

**REGULAR MEETING
SAN RAFAEL ZONING ADMINISTRATOR**

June 21, 2023

MINUTES AND NOTICE OF ACTION

- 10:13 am to
10:23 am
1. **304 G Street** - Request for a variance to construct an uncovered deck (57.25” tall) that would project into the required front yard setback by 6’-11” and would exceed the maximum allowed lot coverage by 4%; APN: 011-151-47; Duplex Residential Zoning District (DR); RAYMOND SEAN & Chamin Mills, owners; W H General Contractor, applicant; File No: V23-001/PLAN23-037
Project Planner: Renee Nickenig

BACKGROUND

Site Description

The subject property at 304 G Street is an irregularly shaped lot surrounded by the public right-of-way at the west (G Street), south (Mission Avenue) and east (Forbes Avenue). The lot is approximately 4,900 sq. ft in size, and the primary residence is seated at the north of the property. The primary residence is oriented to the west (G Street), with additional access from the south (Forbes Avenue).

Background/Prior Approvals

The existing over-height fence surrounding the southern half of the property was previously approved in 2015 (INF15-020) as a replacement of a fence that existed prior to 1991.

Environmental Determination

The construction of the uncovered deck is deemed to be categorically exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

PROJECT DESCRIPTION

The project proposes to construct an uncovered deck (57.25” tall) projecting from the southern wall of the primary residence. The deck would be constructed flush with the west and east walls of the primary residence, which project into the required front and rear setbacks designated for the property.

PUBLIC HEARINGS

The meeting was convened at 10:13 am. The meeting was attended by the acting Zoning Administrator and the property owners, Sean Raymond and Chamin Mills.

- A) Applicant Presentation. *The property owner, Chamin Mills, spoke to the merits of the project and the use of the existing yard area.*

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- B) Public Comments. *No members of the public spoke at the hearing and no public comment has been received by the date of publication of these minutes.*
- C) ZA Discussion. *The applicant had no questions, and no additional discussion took place.*

The Zoning Administrator conditionally approved the proposed project.

The conditions of approval are listed below and included as part of the Zoning Administrators decision. As such the request for a Variance to construct an uncovered deck (57.25” tall) that would project into the required front yard setback by 6’-11” and would exceed the maximum allowed lot coverage by 4% is approved.

The meeting was adjourned at 10:23 am.

ACTION TAKEN: Conditional Approval

FINDINGS – 304 G Street, V23-001/PLAN23-037

- A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;**

The subject lot is unusually small for the Duplex-Residential (DR) District (4,900 sq. ft. versus the minimum required 6,000 sq. ft. for corner lots [SRMC § 14.04.040]) and is surrounded by the public right-of-way at the west (G Street), south (Mission Avenue) and east (Forbes Avenue). In conjunction with the required setbacks for the DR district, these factors constrain the site in a way that deprives the property of privileges available to surrounding properties and other properties zoned DR.

- B. That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated;**

The subject property is a unique shape and size, and therefore the variance does not grant special privileges.

- C. That granting the variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located;**

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The construction of an attached uncovered deck is otherwise permitted in all residential zoning districts.

D. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

The area in which the deck will be located is not adjacent to any other properties and will not be visible or accessible from the public right-of-way.

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 for approval on plans, dated **5/18/2023** and on file with the Community Development Department, Planning Division, 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 Planning staff. Modifications deemed not minor by the Community Development Director may require review and approval as an amendment to the Environmental and Design Review Permit by Planning staff.
2. Subject to All Applicable Laws and Regulations. The approved 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.
3. Building Permit Required. The applicant shall obtain a building permit prior to doing any work to meet the requirements per the California Building Code (CBC).
4. Permit Validity. This Permit shall become effective on 06/29/2023 and shall be valid for a period of two (2) years from the date of final approval or 06/29/2025 and shall become null and void if a building permit is not issued or a time extension granted by 06/29/2025. 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.

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 **June 28, 2023 at 5:00 p.m.** This approval shall become effective at the end of the appeal period.

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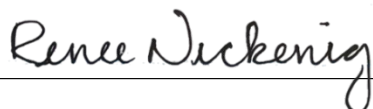
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The approval shall become null and void unless, during the initial timeframe provided to implement this approval, a valid City business license has been issued, or a timely extension of time has been filed and subsequently granted.

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 time period specified; e.g., duration of the project/use.



Renee Nickenig, Acting Zoning Administrator

06/26/2023

Date