



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** July 28, 2020

**Agenda Item:**

**Case Numbers:** UP20-008

**Project Planner:** Renee Nickenig  
415-485-3397

## REPORT TO PLANNING COMMISSION

**SUBJECT: 10 Paul Drive** – Request for a Use Permit to allow a medical office (ophthalmology practice) within an existing 2,378 sq. ft. office space. The property is zoned Light Industrial/Office, which allows for conditional use of a medical office with approval by the Planning Commission; APN: 155-151-35; Light Industrial/ Office (LI/O) District; Najafi Mohsen & Azaranu 2001 Trust Etal, Najadi Mohsen /TR/ & Etal, owners; Kathryn Najafi-Tagol, applicant. File No. UP20-008

### EXECUTIVE SUMMARY

The applicant is requesting approval of a Use Permit to allow for the occupation of a medical office in the Light Industrial/Office (LI/O) District at 10 Paul Drive. The proposed space has previously been used as general office space, and is currently vacant. The project proposes to utilize the existing 2,378 sq. ft. of floor space, and does not propose to expand any further at this time for use as an ophthalmology office. As such, the project does not propose any physical expansion to the existing building on the site that would constitute additional FAR (floor area ratio).

The proposed change of use from general office to medical office for this 2,378 sq. ft. suite would increase parking requirement by one (1) space, from nine (9) spaces to 10. However, the site has adequate parking for all three uses under grandfathered rights to satisfy the one (1) space increase.

Staff finds the proposed project meets the applicable General Plan land use policies and standards and findings under the Zoning Ordinance (see discussion under the Analysis section of this report). The application was reviewed by applicable City departments and is recommended for approval with conditions.

### RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution conditionally approving the Use Permit for the medical office use (Exhibit 2).

### PROPERTY FACTS

<b>Address/Location:</b>	10 Paul Drive	<b>Parcel Number(s):</b>	155-151-35
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<b>Property Size:</b>	16,540 sq. ft.	<b>Neighborhood:</b>	North San Rafael Commercial District
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Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	Light Industry/Office (LI/O)	Light Industrial/Office (LI/O)	51: Commercial - Improved
North:	Light Industry/Office (LI/O)	Light Industrial/Office (LI/O)	41: Industrial - Improved
South:	Light Industry/Office (LI/O)	Light Industrial/Office (LI/O)	51: Commercial - Improved

East:	Light Industry/Office (LI/O)	Light Industrial/Office (LI/O)	41: Industrial – Improved
West:	Light Industry/Office (LI/O)	Light Industrial/Office (LI/O)	51: Commercial - Improved

**BACKGROUND**

**Site Description/Setting:**

The subject property is located on a corner lot at the intersection of Paul Drive and Mark Drive. The building has frontage on Paul Drive to the west and Mark Drive to the South. The site is approximately 16,500 sq. ft. in size, and is essentially flat with a slight slope of 1.05%. There is a curved drive at the south of the building parallel to Mark Drive, and a parking lot off of Paul Drive at the north.

The site is currently developed with a 4,985 sq. ft. building that is divided into three distinct spaces, of which the proposed medical office will only occupy one. The two other spaces at the building – addressed 80 Mark Drive and 92 Mark Drive – are currently vacant. The subject site currently hosts 19 parking spaces for the three uses on the site. The site previously had 20 spaces, however, one space was removed to create the required ADA stall, and resulted in 19 spaces currently on site. There is also a separate building (54 Mark Drive), attached to the subject building and is located on a separate parcel.

The site is surrounded by light industrial development, with some other limited commercial and office space.

**Previous Approvals – Use Permits:**

There are no previously recorded Use Permits at the subject site.

