

# Zoning Administrator Hearing

Wednesday, July 24, 2024  
10:00 AM

Join In-Person Meeting:  
Community Development Small Meeting  
Room, San Rafael City Hall  
1400 Fifth Avenue, 3<sup>rd</sup>  
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. 75 Bellam Boulevard (Marin Square), Use Permit – PLAN24-013**

Request for a Use Permit (UP24-011) to operate an all-ages establishment with pay-to-play arcade games and pool tables at 75 Bellam Boulevard, Suite H

### **2. Adjournment**



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community and Economic Development  
Department – Planning Division

**Meeting Date:** July 24, 2024

**Project Number(s):** PLAN24-013/  
UP24-011

**Project Planner:**  
Renee Nickenig, Associate Planner

**Agenda Item:** 1

## REPORT TO ZONING ADMINISTRATOR

**SUBJECT:** **75 Bellam Boulevard (Marin Square)** – Request for a Use Permit to operate an all-ages establishment with pay-to-play arcade games and pool tables at 75 Bellam Boulevard, Suite H (Arcade Zone); APN: 018-051-20; General Commercial (GC) Zone; Orlando Perez, Applicant; Chelsea Pacific Investments LP, Owner; Case Number(s): PLAN24-013/UP24-011

### EXECUTIVE SUMMARY

The project proposes to operate an all-ages establishment with pay-to-play games at 75 Bellam Boulevard (Marin Square), Suite H. The proposal includes the installation of two (2) pinball machines, two (2) pool tables, six (6) foosball tables, and two (2) air hockey tables.

Pursuant to San Rafael Municipal Code (SRMC) Section 14.05.020, the inclusion of arcade games and pool tables requires a Conditional Use Permit approved by the Planning Commission in the General Commercial (GC) zoning district. Pursuant to SRMC Section 14.22.020, the Community and Economic Development Director has determined that the proposed use does not warrant the designated level of review and as such will be acted on by the Zoning Administrator.

### PROJECT DESCRIPTION

The project proposes to operate an all-ages establishment with pay-to-play games at 75 Bellam Boulevard (Marin Square), Suite H. The proposal includes the installation of two (2) pinball machines, two (2) pool tables, six (6) foosball tables, and two (2) air hockey tables. The use program would include limited food sales of pre-packaged items. The proposal does not include any additional food service or preparation, and no alcohol would be sold or permitted on-site.

The proposed hours of operation are 10:00 am to 11:00 pm, seven (7) days a week. The program would intend to not admit minors during school hours, estimated to be between 8:30 am to 3:00 pm Monday through Friday, August through June. The establishment would be additionally available for rental to hold small-scale events. No amplified sound is included in the business description.

### FINDINGS

The tables below review the project's consistency with the findings required of a Use Permit pursuant to SRMC Section 14.22.080 (Table 1), and the performance standards required to be met by game arcades pursuant to SRMC Section 14.17.070 (Table 2).

Staff determined that the project to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15331 of the CEQA Guidelines which exempts existing facilities.

<b>Table 1. Use Permit (SRMC §14.22.080)</b>			
	Yes	No	
<b>Finding A</b>			
That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located:	X		<p>The proposed use is in accord with the General Plan Policies LU-1.10, LU-2.1, LU-2.3, NH-3.16, and NH-3.23.</p> <p>The proposed use is conditionally permitted use in the General Commercial (GC) zoning district. The proposed use supports the objectives of the zoning district to provide a range of retail and service uses.</p> <p>The use as conditioned will be in compliance with the applicable provisions of SRMC §14.21.080 and §14.17.070 (Table 2).</p>
<b>Finding B</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		As conditioned, the proposed use will comply with the applicable performance standards in SRMC §14.17.070 (Table 2) to support the purpose of ensuring that such facilities coexist harmoniously with other uses in the neighborhood in which they are located.
<b>Finding C</b>			
That the proposed use complies with each of the applicable provisions of the zoning ordinance:	X		The proposed use will comply with the applicable sections of the zoning ordinance as described in this Table 2.

<b>Table 2. Performance Standards (SRMC §14.17.070 – Game arcades)</b>			
	Yes	No	
<b>Standard 1</b>			
Proximity to Schools. Game arcades shall not be located within three hundred feet (300') of a public or private grammar, middle or high school.	X		There are no known public or private grammar, middle or high schools within 300' of the subject site.
<b>Standard 2</b>			

Parking. One vehicular parking space shall be provided for each five (5) coin-operated amusement devices.	X		The previous retail use at this suite required approximately eight (8) designated parking spaces pursuant to SRMC Table 14.18.040. Based on the elements of the proposed uses (arcade games and pool tables), only four (4) parking spaces are required.
<b>Standard 3</b>			
Bicycle Parking. One (1) on-site bicycle parking space shall be provided for each two (2) coin-operated amusement devices. Bicycle parking shall be in bicycle racks or stands and shall not obstruct required exits. Bicycle parking may be required inside buildings if no acceptable outside area exists on-site. Bicycle parking may be waived for "adults only" establishments.	X		The project will be conditioned to provide one (1) bicycle parking space.
<b>Standard 4</b>			
Hours of Operation. Hours of operation shall be established on a case-by-case basis; however, the maximum closing time that may be granted shall be eleven p.m. (11:00 p.m.). The planning commission may grant exceptions to this limitation for "adult only" establishments or when it is demonstrated that the use is clearly ancillary to another use.	X		The use is proposed to close at 11:00 p.m. and a condition of approval has been added to ensure compliance with this standard.
<b>Standard 5</b>			
Initial use permit; Six (6) Month Review Period. Use permits shall be granted for periods of no more than six (6) months initially. The zoning administrator may approve extensions upon demonstration of compliance with these standards.	X		This standard has been included in the proposed conditions of approval.
<b>Standard 6</b>			
Police Department Review. Police department review and approval is required for any proposed game arcade with coin-operated amusement devices consistent with Chapter 10.40.	X		The San Rafael Police Department (SRPD) has reviewed the project and has imposed conditions related to surveillance and lighting (included in attached Draft Resolution as conditions of approval) to better ensure that there will not be an increase of loitering,

		<p>vandalism, pedestrian obstruction, excessive noise or any other activity that may have an adverse effect on adjacent or vicinity properties, residences or businesses.</p> <p>The SRPD provided additional comments that the proprietors should be aware of potential security and crime issues that may result from a secluded business with adult and juvenile customers and that additional security measures, such as private security guards, may be appropriate should any issues arise.</p> <p>SPRD noted that encouraging new businesses in vacant storefronts may help reduce existing crime-related issues.</p>
--	--	--

**CONDITIONS OF APPROVAL**

1. Term of Approval. This Use Permit (UP24-011) shall be valid for two years from approval or until July 31, 2026 and shall be null and void if not exercised or a time extension granted prior to the expiration date. 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.
2. 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.
3. 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.
4. 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 Planning Commission meeting dated July 9, 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 Use Permit.
5. Subject to All Applicable Laws and Regulations. The approved use is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to any construction, tenant improvement or installation of signage, the applicant shall identify and secure all applicable permits from the Planning and Building Divisions, Public Works Department and other affected City divisions and departments.

6. 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.
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.
8. Surveillance Prior to issuance of a business license the applicant shall submit a plan to provide surveillance of the business to the satisfaction of the Police Chief.
9. Lighting Prior to issuance of a business license the applicant shall submit a plan to provide enhanced light at the interior and exterior of the business to the satisfaction of the Police Chief.

## **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.