



**SAN RAFAEL ZONING ADMINISTRATOR
REGULAR HEARING
August 23, 2023**

***Minutes and
Notice of Decision (Pursuant to San Rafael Municipal Code 14.28.050)***

- 10:10 – 10:14 am 1. **1221 Andersen Dr.** – Conditional Use Permit request to allow a 675 sq. ft. of outdoor storage at a commercial site. – Light Industrial/Office (LI/O) District; APN: 018-180-42; A&J Real Estate LLLP ETAL, Owner; Kenneth Bettencourt, Applicant; File No.: PLAN23-022; UP23-014
Project Planner: Monica Ly

PERMITS REQUIRED

A Zoning Administrator Level Conditional Use Permit is required for outside storage within the Light Industrial/Office (LI/O) District per the San Rafael Municipal Code per Table [14.06.020](#) (Use Table).

SITE DESCRIPTION

The subject property is on a 73,868 sq. ft. lot located at 1221 Andersen Dr. in the Light Industrial/Office (LI/O) District. The property is developed with a 26,932 sq. ft. single story commercial building and approximately 63 parking stalls.

PROJECT DESCRIPTION

The project proposes an outdoor wooden enclosure measuring 15 feet in width, 45 feet in length, and 7 feet in height. This enclosure is intended for storing tools and other equipment in the southwestern section of the parking lot. To facilitate the outdoor storage, the proposal will necessitate the removal of 5 parking stalls.

PUBLIC NOTICE/PUBLIC COMMENT

Notice of the public hearing was conducted in accordance with the public review period and noticing requirements contained in Chapter 14.29 of the San Rafael Municipal Code.

PUBLIC HEARINGS

A Zoning Administrator hearing was held for the Conditional Use Permit application (PLAN23-022; UP23-014) on August 23, 2023. The Acting Zoning Administrator presiding over the meeting initiated proceedings at 10:00 am. Due to two items on the agenda, the specific item under consideration wasn't addressed until 10:10. Present during the meeting was the applicant, Kenneth Bettencourt.

Following a short presentation about the proposal from the Zoning Administrator, Monica Ly, the public comment period was opened. There were no public comments. After the public comment period, the Zoning Administrator presented the Findings and conditionally approved the Conditional Use Permit.

The meeting was adjourned at 10:14 am.

The conditions of project approval are listed below and are included as part of the Zoning Administrator's decision to approve the Conditional Use Permit (PLAN23-022; UP23-014).

ACTION TAKEN: On August 23, 2023, the Zoning Administrator Conditionally Approved the requested Conditional Use Permit (PLAN23-022; UP23-014) subject to the Findings and Conditions in Exhibit 1.

This Notice of Zoning Administrator decision is provided in compliance with SRMC Section 14.28.050 - *Notice of decision*. Appeals based on decisions made by the zoning administrator may be filed by any aggrieved party with the planning commission 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 **Wednesday, August 30, 2023, at 5:00 p.m.** This approval shall become effective at the end of the appeal period.

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 period specified; e.g., the duration of the approved use.



Monica Ly, Acting Zoning Administrator

8/23/2023

Date

Exhibit 1: Findings and Conditions



ATTACHMENT 1

Findings & Conditions for PLAN23-022; UP23-014

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities). Furthermore, none of the exceptions found in Government Code §15300.2 apply.

Use Permit Findings (SRMC §14.22.080)

- A. 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 because:
 1. The proposed use is in accord with General Plan Policy Program NH-3.9B: Industrial Area Design Improvements because, the proposed outdoor storage use will be adequately screened.
 2. The proposed use is in accord with the objectives of the zoning ordinance SRMC 14.01.030.E – Purposes because the proposed outdoor storage use for tools and equipment would help promote viable commercial business proposing the use.
 3. The proposed outdoor storage use is in accord with the purposes of the district in which the site is located because the proposed outdoor storage use is appropriately located.
- 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. The proposed outdoor storage use will include the storage of construction tools and equipment related to the ongoing business operation which would not create or exacerbate any detrimental conditions
- C. That the proposed use complies with each of the applicable provisions of the zoning ordinance. The proposed use is conditionally allowed within the Light Industrial/Office (LI/O) District per the San Rafael Municipal Code per Table [14.06.020](#) (Use Table).