**PROJECT DESCRIPTION**

The applicant has proposed to use the existing office space at 10 Paul Drive for an ophthalmology practice, designated as a medical office use by the City’s Zoning Ordinance. The project does not currently propose any changes to the exterior of the building, or any additions to increase the FAR of the building, and will utilize the existing space to create exam rooms, patient waiting areas, and designated staff space. The submitted floor plan indicates that there may be a future proposal to expand the medical office into the adjoining office space within the existing building. As proposed, the ophthalmology practice will operate Monday – Friday, 8:30AM – 5:00PM. The practice employs six (6) full-time and two (2) part-time employees, with a minimum of four (4) employees on-site. The practice may see between 10 and 30 patients throughout a day, by appointment only. Minor procedures will be performed at the subject site, while larger surgeries will be performed off-site at Marin General Hospital.

The proposed change in use would intensify parking requirement for the tenant suite from nine (9) to ten 10 spaces based on the change from general office (1 space/250 sq. ft. requirement) to medical office (one space/225 sq. ft. parking requirement).

A revised site plan received July 21, 2020 includes site modifications to add and modify parking and ADA access at the site. This revision would require an Administrative Environmental and Design Review Permit. A condition of the approval of this Use Permit (UP20-008) will include a condition that any site plan changes to the parking will require application and approval of an Administrative Environmental and Design Review Permit before work can begin.

**Planning Applications:**

The project requires the approval of a Use Permit by the Planning Commission to operate a medical office in a Light Industrial/Office district.

## ANALYSIS

### **San Rafael General Plan 2020 Consistency:**

The proposed project would be consistent with the following relevant policies of the San Rafael General Plan 2020:

Land Use Element: The project site has a Light Industrial/Office General Plan land use designation. Policy **LU-23** (Commercial and Industrial Land Use Categories), describes Light Industrial/Office uses as motor vehicle services, contractor uses, light manufacturing, distribution, warehouse and storage, incidental employee serving retail/service, office, and specialty retail.

The proposed Use Permit maintains use of the site as an office space. As such, the proposed use is consistent with the General Plan Use Designation of Light Industrial/Office use for the site.

Neighborhood Element: The project site is located in the North San Rafael Commercial Center neighborhood, specifically east of the Highway 101 in an area denoted as the Northgate Business. This area is comprised of a mix of office and industrial uses supportive of small business that support San Rafael's economy.

Policy **NH-137** (Northgate Business Park) aims to “[protect] and maintain existing industrial uses and industrial sites that are important to San Rafael's economy and needed for the convenience of its residents and businesses. Allow uses such as delis and copy shops that serve businesses and employees in the area.” Although the proposed medical office use does not directly support the surrounding business, the use provides a service for San Rafael residents and those who work in adjacent neighborhoods and throughout San Rafael. As such, the proposed use supports the General Plan Neighborhood Policies for the North San Rafael Commercial Center and the Northgate Business Park.

### **Zoning Ordinance Consistency:**

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance.

### Chapter 6 – Industrial Area Use and Development Standards

The project site is located in a Light Industrial/Office District. Pursuant to Section 14.06.010, the proposed medical office is consistent with the specific purposes of the designated industrial districts and requires review and approval of a Use Permit by the Planning Commission. The project proposes to utilize existing office space, which will provide diversity of office uses in the area without taking away from light industrial uses.

### Chapter 18 – Parking Standards

Pursuant to Section 14.18.040 (Parking Requirements) of the Zoning Ordinance, the proposed (approx.) 2,378 sq. ft. medical office requires one (1) parking space per 225 sq. ft., or 10 parking spaces for that suite. The other two tenant spaces total approximately 2,440 sq. ft. and as general office uses (1 space/250 sq. ft.), require 10 spaces. Therefore, the total parking required on site is 20 spaces. The site was originally built with 20 spaces, but one space was previously removed, for compliance with the required ADA parking space. Therefore, the site maintains a grandfathered parking of 20 spaces and the proposed site, with the new medical office use, would comply.

### Chapter 22 – Use Permits

The proposed project to operate a medical office at the Light Industrial/Office site requires a conditional Use Permit. Pursuant to Section 14.22.080, Staff finds the findings are met for approval of the proposed Use Permit as identified in the Planning Commission Resolution (Exhibit 2). Staff from applicable City Departments, including Building Division and Fire Prevention have reviewed the proposed project and recommended approval and included conditions of approval. The draft Resolution includes standard conditions of approval and there are no notable or unique conditions.

