



**SAN RAFAEL ZONING ADMINISTRATOR
REGULAR HEARING
December 6, 2023**

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

- 10:02-10:15 am 1. **1575 Francisco Boulevard East** - Request for a Conditional Use Permit for Medical Office use in the Light Industrial/Office district; APN: 009-132-22; Light Industrial/Office (LI/O) Zoning District; Flaum Russell L TR ETAL, Owner, and Joe Tuohy, Applicant; File No: UP23-027 (PLAN23-147)
Project Planner: Michaela O'Brien

PERMITS REQUIRED

- **Conditional Use Permit (UP23-027).** A Conditional Use Permit approved by the Planning Commission is required for a medical office in the Light Industrial/Office (LI/O) zoning district pursuant to San Rafael Municipal Code (SRMC) Section 14.06.020.
- The Community Development Director has reduced the level of review to the Zoning Administrator was deemed to be an insignificant or inconsequential change in use as pursuant to SRMC Section 14.22.020.

SITE DESCRIPTION

The subject property is located northeast of the John T. Knox (580) freeway and Francisco Boulevard East. The property is accessed from Francisco Boulevard East on the southwest side of the property. The site has 20 existing parking spaces, including 1 ADA-accessible space, and is located within one-half (1/2) mile of a recognized high-quality transit corridor. There is an existing 8,886 square feet of office space with a garage which can be accessed from the parking lot located between the two spaces. There is existing landscaping located at the frontage of the site.

PROJECT DESCRIPTION

The proposed use would utilize the existing office spaces in the building for various services, including health screening, mental health services, training, harm reduction services, and community programs. The floor plan is proposed to remain the same due to the current state being suitable for the use of the business. The space is planned to be used predominantly as office space for the 17 employees, while 75 square feet is to be used as a food pantry for clients, 1,000 square feet would be used as storage and preparation of hygiene kits and client kits, roughly 250- 750 square feet of file storage. The garage would house the company's vehicle for business off-site and community outreach.

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All business programs are currently planned to be hybrid and many clients would be met remotely, along with staff being allowed to work one to two days remotely. An estimated average of half the staff would be on-site daily. Food Pantry stocking is done two to three days each week via the employee's vehicle, with no delivery trucks or outside vendors.

PUBLIC HEARING

On December 6, 2023, a Zoning Administrator hearing was convened for this Conditional Use Permit application (UP23-027). The Acting Zoning Administrator for this meeting, Michaela O'Brien, Assistant Planner, opened the meeting at 10:10 am.

A. Applicant presentation

The applicant was present at the meeting and provided a brief presentation a summary of the project.

B. Public Comments

There were seven people in attendance, none of whom wished to provide public comment.

C. ZA discussion

The Zoning Administrator reiterated the purview of the Planning Division review of the Conditional Use Permit.

D. Action

The Zoning Administrator Conditionally Approved the request for a Conditional Use Permit (UP23-027).

These conditions of approval are listed below and included as part of the Zoning Administrator's decision.

The meeting was adjourned at 10:15 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).

Conditional 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.

The proposed use is for medical offices, which would allow a community servicing business in the industrial district, as it relates to the General Plan 2040 Policy NH3.16 Local Business Support. The proposed use is compliant with SRMC 14.06.020 H. with the continuation of providing office space.

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;

As deemed by the planning division the proposed medical office would 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.

C. That the proposed use complies with each of the applicable provisions of the zoning ordinance

The proposed use complies with each of the applicable provisions of the zoning ordinance. The proposed use is conditionally allowed within the LI/O District per the SRMC Land Use Table 14.06.020.

Planning Division Standard Conditions of Approval

1. Approved Use. This Conditional Use Permit (UP23-027) conditionally approves the use of medical office space located at 1575 Francisco Boulevard E.
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 14.22.160.
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, Fire Department, and other affected City divisions and departments.

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4. Permit Validity. This Permit shall become effective on **December 14, 2023**, and shall be valid for a period of two (2) years from the date of final approval, or **December 14, 2025**, and shall become null and void if the permit is not exercised or a time extension granted by **December 14, 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. 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.
6. Business License. The applicant shall obtain a business license with the Business License Division before business operation.

ACTION TAKEN: On December 6, 2023, the Zoning Administrator Conditionally Approved the requested Conditional Use Permit (UP23-027) subject to the Findings and Conditions.

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 **December 13, 2023, at 4:00 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.



12/6/2023

Michaela O'Brien, Acting Zoning Administrator

Date