Standard Use Permit Conditions of Approval

1. Approved Use. The Use Permit conditionally allows outdoor storage use per the San Rafael Municipal Code per Table [14.06.020](#) (Use Table).

2. Applicant Responsible for Compliance with Conditions. The applicant shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Conditional Use Permit pursuant to SRMC Section 14.21.150.
3. 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.
4. Permit Validity. This Permit shall become effective on **August 31, 2023**, and shall be valid for a period of two (2) years from the date of final approval, or **August 31, 2025**, and shall become null and void if the permit is not exercised or a time extension granted by **August 31, 2025**. 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.
5. Building Permit. The applicant shall obtain a building permit prior to any tenant improvement to meet the requirements per the California Building Code (CBC).
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.

Site Specific Conditions of Approval

1. The outdoor storage uses shall be screened from public view with wood fencing no taller than 7 feet in height.



**SAN RAFAEL ZONING ADMINISTRATOR
REGULAR HEARING
August 23, 2023**

***Minutes and Notice of Decision
(Pursuant to San Rafael Municipal Code 14.28.050)***

- 10:00 - 10:10 am 1. **513 Francisco Blvd. E.** - Request for an Environmental and Design Review Permit and Use Permit to renovate and expand the existing Lexus automobile dealership and repair center; APN: 179-221-03; General Commercial Zoning District (GC); Bay Automotive Properties and Heitzinger Associates, Owner; Patrick Wirz, AIA, Applicant: File No. ED23-018/UP23-012 (PLAN22-069)

Project Planner: Renee Nickenig, Associate Planner

PERMITS REQUIRED

- **Environmental and Design Review (Minor) (ED23-018).** Condition of Approval no. 64 of Resolution 99-20 also stipulates that any addition, expansion, or remodeling of this automobile dealership is subject to review by the Design Review Board and approval by the Zoning Administrator.
- **Use Permit Amendment (UP23-012).** Pursuant to San Rafael Municipal Code (SRMC) Section 14.05.020, a motor vehicle sales and service use with more than five vehicles displayed or stored on-site requires a Use Permit approval by the Planning Commission. Pursuant to Condition of Approval no. 64 of Planning Commission Resolution 99-20, an amendment to Use Permit (UP99-14) shall be subject to review by the Design Review Board and approval of the Zoning Administrator.

SITE DESCRIPTION

The project site is located to the north of Highway 101 and Francisco Blvd. E., and west of Bay Street. The site is approximately 130,680 square feet in area and is occupied by an approximately 21,472 square-foot automobile dealership with a repair shop and associated parking. The landscaping is minimal, with limited planting and ground cover at the front (south) of the site.

PROJECT DESCRIPTION

The project consists of the renovation and expansion of the existing automobile dealership, including an expansion of the showroom floor and the additional service bays. The exterior of the building will be altered to flatten the existing mansard roof and add a vertical blade wall to reflect current Lexus design standards.

Site

The proposed expansion of the auto dealership will increase the primary building footprint from approximately 21,472 sq. ft. to 33,969 sq. ft. (58% increase). The existing car wash (1,063 sq. ft.) will remain and a new trash enclosure will be constructed behind the primary building. The building expansion will require minimal grading to even the flat site and will result in some tree removal and landscape reduction.

Landscaping

Some existing landscaping will be removed to accommodate new construction and parking configuration but will mostly remain or be replanted. Most of the existing trees at the site will remain, and the new planting will be primarily comprised of low shrubs and bushes.

Lighting

The existing building and parking lot lighting will be upgraded with LED fixtures.

Architectural Features

In addition to the proposed expansion of the primary building, the remaining portions will be renovated for consistency with the new design. The overall building height will remain the same, but a taller blade wall will be installed at the south elevation oriented perpendicular to the public street. The overall design reflects a more modern and streamlined design with sharp edges and rectangular paneling and is appropriate for the existing setting.

The south (front), north (rear), and west elevations are articulated with large window bays, smaller paired windows, and roll-up metal doors. The east elevation is flat in contrast, but visibility will be limited from the public street.