## **DESIGN REVIEW BOARD**

Given that there are no additions or major exterior modifications proposed at this time, an Environmental and Design Review Permit is not required and therefore, the City's Design Review Board has not reviewed the project.

## **ENVIRONMENTAL DETERMINATION**

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts improvements to existing facilities.

## **NEIGHBORHOOD MEETING / CORRESPONDENCE**

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 15 calendar days prior to this hearing. No HOA or other neighborhood association is present in this radius.

No neighborhood meeting was held. No public correspondence was received prior to the PC meeting. In addition, no public comments have been received as of the time of the reproduction of this staff report. Any comments received after the staff report is distributed to the Commission will be forwarded under separate cover.

## **OPTIONS**

The Planning Commission has the following options:

1. Approve the applications as presented (*Staff Recommendation*),
2. Approve the applications with certain modifications, changes or additional conditions of approval,
3. Continue the applications to allow the applicant to address any of the Commission's comments, or concerns.
4. Deny the project and direct staff to return with a revised Resolution.

## **EXHIBITS**

1. Vicinity Map
2. Draft Resolution
3. Site Plan/Floor Plan
4. Project Description from applicant, dated July 21, 2020





# Exhibit 1 - Vicinity Map 10 Paul Dr

While we strive to produce maps with good accuracy and with current accompanying data, the accuracy of the information herein cannot be guaranteed. This map was prepared using programetric computer aided drafting techniques, and it does not represent legal boundary survey data.



**RESOLUTION NO. 20-\_\_\_\_\_**

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING A  
USE PERMIT (UP20-008) TO ALLOW A MEDICAL OFFICE USE IN AN EXISTING  
2,378 SQ FT OFFICE SPACE AT 10 PAUL DRIVE  
(APN: 155-151-35)**

**WHEREAS**, on May 6, 2020, an application for a Use Permit (UP20-008) was submitted to the Community Development Department to allow for the use of an existing 2,378 sq. ft. office space as a medical office use (ophthalmology practice) at 10 Paul Drive; and

**WHEREAS**, the application was referred to applicable City Departments and outside agencies for their review and feedback;

**WHEREAS** on July 5, 2020, the application was deemed complete for processing;

**WHEREAS**, on July 28, 2020, the City of San Rafael Planning Commission held a duly-noticed public hearing on the proposed Use Permit request, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission approves the Use Permit for the use of a medical office (ophthalmology practice) at 10 Paul Drive based on the following findings:

**California Environmental Quality Act (CEQA)  
Finding**

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), since it qualifies as an Existing Facility pursuant to Section 15301(a) of the CEQA Guidelines which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

**Use Permit (UP20-008)  
Findings**

1. The proposed project would be in accord with Land Use Element Polices **LU-23** (*Light Industrial/Office Land Use Category*) and **NH-137** (*Northgate Business Park*), the objectives of the Zoning Ordinance and the purposes of the Light Industrial/Office Zoning District in that: a) the operation of a medical office is consistent with the land use designation; b) the medical office is identified as a conditionally permitted use in the LI/O District, subject to a Conditional Use Permit, which has been applied for and considered by the Planning

Commission; and c) the medical office contributes to the mix of uses in the area to support the City's economic development.

