

**REGULAR MEETING
SAN RAFAEL ZONING ADMINISTRATOR**

May 12, 2023

DRAFT MINUTES AND NOTICE OF ACTION

- 2:30 p.m. 1. **86 Belvedere Suite A** - Request for a Use Permit for operation of a food service establishment (Café) within an 818-square foot tenant space; APN: 008-082-49; Core Canal Industrial/Office (CCI/O) Zoning District; Crystal C Ramirez, applicant; Cindy Pickens, owner; File No: PLAN23-006/UP23-016.
**Project Planner: Leslie Mendez, (415)485-3095,
Leslie.Mendez@cityofsanrafael.org**

Project Description:

The applicant is proposing to operate a coffee shop (food service establishment) within the 818-square-foot tenant space located at 86 Belvedere, Suite A. The coffee shop would serve food items such as bagels, waffles, crepes, sandwiches, coffee, natural fruit, and natural fruit juice during the hours of 6:00 am to 3:00 pm.

Permit(s) Required:

Zoning Administrator Level Use Permit for operation of a Food Service Establishment 1,000 sq. ft. or less in size per SRMC §14.06.020.

Environmental Determination:

The project is categorically exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15301 (“Existing Facilities”). In addition, none of the exceptions listed in Section 15300.2 apply.

PUBLIC HEARINGS

The meeting was convened at 2:30 pm

- A) Applicant presentation
- B) Public Comments

There were no people in attendance wishing to provide public comment. The Zoning Administrator summarized a comment received from Steven Leonardi of Leonardi Properties, Inc. who sent in correspondence with concerns about parking impacts for the proposed use.

- C) ZA discussion

The Zoning Administrator responded to the concern that pursuant to SB2097, as the project site is within ½ mile of a major transit stop, no parking standards may be imposed by the City.

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The Zoning Administrator Conditionally approved the project.

These conditions of approval are listed below and included as part of the Zoning Administrators decision. As such the request for a Use Permit to allow food service establishment at 86 Belvedere Street Suite A was approved with conditions.

The meeting was adjourned at 2:37 pm.

ACTION TAKEN: Conditional Approval

FINDINGS Pursuant to SRMC §14.22.080:

- A. The food service establishment will serve existing employees and clients in the area and will therefore be consistent with general plan policies, objectives of the zoning ordinance and purposes of the Core Canal Industrial/Office District as it will not be a source of traffic generation and it will not change the nature of the area as a suitable environmental for industrial and office uses.
- B. The food service use will comply with all conditions of approval including obtaining proper food service licensing from the County as well as building permits for any tenant improvements. The use will, therefore, 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.
- C. The 818-square-foot food service establishment does not require any parking as it is within one-half mile of a major transit stop and the use is permissible upon approval of this Use Permit. The project, therefore, complies with each of the applicable provisions of the zoning ordinance.

USE PERMIT CONDITIONS OF APPROVAL:

- 1. Approved Use. The Use Permit allows for a Food Service Establishment under 1,000 square feet (cafe) per SRMC 14.06.020.
- 2. Hours of Operation. Hours of operation are from 6:00 am to 3:00 pm. daily or as otherwise allowed in the District, whichever is more permissive.
- 3. 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 tenant improvement, the applicant shall identify and secure all applicable permits from the Building Division, Public Works Department and other affected City divisions and departments. Prior to business operation the applicant shall apply for and receive a business license from the City and a food preparation license from the County.
- 4. 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.

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- 5. Signage. Separate sign permit approvals shall be obtained for all business signage.
- 6. Building Permit Required. The applicant shall obtain a building permit prior to any tenant improvement to meet the requirements per the California Building Code (CBC).

This Notice of Zoning Administrator decision is provided in compliance with SRMC Section 14.28.050 - *Notice of decision*. Any aggrieved party may appeal this decision pursuant to SRMC Section 14.28.030 - *Filing and time limit of appeals*, by submitting a letter of appeal and the appropriate fees within five (5) working days of the date of approval, or by **May 19, 2023, at 4:00 p.m.** This approval shall become effective at the end of the appeal period.

Barring no appeal, this Permit shall become effective on **May 20, 2023**, and shall be valid for two years from the date of final approval, or **May 20, 2024**, and shall become null and void if the permit is not exercised or a time extension granted by this 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.

Once a permit approval has been implemented/established in compliance with all City requirements, it shall run with the land and be valid for the duration of the project/use.



Leslie Mendez, Acting Zoning Administrator

May 12, 2023
Date