Materials and Colors

The overall color palette proposed is neutral with varying shades of gray. The exterior will be primarily finished with cement plaster in a light gray. The fascia surrounding the edge of the building and the blade wall would be aluminum panels, and at the window curtain walls at the south and west elevations will be tinted glass with metal mullions. The roll-up service door at the south and west elevations will be a combination of glass and metal, and the roll-up service doors at the north elevation will be solid metal.

Signage

The building signage will be updated to reflect current brand standards. The most significant increase from the current signage at the site will be the addition of the logo on the blade sign. The proposed signage does not deviate significantly from the previously approved sign program for 513 Francisco Boulevard East.

BACKGROUND/PRIOR APPROVALS

The existing automobile dealership was conditionally approved by the Planning Commission under Resolution 99-20 (Exhibit 2). The approved Use Permit (UP99-14) and Environmental and Design Review Permit (ED99-15) included the construction of an approximately 19,400

square foot automobile dealership with 18 service bays, a parts department, office and show room located at 513 Francisco Blvd. E.

On June 6, 2023 the project was reviewed by the Design Review Board (DRB). Below is a summary of advisory comments made by the DRB. Overall, the DRB was in support of the project, and recommended approval to the Zoning Administrator.

DRB Advisory Comments

Landscape Plan

- Identify the existing plants to be removed or retained on the submitted landscape plan.
- Consider not planting native species near the front of the property and entrances due to maintenance and plant lifecycle concerns.
- Consider additional plantings and/or varying heights and sizes of plantings to create a softer buffer between the property and the public right-of-way.

Lighting

- Consider reducing the lighting intensity to between 3,000 – 4,000 kelvins at all areas of the property.

PUBLIC HEARING

On August 23, 2023, a Zoning Administrator meeting was convened for this Environmental and Design Review Permit and Use Permit (ED23-018/UP23-012). The Acting Zoning Administrator for this meeting, Renee Nickenig, opened the meeting at 10:00 am.

A. Applicant presentation

The applicant chose not to make a presentation. The Acting Zoning Administrator summarized the project and requested that the applicant clarify their intention for lighting intensity. The applicant confirmed that the new lighting fixtures will have a maximum illumination of 4000 kelvins.

B. Public Comments

No members of the public provided comment prior to or during the hearing.

C. ZA discussion

No additional discussion took place.

The Zoning Administrator Conditional Approved the project.

These conditions of approval are listed below and included as part of the Zoning Administrator's decision. As such the request for an Environmental and Design Review Permit and Use Permit (ED23-018/UP23-012) to expand and remodel the existing automobile dealership at 513 Francisco Blvd East was Conditionally Approved.

The hearing was adjourned at 10:10 am.

FINDINGS

CEQA Findings

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”). Furthermore, none of the exceptions found in Government Code §15300.2 apply.

Environmental and Design Review Permit Findings for ED23-018 (SRMC §14.25.090)

A. That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter;

The subject property has a General Plan 2040 designation of Community Commerical Mixed Use and is located in the General Commercial (GC) zoning district. The expansion of the existing is in accord with the general plan and the zoning ordinance as an expansion to an existing approved automobile dealership and service center.

B. That 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;

The placement of the existing building and expansion is sensitive to the size and location of the property, providing reasonable access, circulation, and visibility from the site and from the public right-of-way on Francisco Blvd. E. The proposed design of the primary building is harmonious with the existing site features and surrounding buildings and properties. The blade wall proposed does not exceed the maximum allowed height for the zoning district and provides a distinctive feature at the site. The proposed landscaping is appropriately minimal for the site and surrounding area and will provide a sufficient buffer between the parking area and primary building and the public sidewalk.

C. That the project design minimizes adverse environmental impacts; and

The proposed project has been reviewed by the Department of Public Works and will ultimately have any storm water concerns addressed through the building permit proces. All landscaping will be reviewed by the Marin Municipal Water District.

D. That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

Any new lighting and exterior finishes will be required to meet the general light and glare standards required by SRMC Section 14.16.277.