2. The proposed medical office (ophthalmology practice), with conditions, will not be detrimental to public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City because: a) the proposed use has been reviewed by appropriate City departments and conditions have been applied to minimize adverse impacts; b) the existing building has historically been used as general office and the conversion of part of the building to a medical office use would be in character and not conflict with the adjacent uses and surrounding properties; and c) no potential health effects are expected from the medical office use, given that the use would use and function as a typical office in terms of use, noise, hours of operation, and traffic patterns.
3. The proposed medical office use complies with each of the applicable provisions of the Zoning Ordinance (Light Industrial/Office 14.06.010, Parking requirements 14.18.040, and Use Permits 14.22.020) because: a) the medical office use is identified as a conditionally permitted use in the Light Industrial/Office District and a Use Permit has been applied for and considered by the Planning Commission; b) the medical office will be in keeping with the limitation of non-industrial uses as the medical office will be operating in an existing office space and will not be expanding the size of the space; c) although the site has 19 actual spaces on site, the site has grandfathered rights to 20 parking spaces and with the change in use from general office to medical office use, for the 2,378 sq. ft space, the total parking required on the site would be within the 20 spaces that the site has grandfathered rights to; and d) the proposed plans have been reviewed by the City's Fire Prevention Bureau and Building Division comments are included as conditions of approval in the attached Draft Resolution;

**BE IT FURTHER RESOLVED**, that the Planning Commission hereby approves the Use Permit for the operation of a medical office (ophthalmology practice) at 10 Paul Drive subject to the following conditions of approval:

**Use Permit (UP20-008)  
Conditions of Approval**

Community Development Department - Planning Division

1. This Use Permit (UP20-008) approves the use of an existing 2,378 sq. ft. tenant suite in an existing multi-tenant building at 10 Paul Drive as a medical office (ophthalmology practice). As detailed in the Project Description submitted by the applicant, dated July 21, 2020, the proposed Use Permit would be composed of an ophthalmology practice with six (6) full-time and two (2) part-time employees, and between 10 and 30 patients per day by appointment only. Minor procedures will be performed at the subject site, while larger surgeries will be performed off-site. The ophthalmology practice will operate between the hours of 8:30AM to 5:00PM, Monday through Friday. Minor adjustments to the use, including the hours of operation, shall be permitted subject to approval of the Community Development Director. Other changes not deemed minor by the Community Development Director shall require an

amendment to the Use Permit, through the amendment process specified in the Zoning Ordinance (Chapter 22 – Use Permits)

2. This Use Permit (UP20-008) shall run with the land and shall remain valid regardless of any change of ownership of the project site or business, subject to these conditions and limitations of the Use Permit, provided that a building permit and business license are obtained by or a time extension request is submitted to the City's Community Development Department within **two (2)** year of this approval or until **July 28, 2022**. Failure to obtain a building permit or a time extension by the specified date will result in the expiration of this Use Permit.
3. Failure to comply with any project conditions of approval may result in the revocation of the Use Permit. The San Rafael Planning Division can bring up this Use Permit (UP20-008) for review if problems arise from the use.
4. Expansion of the medical office into an adjacent space within the building may require an amendment to the Use Permit (UP20-008).
5. This Use Permit does not authorize any exterior modifications to the structure. Should any exterior modifications to the structure be proposed, an Environmental and Design Review Permit may be required to review and consider such changes.
6. This Use Permit does not authorize any exterior signage on the building or on the site for this use. Any proposed new signage for this use requires compliance with the established Sign Ordinance and an application must be filed with the required submittal materials and fees for City review for City review and approval. Any new signage must comply with the Sign Ordinance, otherwise, the signage would require an application for a Sign Exception or application to establish a Sign Program.
7. This Use Permit does not approve parking lot and site plan changes. Such changes will require a separate application for, and approval of, an Administrative Environmental and Design Review Permit prior to building permit issuance.
8. All patient and employee parking shall be directed to the on-site parking lot. Operator shall encourage all patrons and employees to park on site.
9. A copy of these conditions of approval shall be included on the building permit plans as a separate plan sheet

Community Development Department, Building Division

10. Prior to any construction that requires a building permit, a building permit shall be applied for and obtained. Application for a building permit shall be made to the Building Division and be accompanied by three (3) complete sets of construction drawings.

