

Zoning Administrator Hearing

Wednesday, June 12, 2024
10:00 AM

Join In-Person Meeting:
Community Development Small Meeting
Room, San Rafael City Hall
1400 Fifth Avenue, 3rd
Floor,
San Rafael, CA 94901

Join Virtual Meeting:
Zoom Website/App: <http://tinyurl.com/ZA-Hearing-2024>
or
Telephone: (669) 444-9171
Webinar ID: 827 0869 6241#

Agenda

1. 619 Lindaro Street, Conditional Use Permit – PLAN24-030

Request for a Conditional Use Permit to allow for a machine shop business within 300 feet of a residential district. The proposed business is to be located in an existing space at the address identified above.

2. 1105 Mission Avenue, Environmental and Design Review – PLAN24-021

Request(s) for Design Review for an addition to an existing residential unit that is over 50 percent of the existing building(s). The proposed project entails expanding unit B by 972 square feet.

3. Adjournment



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Community Development Department –
Planning Division

Meeting Date: June 12, 2024

Project Number(s): UP24-006 (PLAN24-030)

Project Planner:
Michaela O’Brien, Assistant Planner

Agenda Item: 1

REPORT TO ZONING ADMINISTRATOR

SUBJECT: 619 Lindaro Street.

Request to approve a Conditional Use Permit to allow Honeylite Louvers to produce louvers for light fixtures. ; APN: 013-061-50; *Lindaro Mixed Use District*; UP24-006 (PLAN24-030)

EXECUTIVE SUMMARY

Pursuant to San Rafael Municipal Code (SRMC) Section 14.06.020, a conditional use permit is required for machine shop type of land use with the approval of the zoning administrator.

PROJECT DESCRIPTION

The project consists of a proposed new business, Honeylite Louvers, which will produce custom light louvers. This business will be operated by a single individual and will occupy an existing 400-square-foot space. The proposed business does not require any new construction. To the west, within 300 feet of the proposed business, is an existing residential district. Due to the proximity to a residential district, a review by the Zoning Administrator is required.

FINDINGS

Findings for Use Permit (UP24-030)

| CEQA Finding | | | |
|---|-----|----|--|
| | Yes | No | |
| | X | | Staff finds that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 153010 (“Existing Facilities”) and none of the exceptions of Section 15300.2 apply. |
| Use Permit (SRMC §14.22.080) | | | |
| | Yes | No | |
| Finding A | | | |
| That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and | X | | The site is designated as Light Industrial/Office on the General Plan 2040 Land Use Map which conditionally allows for Industrial Use. The proposed use aligns with the general plan |

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| the purposes of the district in which the site is located: | | | through Policy LE-2.3: Neighborhood-Serving Commercial Uses, by providing the area of services that this business proposes. The objectives of the zoning ordinance, and the purposes of the district in which the site is located as per San Rafael Municipal Code 14.01.030 D. by diversifying the economic base of the city. This ensures that the business not only adheres to the broader vision and strategic goals for community development but also complies with specific regulatory standards and intended land use for the area. By meeting these criteria, the proposed business supports orderly growth, maintains neighborhood compatibility, and upholds the integrity of the zoning district's designated purpose. |
| Finding B | | | |
| That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city: | X | | The proposed use, along with the conditions applied to it, will not be detrimental to public health, safety, or welfare, nor will it be materially injurious to properties or improvements in the vicinity or to the general welfare of the city. By adhering to these conditions, the business will operate in a manner that ensures the safety and well-being of the community, preventing any negative impacts on surrounding properties. |
| Finding C | | | |
| That the proposed use complies with each of the applicable provisions of the zoning ordinance: | X | | The proposed use complies with each of the applicable provisions of the zoning ordinance. This means that the business meets all regulatory requirements and standards set forth by the local zoning ordinance. |

CONDITIONS OF APPROVAL

Conditions of Approval for UP24-006

Approved Use. This Conditional Use Permit (UP24-006) approves the project located at 619 Lindaro Street, subject to the following conditions of approval:

1. Hours of Operation. Operating hours are from 8:30 am to 4:30 pm.
2. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented at the Zoning Administrator meeting dated June 12, 2024 shall be the same as required for the issuance of a building permit, except as modified by these conditions

of approval. Minor modifications or revisions to the project shall be subject to review and approval by Director. Modifications deemed not minor by the Director may require review and approval as an amendment to this Use Permit by Planning staff. 3.