Use Permit Findings for UP23-012 (SRMC §14.22.080)

- A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposed of the district in which the site is located;**
The subject property has a General Plan 2040 designation of Community Commerical Mixed Use and is located in the General Commercial (GC) zoning district. The proposed expansion of services is in accord with General Plan 2040 and the objectives of the zoning ordinance as the use of an automobile dealership and service center were previously approved at the site and are permitted under the respective designations.
- B. That the proposed use together with the conditions will not be detrimental to the public health, safety or welfare, or materially injurious to property or improvements in the vicinity, or the general welfare of the city;**
The existing services will be expanded, but no new services are offered. The project is not subject to a minimal parking restriction per AB 2097, but has proposed a substantial number of parking spots.
- C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.**
The motor vehicle repair services will continue to be held to the performance standards prescribed by SRMC § 17.17.090. Conditions of Approval no. 2-8 of Planning Commission Resolution 99-20 will remain in effect.

CONDITIONS OF APPROVAL

1. Approved Project. This Environmental and Design Review Permit (ED23-018) and Use Permit (UP23-012) conditionally approves the renovation and expansion the existing automobile dealership and repair center at 513 Francisco Boulevard East. Plans submitted for building permit shall be in substantial conformance to the plans stamped and approved August 23, 2023, with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by the Community Development Department, Planning Division. Modifications deemed greater than minor in nature by the Community Development Director may require review and approval by the Planning Commission or Zoning Administrator.
2. 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.
3. Permit Validity. This Permit shall become effective on **August 31, 2023** and shall be valid for a period of two (2) years from the date of final approval or **August 31, 2025**, and shall become null and void if a building permit is not issued or a time extension

granted by **August 31, 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.

4. Building Permit. Prior to the commencement of work, a building permit shall be obtained from the Building Division.
5. Sign Permit. A separate sign permit will be required through the Building Division.
6. Construction Hours. Except as otherwise provided in subsection B of the San Rafael Municipal Code Section 8.13.050, or by the planning commission or city council as part of the development review for the project, on any construction project on property within the city, construction, alteration, demolition, maintenance of construction equipment, deliveries of materials or equipment, or repair activities otherwise allowed under applicable law shall be allowed between the hours of seven a.m. (7:00 a.m.) and six p.m. (6:00 p.m.), Monday through Friday, and nine a.m. (9:00 a.m.) and six p.m. (6:00 p.m.) on Saturdays, provided that the noise level at any point outside of the property plane of the project shall not exceed ninety (90) dBA. All such activities shall be precluded on Sundays and holidays. Violation of the foregoing may subject the permittee to suspension of work by the chief building official for up to two (2) days per violation.
7. 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.
8. 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.
9. Mechanical Equipment. Equipment placed on the rooftop of a building or at the site 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.
10. 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.
11. Landscape Projects. For all applicable landscape projects (new or rehabilitated landscape area is equal to or greater than 5,000 square feet), landscape and irrigation plans required by and submitted with this permit application shall be designed and

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prepared to comply with the provisions and requirements of MMWD Ordinance as adopted and periodically amended. The applicant shall provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit. See [Marin Water Landscape Plan Review](#).

12. 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.
13. Conditions of Approval no. 2-8 of Planning Commission Resolution 99-20 will remain in effect as follows:

(2) The use permit is valid for the duration of the automobile sales and services use at this location.

(3) All spraying operations shall be conducted within a spray booth which has been approved by the Fire Marshall.

(4) All repair work shall be done entirely within the building.

(5) All vehicles which are [visibly] damaged, disabled, or visually in the process of repair shall be stored and or worked upon in a location on-site that is not visible from off-site. Vehicles not visually damaged, waiting to be repaired, or waiting to be repaired, or waiting to be picked up after repair, shall be stored on-site but may be visible from off-site.

(6) There shall be no outside storage of materials or equipment unless screened from view in a manner approved by the Community Development Planning Director.

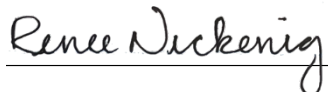
(7) Waste oils and other materials shall be disposed of properly and not discharged into the storm drain or sewer system.

(8) Off-loading of vehicles for the new automobile dealership is prohibited within the public right-of-way.

ACTION TAKEN: On August 23, 2023, the Zoning Administrator Conditionally Approved the requested Environmental and Design Review Permit and Use Permit (ED23-018/UP23-012) subject to the Findings and Conditions above.

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 **August 30, 2023 at 5:00 p.m.** This approval shall become effective at the end of the appeal period.

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

05/25/2023

Date