Fire Prevention Bureau



*Note: These are preliminary comments and could change as the project progresses through the review processes.*

11. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
  - a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
  - b. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
  - c. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
12. The fire apparatus access roadway must conform to all provisions in CFC Section 503 and Appendix D.
13. A Knox Box is required at the primary point of first response to the building. A surface mounted Knox Box # 3200 Series is required. The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72” to 78” above finish grade; show the location on the plans.  
<https://www.knoxbox.com/commercial-knoxboxes/>
14. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4” tall with ½” stroke. For commercial – 6” tall with ½” stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.
15. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection system.

The foregoing Resolution was adopted at a special meeting of the City of San Rafael Planning Commission held on the 28<sup>th</sup> day of July 2020.

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

AYES: COMMISSIONERS

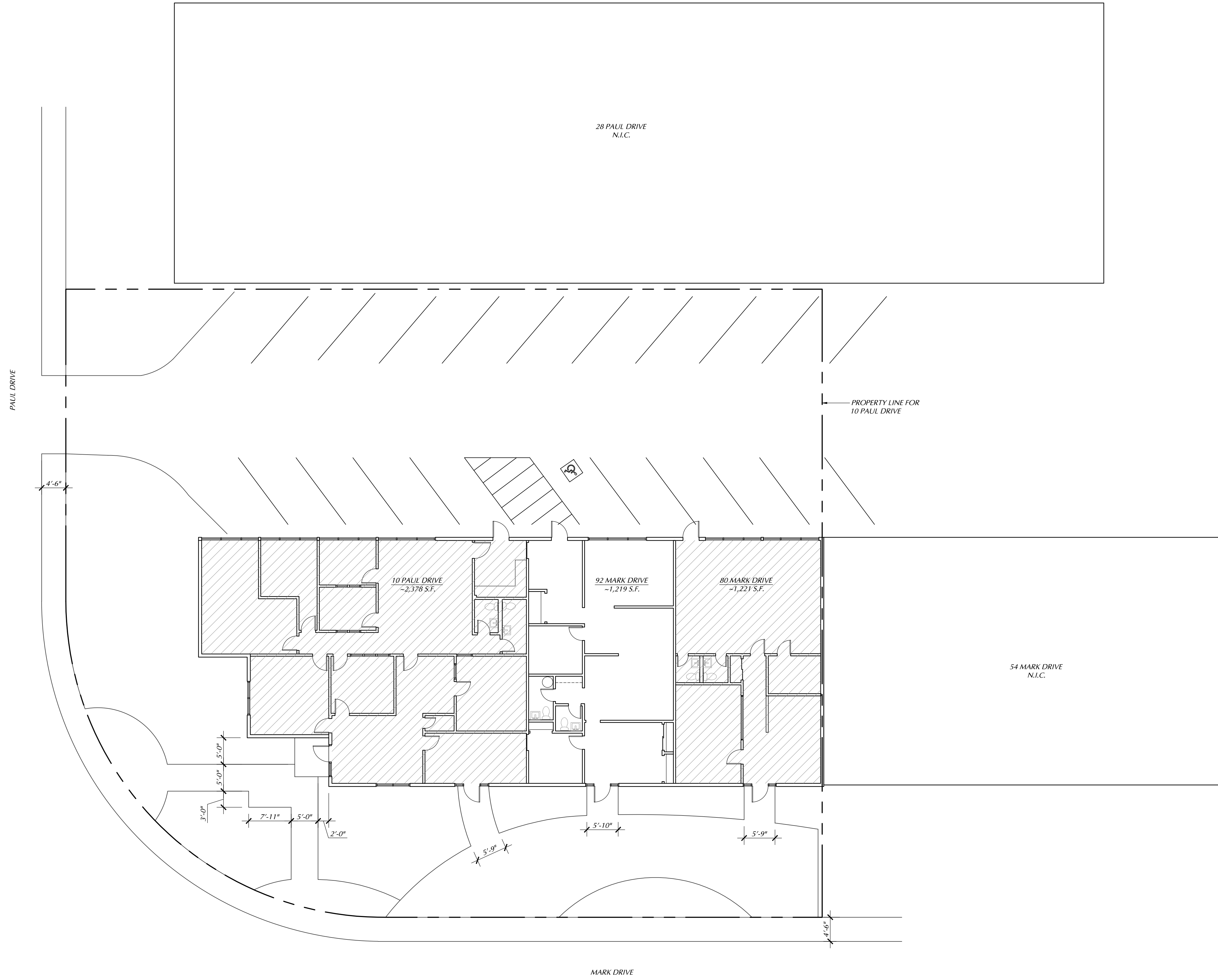
NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Paul A Jensen, Secretary

