

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Kristina Estudillo Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

CEQA AB 130 Statutory Exemption Checklist

	PRC § 21080.66 Criteria	Proposed Project
	Project Details	
(a)(1)	Project site meets either of the following criteria:	<input checked="" type="checkbox"/>
(a)(1)(A)	Is not greater than 20 acres.	<u>Consistent</u> . The Project Site is 0.58 acres.
(a)(1)(B)	If a builder's remedy project is proposed, the project site or parcel size is not more than 4 acres.	
(a)(2)	Project site meets either of the following criteria:	<input checked="" type="checkbox"/>
(a)(2)(A)	Is located within the boundaries of an incorporated municipality	<u>Consistent</u> . The Project Site is located within the City of San Rafael, which is an incorporated City.
(a)(2)(B)	Is located within an urban area, as defined by the United States Census Bureau.	
(a)(3)	Project site meets any of the following criteria:	<input checked="" type="checkbox"/>
(a)(3)(A)	Has been previously developed with an urban use.	<u>Consistent</u> . "Urban use" means any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses. (PRC § 21080.66(g)(3).) The Project Site is currently developed with a 4-story commercial building, which is an urban use.
(a)(3)(B)	At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.	
(a)(3)(C)	At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.	
(a)(3)(D)	For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.	

	PRC § 21080.66 Criteria	Proposed Project
Project Details		
(a)(4)(A)	The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program.	<input checked="" type="checkbox"/> <u>Consistent.</u> As detailed in Section 1 of this Resolution and Attachment X [General Plan and Zoning Consistency analysis], the Project, if the Planning Commission were to approve the requested SDBL concessions and waiver, the Project would be consistent with General Plan 2040 and the City's zoning ordinance. There is no applicable local coastal program.
(a)(5)	The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.	<input checked="" type="checkbox"/> <u>Consistent.</u> For San Rafael, which is a suburban jurisdiction, the applicable density specified in Government Code Section 65583.2(c)(3)(B) is 20 dwelling units per acre. Half of that density is 10 dwelling units per acre. With 200 units proposed on the 0.58-acre Project Site, the Project's density is 385 dwelling units per acre, which is greater than 10.
(a)(7)	The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.	<input checked="" type="checkbox"/> <u>Consistent.</u> The Project Site contains an existing 4-story office building that is not listed on a national, state or local historic register.
(a)(8)	For a project that was deemed complete on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.	<input checked="" type="checkbox"/> <u>Consistent.</u> The Project application was deemed complete on July 14, 2025. No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.

	PRC § 21080.66 Criteria	Proposed Project
	Additional Site Details	
(a)(6)	The project satisfies all the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code:	
(a)(6)(A)	<p>Not located in any of the following coastal zone areas:</p> <ol style="list-style-type: none"> 1) An area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or 2) Tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. 3) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan. 4) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment. 5) On a parcel within the coastal zone that is not zoned for multifamily housing. 6) On a parcel in the coastal zone and located on or within a 100-foot radius of a wetland, as defined in Section 30121 of the Public Resources Code, or on prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code. 	<p style="text-align: center;">☒</p> <p><u>Consistent</u>. The Project is not located within the California coastal zone area boundary.</p>
(a)(6)(B)	Not located on prime farmland or farmland of statewide importance.	<p style="text-align: center;">☒</p> <p><u>Consistent</u>. The Project is located in an urban area on a site that is already developed and does not contain farmland of any type.</p>

	PRC § 21080.66 Criteria	Proposed Project
	Additional Site Details	
(a)(6)(C)	Not located on wetlands, as defined in the United States Fish and Wildlife Service Manual.	<input checked="" type="checkbox"/> <u>Consistent.</u> Although the San Rafael Creek adjacent to the Project Site is considered an estuarine and marine deepwater water body in the wetland layer for MarinMap Viewer, the Project Site itself does not contain any wetlands, as defined in the United States Fish and Wildlife Service Manual.
(a)(6)(D)	Not located within a very high fire hazard severity zone or within the state responsibility area, unless the site has adopted specified fire hazard mitigation measures.	<input checked="" type="checkbox"/> <u>Consistent.</u> The Project is not located within a very high fire hazard severity zone or within the state responsibility area. Based on the CalFire Fire Hazard Severity Zone online mapping tool, the State Fire Marshall identified the Project Site as outside of any Fire Hazard Severity Zone.
(a)(6)(E)	Not located on 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 either of the following apply: <ol style="list-style-type: none"> 1) The site is an underground storage tank site that received a uniform closure letter based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses. 	<input checked="" type="checkbox"/> <u>Consistent.</u> The site is not listed by the Department of Toxic Substances Control on the Cortese list or any other list of hazardous waste sites.

	PRC § 21080.66 Criteria	Proposed Project
Additional Site Details		
(a)(6)(F)	<p>Not located 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, and by any local building department.</p>	<p style="text-align: center;">☒</p> <p><u>Consistent.</u> The Project Site is not mapped within an earthquake fault zone, based on any official maps published by the State Geologist.</p>
(a)(6)(G)	<p>Not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless either of the following apply:</p> <ol style="list-style-type: none"> 1) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction. 2) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program. 	<p style="text-align: center;">☒</p> <p><u>Consistent.</u> The FEMA Flood Insurance Rate Map identifies a portion of the Project Site as within Zone AE of the Special Flood Hazard Area, which is subject to inundation by the 1 percent annual chance flood. However, the Project is conditioned such that the Project Site will include floodproofing that meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.</p>
(a)(6)(H)	<p>Not located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification.</p>	<p style="text-align: center;">☒</p> <p><u>Consistent.</u> FEMA's National Flood Hazard Layer (NFHL) Viewer does not map a Regulatory Floodway on the Project Site.</p>
(a)(6)(I)	<p>Not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.</p>	<p style="text-align: center;">☒</p> <p><u>Consistent.</u> The Project Site is located in a fully developed downtown area and is not located on lands identified for conservation in any adopted community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.</p>

	PRC § 21080.66 Criteria	Proposed Project
	Additional Site Details	
(a)(6)(J)	Not located within a 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, the California Endangered Species Act, or the Native Plant Protection Act.	<input checked="" type="checkbox"/> <u>Consistent</u> . Figure 6-3, Special Status Species, of General Plan 2040's Conservation and Climate Change Element identifies western bumble bee occurrences in areas of the Downtown Precise Plan. The General Plan EIR also identifies Marin western flax plant species in such area. However, due to the developed and disturbed nature of the Project Site, as well as the minimal vegetation on the Project Site, the Project Site does not contain habitat for protected species. Likewise, the USFWS Critical Habitat Map Viewer does not list the Project site as habitat for protected species.
(a)(6)(K)	Not located on lands under conservation easement.	<input checked="" type="checkbox"/> <u>Consistent</u> . The Project Site is not subject to any conservation easement.