective standard which uses a formula to calculate the maximum density increase for a site based on the number of low-income units provided by the project. The project is consistent with this objective standard as well. The applicant has requested three concessions and two waivers, as listed below:

Concessions

- Height: Relief from the requirement in Marin Development Code Section 22.10.040 for a building height increase from 30 feet to 56 feet eight inches;
- Windows: Relief from the requirement of the Multi-Family Design Guidelines Policy DG-20, for reduction of windows and fenestration from 25 percent to 21 percent; and
- Tree Canopies: Relief from the requirement of the Multi-Family Design Guidelines Policy DG-80, for a reduction in tree canopies from 25 percent to zero percent.

Waivers:

- Open space: Relief from the Multi-Family Design Guidelines Policy DG-29 to reduce the required open space from 7,400 square feet to 1,665 square feet; and
- Bicycle Parking: Relief from the Multi-Family Design Guidelines Policy DG-84, for reduction of bicycle storage from 37 to 30 spaces.

No other concessions, incentives or waivers of development standards are required or granted as part of the subject determination. The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the State Density Bonus Law is consistent with objective zoning and design review standards in effect at the time that the development was submitted to the County.

6. *The development is not located on a site that is any of the following:*
- A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.*

County analysis: In this area, the coastal zone is west of the Marin City; the site is not within a coastal zone.

- Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.*

County analysis: The project site is not designated as prime farmland or farmland of statewide importance.

- c. *Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).*

County analysis: There are no wetlands, as defined in the United States Fish and Wildlife Service Manual Part 660 FW 2, located within the Project site.

- d. *Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.*

County analysis: The site is within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178. However, the County has adopted fire hazard mitigation measures pursuant to existing building standards which will be imposed on the project. In addition, the project will feature fire mitigation measures, such as fire sprinklers throughout the development as well as fire rated exterior walls all round.

- e. *A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.*

County analysis: The Project site is not listed as a hazardous materials release site pursuant to Government Code Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

- f. *Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.*

County analysis: While the Project site is not within a delineated earthquake fault zone as determined by the State Geologist, most of the Bay Area is near an earthquake fault zone. However, the project will comply with mandatory seismic protection standards contained in the adopted the California Building Code.

- g. *Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I*

of Title 44 of the Code of Federal Regulations.

County analysis: The Project site is not within a mapped flood plain (it is within Zone X, the lowest flood risk zone) as determined by maps promulgated by the Federal Emergency Management Agency.

- h. Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.*

County analysis: The Project site is within an area of minimal flood hazard (Zone X), which is not a floodway, as determined by maps promulgated by the Federal Emergency Management Agency.

- i. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.*

County analysis: The Project site is not located within the boundaries of an adopted conservation plan.

- j. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).*

County analysis: The Project site does not contain habitat for protected species identified as candidate, sensitive, or species of special status.

- k. Lands under conservation easement.*

County analysis: The Project site is not located within a conservation easement.

7. *The development is not located on a site where any of the following apply:*

- a. The development would require the demolition of the following types of housing:*
 - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.*
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.*
 - iii. Housing that has been occupied by tenants within the past 10 years.*

- b. *The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.*
- c. *The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.*
- d. *The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.*

County analysis: The project site has not been identified as a historic resource by local, state or federal agencies. The project does not involve the demolition of a historic structure that was placed on a national, state or local historic register prior to the submission of the application. Furthermore, the site has been operated as a church lot for more than 10 years. Available records indicate that there were no residential units built on the site within the last 10 years.

- 8. *The development proponent has done both of the following, as applicable:*
 - a. *Certified to the locality that either of the following is true, as applicable:*
 - i. *The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.*
 - ii. *If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:*
 - 1. *The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.*
 - 2. *All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.*
 - 3. *Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.*
 - 4. *Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If*

a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

5. *Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.*
 6. *Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.*
- b. (i) *For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:*
1. *On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.*
 2. *On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.*
 3. *On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.*
 4. *On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.*
 5. *On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.*
 6. *For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.*
 7. *If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:*
 8. *The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a*

- skilled and trained workforce to complete the development.
9. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
 10. *Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.*
 11. *Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.*
 12. *Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:*
 - i. *The project includes 10 or fewer units.*
 - ii. *The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.*

County analysis: The applicant has submitted a letter committing to providing prevailing wages as required for a project that is not a public work. Conditions of approval require the applicant provide documentation prior to issuance of a building permit, to demonstrate compliance with this requirement.

9. *The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:*

- a. *The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).*
- b. *The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).*

County analysis: The development will not involve a subdivision of a parcel. However, the development has received or will receive financing or funding by means of a low-income housing tax credit. Therefore, the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8). A condition of approval requires the applicant provide documentation prior to issuance of a building permit, to demonstrate compliance with this requirement.

10. *The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).*

County analysis: The project is not on a site governed by these laws.