BY: \_\_\_\_\_  
Aldo Mercado, Chair



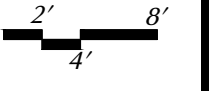
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### NAJAFI MEDICAL OFFICES

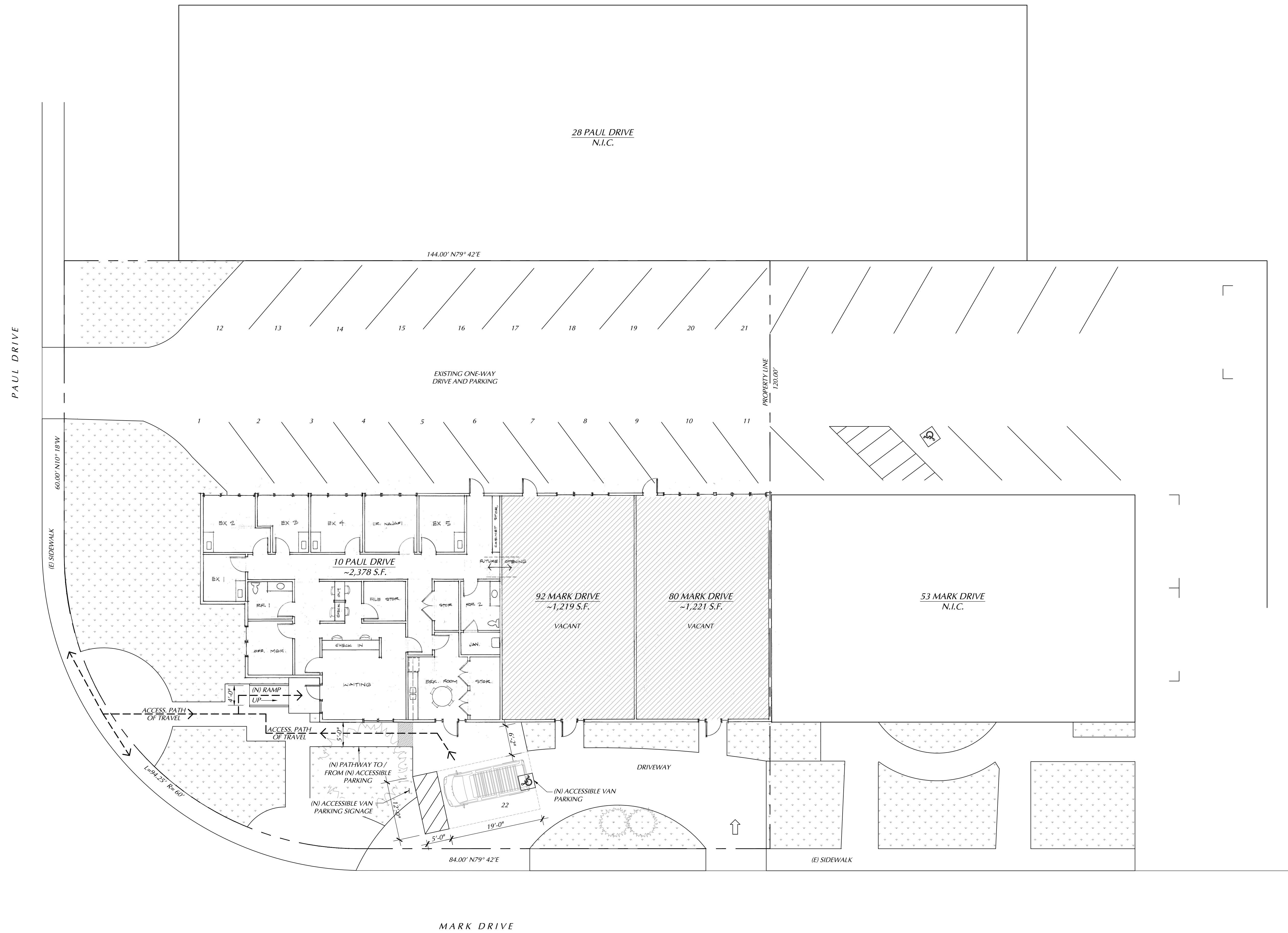
10 PAUL AVE. SAN RAFAEL, CA 94903

MAR. 17, 2020



**Daniel Macdonald AIA Architects, Inc.**  
 1595 Grant Avenue · Suite 200  
 Novato · California · 94945  
 (415) 899-0050 · Fax (415) 899-0055

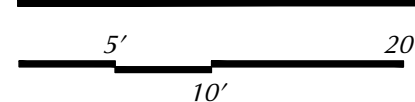
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**NAJAFI MEDICAL OFFICES**