3. Permit Validity. This Permit shall become effective on **June 21, 2024**, and shall be valid for a period of two (2) years from the date of final approval or **June 21, 2026**, and shall become null and void if a building permit is not issued or a time extension granted by **June 21, 2026**. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
4. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or other remedies.
5. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.
6. Revocation. The City reserves the right to bring this application up for revocation per SRMC 14.21.150 and as provided in Chapter 14.29 of the San Rafael Zoning Ordinance for any use that is found to be in violation of any of these conditions of approval.
7. Notice of Fees Protest. The applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. Per California Government Code Section 66020, this 90-day protest period has begun as of the date of the approval of this application.

PUBLIC COMMENT

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. No public comment has been received by the date of this staff report.



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Community Development Department –
Planning Division

Meeting Date: June 12, 2024

Project Number(s): ED24-008 (PLAN24-021)

Project Planner:
Michaela O’Brien, Assistant Planner

Agenda Item: 2

REPORT TO ZONING ADMINISTRATOR

SUBJECT: **1105 Mission Avenue.** Request for Environmental Design Review Permit for an addition to an existing residential unit that is over 50 percent of the existing buildings; APN: 011-213-06; *T4N 40/50*; ED24-008 (PLAN24-021)

EXECUTIVE SUMMARY

Pursuant to San Rafael Downtown Precise Plan Section 1.1.060, a Minor Environmental and Design Review Permit is required for expansions over 50% of the existing building.

PROJECT DESCRIPTION

The property at 1105 Mission Avenue is zone T4 Neighborhood (T4N). The property currently has two units, Unit A and Unit B. Unit A will remain as is, while Unit B is proposed to be removed and reconstructed, including 215 square feet of previously unpermitted work. Additionally, a 757 square foot extension will be added, bringing the total proposed work to 972 square feet.

FINDINGS

Findings for Environmental and Design Review Permit (ED24-008)

| CEQA Finding | | | |
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| | Yes | No | |
| | X | | Staff finds that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15303 (“New Construction”) and none of the exceptions of Section 15300.2 apply. |
| Environmental and Design Review Permit (SRMC §14.25.090) | | | |
| | Yes | No | |
| Finding A | | | |

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| <p>That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:</p> | <p>X</p> | | <p>The project is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of this chapter. San Rafael Municipal Code 14.01.030 C. the purpose to reduce or remove negative impacts caused by design of buildings and supporting improvements. The project aligns with the guidelines set forth in the general plan through enhancing the image and design quality of the neighborhood.</p> <p>The project as conditioned shall adhere to the zoning ordinance by meeting all applicable development standards and addressing the unpermitted work, while supporting the chapter's aim to enhance property compliance. The project thus ensures both units meet current standards, promoting harmonious development and improved living conditions.</p> |
| <p>Finding B</p> | | | |
| <p>The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:</p> | <p>X</p> | | <p>The project design is consistent with all applicable site and architecture design criteria and guidelines for the district in which the site is located. The proposed design maintains the architectural integrity of Unit A while modernizing and expanding Unit B in a manner that aligns with the district's standards. The removal and reconstruction of previously unpermitted work ensures compliance with local building codes, and the additional 757 square feet is designed to blend with the existing structure and surrounding environment.</p> |
| <p>Finding C</p> | | | |
| <p>That the project design minimizes adverse environmental impacts:</p> | <p>X</p> | | <p>The project is proposed to remove existing unpermitted work and construct a new addition to the existing permitted space. The new addition will be within code compliance and meet the energy efficiency standard of the state. The proposed minor landscaping was reviewed and determined as in compliance with all indoor and outdoor requirements by Marin Municipal Water District.</p> |
| <p>Finding D</p> | | | |
| <p>That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or</p> | <p>X</p> | | <p>The project design will not be detrimental to public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity as it will be conditioned to adhere the</p> |