Additionally, Government Code Section 65913.4(d) states that “[n]otwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

- a. *The development is located within one-half mile of public transit.*
- b. *The development is located within an architecturally and historically significant historic district.*
- c. *When on-street parking permits are required but not offered to the occupants of the development.*
- d. *When there is a car share vehicle located within one block of the development.*

County analysis: The project site is located less than half a mile from a public bus stop. As such, the County cannot impose parking standards for the proposed SB-35 project as it would be contrary to the law.

CONCLUSION:

The preponderance of the evidence in the record demonstrates that the project complies with the requirements of Government Code Section 65913.4 and that there are no objective inclusionary or exclusionary standards that would disqualify the project from a streamlined, ministerial review process. The proposed development consists of "a multi-family housing development that contains two or more residential units" in an urban area that will not displace existing rent-controlled and income-restricted housing. (§ 65913.4, subds. (a)(1)—(2), (a)(7).) None of the exclusionary criteria apply to the proposed development in that it is not located in or on a coastal zone, flood plain,

earthquake fault zone, hazardous-waste site, wetland, or prime farmland. (§ 6591 3.4, subd. (a)(6).) While the property is located in a high fire severity zone, the development will comply with fire hazard mitigation allowable under SB35. Therefore, as provided above, the development satisfies all of the objective planning standards of Government Code Section 65913.4(a), and is therefore subject to the streamlined, ministerial approval process provided in Government Code Sections 65913.4(b) and (c).

In issuing this Approval, Government Code Section 65913.4 prohibits the County from conducting public hearings or discretionary architectural or design review.

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 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 Zoning Compliance Review approval authorizes the demolition of an existing 9,750 square foot church and construction of a new 73,793 square foot multi-family apartment building on a lot in Marin City. The project would entail the construction of a five-story, 56 feet eight inches tall, residential building with 74 units restricted to lower-income households, as defined in Health and Safety Code § 50079.5, a manager's office, residential amenities, and 24 on-site parking spaces. Exterior walls would be set back 13 feet four inches from the south front property line; 28 feet two inches from the east side property line; six feet nine inches from the west side property line; and 42 feet one inch from the north rear property line. The 74 units are comprised of 24 one-bedroom units, 42 two-bedroom units, and eight three-bedroom units.

The removal of one tree, classified as "heritage" per the Marin County Development Code section 22.62.020 is proposed. Proposed landscaping includes various perennial shrubs, ground covers, grass, stormwater management plantings, and trees including three Coastal Live Oak (*Quercus agrifolia*), five Monterey Cypress (*Hesperocyparis macrocarpa*), seven Desert Museum Pal Verde (*Parkinsonia*), Western Redbud (*Cercis occidentalis*).

Various site improvements would also be entailed in the proposed development, including a new retaining wall that would be 13 feet five inches high, new driveways, secure storage for 30 bicycles, and general site improvements to accommodate the proposed project.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "825 Drake Avenue," consisting of 24 sheets prepared by Kodama Diseno Architecture, received in final form on August 12, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:
 - a. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Zoning Compliance Review, under the title 'Zoning Compliance Review 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.
5. The project shall reserve all the units in the development, with the exception of the manager's unit, for lower income households, as defined in Health and Safety Code §50079.5. A deed restriction shall be recorded prior to issuance of a Certificate of Occupancy.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a Regulatory Agreement with an Affirmative Marketing Plan, as prepared by the County and paid for by the applicant. The agreement shall comply with applicable requirements in Chapter 22.22 of the Marin County Code. The Agreement shall acknowledge that the project would consist of rental units that are income-restricted in perpetuity, unless the applicant can demonstrate that a shorter period is required by State or Federal financing sources. If the rental housing units are limited to a term of less than perpetuity, the applicant shall provide inclusionary units as required by the Marin County Code at the termination of the period of affordability. The units shall be offered at an affordable rent not exceeding 30 percent of the gross income of households earning at most 50 percent of Area Median Income, adjusted for household sizes. The rental prices shall be established by the County or its designee and shall be based on the number of bedrooms. See Marin County Development Code Article VIII for definitions of Affordable Rent and Area Median Income.

The agreement shall specify provisions for income certification and screening of potential renters of units, and specify resale control mechanisms, including the financing of ongoing administrative and monitoring costs, and comply with the requirements of Marin County Code Section 22.22.120.C. In addition, the following provisions shall apply:

- a. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h);
- b. Rent shall include a reasonable allowance for utilities, as published and updated by the Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits; and
- c. The income restrictions shall run with the land.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall present the Community Development Director with a recorded document evidencing that American Baptist Church of the West has released or terminated its right of reverter with respect to the subject property.
8. In accordance with Gov. Section 65913.4(a)(8), the applicant shall certify to the County and shall provide the following documentation prior to issuance of a building permit:
 - a. A signed Preconstruction Checklist Agreement between the Applicant and the contractor and subcontractors, (maintained in the case file), prior to clearing any Building Permit, which covers the following:
 - i. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the California Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.
 - ii. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - iii. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards shall be paid at least the applicable apprentice prevailing rate.
 - iv. Except as provided in subclause (vi), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in Sections 1776 and 1812 of the Labor Code.
 - v. Except as provided in subclause (vi), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741_of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.
 - vi. Subclauses (iv) and (v) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement

of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code. vii. Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

vii. Bond. A Bond may be required to ensure compliance.

9. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all of the standard conditions of approval. The applicant/owner shall recognize that "County of Marin," as referenced in the 2020 Standard Condition #2, includes the County of Marin as Successor Agency to the Marin County Redevelopment Agency.

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.

cc: *{Via email to County departments}*

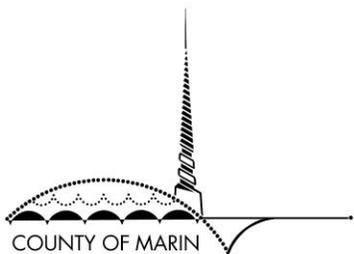
CDA – Planning Manager and Assistant Director

DPW – Land Development (Attn: Berenice Davidson)

DPW – Land Development (Attn: Alicia Stamps)

Attachments:

1. Marin County Uniformly Applied Standards 2020
2. Sausalito-Marín City Sanitary District, June 3, 2020
3. Marin County Fire Department, dated August 31, 2020
4. Marin Municipal Water District, dated June 11, 2020



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

2020

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 Successor Agency 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.

Bereket, Immanuel

Subject: FW: Village Baptist Church Zoning Compliance Report (P2813)

From: Kevin Rahman <kevin@smcsd.net>

Sent: Wednesday, June 3, 2020 11:17 AM

To: Damazyn, Michele <MDamazyn@marincounty.org>

Subject: RE: Village Baptist Church Zoning Compliance Report (P2813)

Michele,

I have received the attached zoning compliance report. In the event this project moves forward, sewer lateral plans will be required and must be coordinated with the Sausalito-Marin City Sanitary District. In addition, the District requires a connection fee of \$6,130 for each unit.

I also noticed that this is the address for the new George Rocky Graham Park that was recently built for the community.

Regards,

Kevin Rahman, PE
District Engineer
415-331-4714

*Sausalito-Marin City Sanitary District
1 East Road, Sausalito, CA 94965
www.smcsd.net
District Office: 415-332-0244*

Bereket, Immanuel

Subject: FW: SB 35 - Fire Hazard Question

From: Alber, Scott <SAlber@marincounty.org>
Sent: Monday, August 31, 2020 5:26 PM
To: Bereket, Immanuel <IBereket@marincounty.org>
Cc: Case, Brian <BCase@marincounty.org>; Tejirian, Jeremy <JTejirian@marincounty.org>; Lai, Thomas <TLai@marincounty.org>; Thomas, Leelee <LThomas@marincounty.org>
Subject: RE: SB 35 - Fire Hazard Question

Dear Immanuel,

Similarly to Building & Safety, we have adopted amendments to the CA Fire Code (as well as the International Wildland-Urban Interface Code) that apply in the Wildland-Urban Interface (WUI). This particular parcel is not in the WUI. However, as you have noted, it is in a VHFHSZ, as well as SRA. State regulations make any parcel within SRA and any FHSZ comply with Ch. 7A of the CBC. I'm not aware of any regulations allowing a local agency to remove any parcel from a designated FHSZ. Summarizing, Fire's enhanced regulations (other than defensible space/vegetation management) would not apply to this particular parcel, but Building & Safety's do, since it's in a FHSZ and SRA.

Let me know if you have any questions.

Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

Marin County Fire Department
PO Box 518/33 Castle Rock Avenue
Woodacre, CA 94973
415.473.6566 T
415.473.4246 F
415.717.1520 M
CRS Dial 711
salber@marincounty.org

Follow us on Facebook and Twitter





MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169
marinwater.org

VIA ELECTRONIC MAIL

Immanuel Bereket
Marin County Planning Dept.
3501 Civic Center Dr. #308
San Rafael, CA 94930

June 11, 2020
Service No. 43774

RE: **WATER AVAILABILITY** – Redevelopment
Assessor's Parcel No.: 052-112-03
Location: 825 Drake Ave., Marin City

Dear Mr. Bereket:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water for commercial use. The proposed construction of a new 72-unit 73,793 square foot building for affordable housing will not impair the District's ability to continue service to this property; however, the property's current annual water entitlement of 0.14 acre-feet will be insufficient for this new use. Therefore the purchase of additional water entitlement will be required.

Water service required for the new multi-unit residential structure will be available upon request and fulfillment of the requirements listed below.

- Complete a High Pressure Water Service Application.
- Submit a copy of the building permit.
- Pay appropriate fees and charges.
- Comply with the District's rules and regulations in effect at the time service is requested.
- Comply with all indoor and outdoor requirements of District Code Title 13– Water Conservation. This may include verification of specific indoor fixture efficiency compliance.
- If you are pursuing a landscaping project subject to review by your local planning department and/or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to plancheck@marinwater.org. More information about district water conservation requirements can be found online at www.marinwater.org
- Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- Comply with Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.
- Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Sincerely,

Nicole Momsen

Nicole Momsen
Engineering Technician
NM