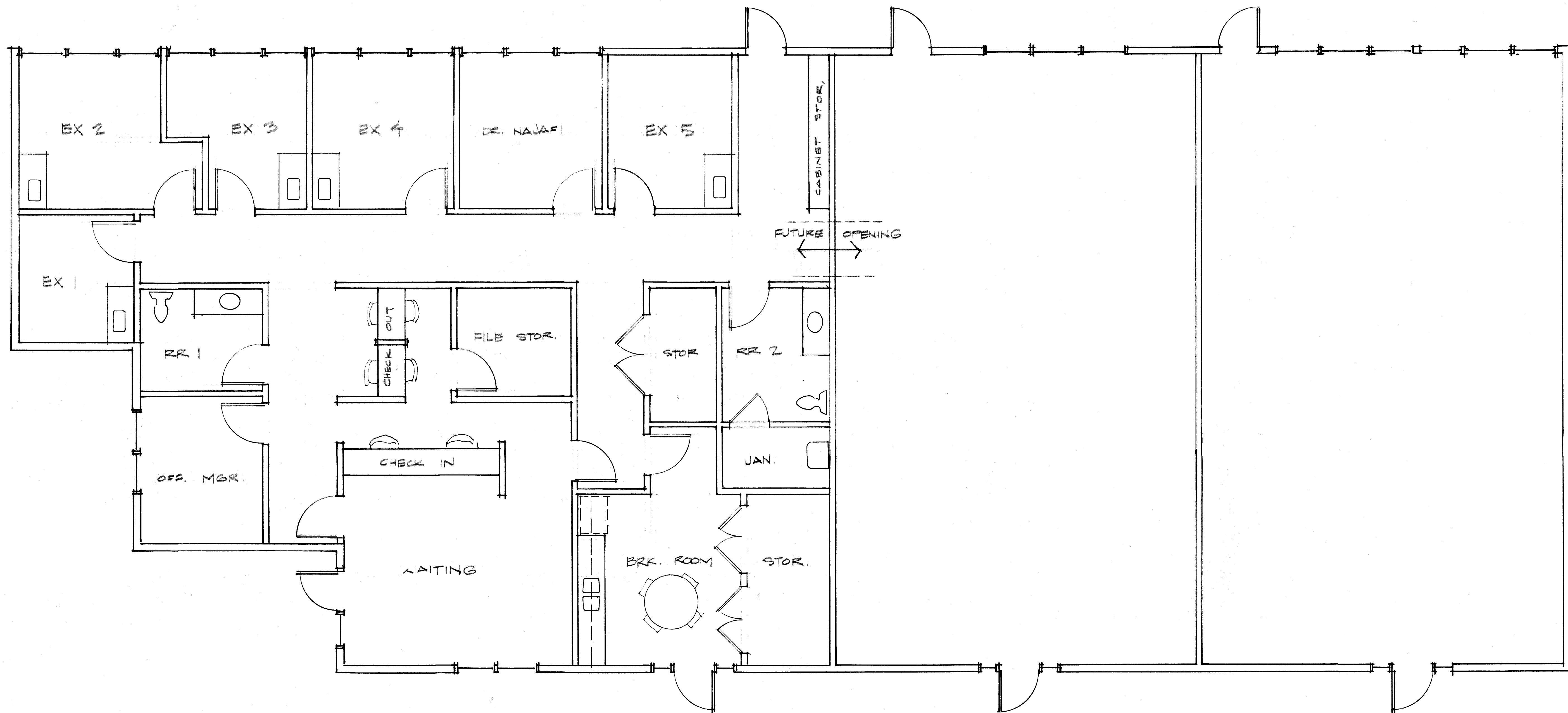
10 PAUL DRIVE, SAN RAFAEL, CA 94903

JULY 21, 2020



**SITE PLAN A1.0**

**Daniel Macdonald AIA Architects, Inc.**  
 1595 Grant Avenue · Suite 200  
 Novato · California · 94945  
 (415) 899-0050 · Fax (415) 899-0055

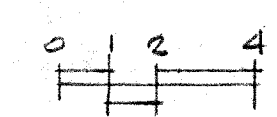


NAJAFI - PRELIMINARY FLOOR PLAN

1/4" = 1'-0"

Daniel Macdonald AIA Architects, Inc.  
 1515 Grant Avenue Suite 320  
 Hayward, California 94615  
 (415) 885-5050 Fax (415) 885-5052

APR 1 20





7/21/20

Re: 10 Paul Dr.  
San Rafael, CA

Dear planning commission:

I am an ophthalmologist, (glaucoma specialist and cataract surgeon) and have lived in Marin with my family since 2004. My parents moved to Marin County in the 1980s while I was attending UC Davis and then later UCLA, but my goal was always to return to our beautiful Marin County. After I finished my fellowship training at USC in 2000, I worked at a Sutter medical group in Solano County for 4 years and then decided to move back to Marin to be closer to my family.

I started Eye Institute of Marin in 2004 and have been in practice at 4000 Civic Center Dr. San Rafael since then.

I currently have 6 full time employees and two part time. Maximum number of employees on site are 8 and minimum would be 4. I usually see 10-30 patients per day with appointment from 8:30-5:00 pm. Monday through Friday.

I perform all my surgeries at Marin Health (Marin General Hospital). As part of my ophthalmology practice, I do perform minor procedures in the office such as chalazion removal, laser iridotomies and capsulotomies.