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| improvements in the vicinity. | | | newest building and fire codes, ensuring safety and reliability. |
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CONDITIONS OF APPROVAL

Conditions of Approval for ED24-008

Approved Project. This Environmental and Design Review Permit (ED24-008) approves the project located at 1105 Mission Avenue subject to the following conditions of approval:

1. Plans and Representations Become Conditions. All information and representations, whether oral or written, including the building techniques, materials, elevations and appearance of the project, as presented at the Zoning Administrator meeting dated June 12, 2024 shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by Director. Modifications deemed not minor by the Director may require review and approval as an amendment to the Environmental and Design Review Permit.
2. Permit Validity. This Permit shall become effective on **June 21, 2024** and shall be valid for a period of two (2) years from the date of final approval or **June 21, 2026**, and shall become null and void if a building permit is not issued or a time extension granted by **June 21, 2026**. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
3. Conditions Shall be Printed on Plans. The conditions of this Permit shall be printed on the second sheet of each plan set submitted for a building permit. 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.
4. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or other remedies.
5. Approved Materials and Colors. The approved materials and colors for the project shall be indicated on project plans submitted for building permit and implemented in the field. Any changes in materials or colors shall be subject to prior review and approval by the City Planning Division, and a determination as to whether the change is major or minor. Any changes to the approved materials or colors shall be clearly indicated on plans and receive written verification that this change has been reviewed and approved by the Community and Economic Development Director.
6. Subject to All Applicable Laws and Regulations. The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall

identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments.

7. Construction Hours: Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, paying of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.
8. Discovery of Cultural, Archaeological or Paleontological Resources or Human Remains. If, during the course of construction potential resources or remains are found: All work is to stop within 100 feet of the finding and may not continue until the appropriate action listed below is satisfied.
 - A. If it is a cultural, archaeological or paleontological resource: the City of San Rafael and a qualified archeologist are to be notified immediately. The qualified archeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archeologist, FIGR and Planning staff.
 - B. If human remains are encountered during any project-related activity, all work is to halt within 100 feet of the project and the project sponsor shall contact both Planning staff and the County Coroner. If the County Coroner determines that the human remains are of Native American origin, the Planning staff shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains.
9. Colors, Materials, and Lighting. Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with San Rafael Municipal Code Section [14.16.227](#), subject to review and recommendation by the police department, public works department, and community development department.
10. Exterior Lighting. Any exterior lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with San Rafael Municipal Code Section [14.16.227](#) - Light and glare. The project proponent is responsible for hiring a qualified lighting expert to conduct the inspection and to prepare a summary analysis verifying the projects meets City standards to be submitted to the Planning Division to the satisfaction of the Community and Economic Development Director.
11. Rooftop Equipment. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See [Chapter 14.16](#) for exclusions to maximum height requirements and [Chapter 14.25](#) for design review requirements. Prior to issuance of the building permit, the applicant shall include all equipment included in this project that is subject to these requirements and ensure that all required screening is included to the satisfaction of the Community and Economic Development Director.
12. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with San Rafael Municipal Section [14.16.140](#)

and must be immediately removed upon completion of the construction authorized by the building permit.

13. Landscape Maintenance. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, trees, or groundcover plantings shall be replaced with new healthy stock of a size appropriate and compatible with the remainder of the growth at the time of replacement.
14. Notice of Fees Protest. The applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. Per California Government Code Section 66020, this 90-day protest period has begun as of the date of the approval of this application.

PUBLIC COMMENT

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