Due to sky rocketing rents in the last few years I decided to explore the use of property owned by my family at 10 Paul Dr. in San Rafael. Use of this space allows me to have lower cost and more control as well as an ideal location for my practice. I appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Najafi-Tagol".

Kathryn Najafi-Tagol, MD

Eye Institute of Marin, Kathryn Najafi-Tagol M.D.  
4000 Civic Center Drive Suite 200A San Rafael CA 94903  
Tel: 415-444-0300 Fax: 415-444-0303 [www.eyeinstituteofmarin.com](http://www.eyeinstituteofmarin.com)

21 July 2020

Subject: Dr. Kathryn Najafi: New Medical Offices  
Description of Work

The scope of work involves converting an existing general contractor's office into an ophthalmology medical office for Dr. Kathryn Najafi.

This 2,378 square foot interior remodel includes the demolition of existing partitions and construction of new walls, floor coverings, ceilings, lighting, cabinetry and accessible restrooms.

There is no expansion area (square footage) planned. The building footprint remains the same.

There will be approximately five exam rooms, a waiting area, employee break room, two restrooms, a janitor's closet and storage areas.

For accessibility, a new van-accessible parking space will be added as well as new paths and ramps as required.

All work shall be in accordance with current building codes, green building standards and Title 24 Energy compliance.