



**SAN RAFAEL ZONING ADMINISTRATOR  
REGULAR HEARING  
February 28, 2024**

**Zoning Administrator Minutes**

Item 1. 10:00 – 10:04 am      **88 Vivian Street.** Request to extend the existing approved entitlements (ED21-042; TS21-004; UP21-017) for a 70-unit for-sale townhome development at 88 Vivian Street; APN: 008-092-02; Neighborhood Commercial (NC) Zoning District; CLK PROPERTIES LLC, Owner; Collin Ashton, Applicant; File No: PLAN23-169

**Project Planner: Renee Nickenig, Associate Planner**

**PERMITS REQUIRED**

Pursuant to San Rafael Municipal Code (SRMC) Sections 14.22.140 and 14.25.150, a use permit and/or environmental and design review permit may be extended prior to the established expiration dates with the approval of the zoning administrator if the respective findings remain valid and there have been no substantial changes to the approved project. The applicant is requesting that the following approved entitlements be extended:

- **Major Environmental and Design Review (ED21-042)**  
Approved: May 10, 2022 (Planning Commission)  
Set to Expire: May 10, 2024
  
- **Use Permit (UP21-017)**  
Approved: May 10, 2022 (Planning Commission)  
Set to Expire: May 10, 2024
  
- **Tentative Map (TS21-004)**  
Approved: May 10, 2022 (Planning Commission)

**PROJECT DESCRIPTION**

The associated approved project at 88 Vivian Street includes the demolition of the existing building and construction of 70 for-sale residential units in 14 separate buildings. This included six (6) units available to low-income households. The project required the following entitlements:

- **Environmental and Design Review (ED21-042).** Pursuant to SRMC § 14.25.040.A, the construction of residential structures with three or more dwelling units requires a Major Environmental and Design Review Permit, subject to review by the DRB and approval by the Planning Commission.

- **Use Permit (UP21-017).** Pursuant to SRMC § 14.05.020, an administrative use permit is required for multifamily residential uses in the NC zoning district. However, where a single development project seeks multiple approvals, the highest decision-making body is responsible for review of all requested entitlements and as such the use permit was ultimately reviewed by the Planning Commission.
- **Tentative Subdivision Map (TS21-004).** Pursuant to SRMC § 15.12.030, all condominiums of two or more units are subject to Planning Commission approval of a tentative map.

The current request to extend the entitlements does not include any changes to the approved project.

### **PUBLIC HEARING**

On February 28, 2024, a Zoning Administrator hearing was convened for this permit (PLAN23-169). The Acting Zoning Administrator for this meeting, Margaret Kavanaugh-Lynch, opened the hearing at 10:00 am.

#### **A. Planner Presentation**

The Project Planner, Renee Nickenig, provided an overview of the proposed project, the project findings for approval, and the draft project conditions.

#### **B. Applicant presentation**

A representative for the applicant, Matt Ashton, was present at the meeting.

#### **C. Public Comments**

No public comments were received prior to the hearing or during the hearing.

#### **D. Zoning Administrator Discussion**

The Zoning Administrator reviewed the project for decision. She noted that the findings and conditions included in the staff report supported approval of the proposed project.

#### **E. Action**

The Zoning Administrator approved the request to extend the existing approved entitlements (ED21-042; TS21-004; UP21-017) for a 70-unit for-sale townhome development at 88 Vivian Street based on the findings and subject to the conditions included in the staff report.

Item 2. 10:04 – 10:10 am

**80 Medway Road.** Request for a Use Permit to increase alcohol sales at the existing 7-11 convenience store at 80 Medway Road; APN: 008-091-20; Neighborhood Commercial (NC) Zoning District; SEJ ASSET MANAGEMENT & INVESTM, Owner; 7-Eleven Inc (via Ryan Knoll), Applicant; File No: UP24-003 (PLAN23-153)

**Project Planner: Renee Nickenig, Associate Planner**

### **PERMITS REQUIRED**

Pursuant to San Rafael Municipal Code (SRMC) Section 14.05.020, a conditional use permit is required sale of liquor when located less than 200-feet from a residential district.

### **PROJECT DESCRIPTION**

The subject project proposes to include additional liquor sales at the existing 7-Eleven convenience store at 80 Medway Road. The additional spirits will be restricted to a small display shelf (approx. 4 ft. x 5 ft.) in a locked case that is only accessible to store employees. No other operational or physical exterior changes are proposed.

### **PUBLIC HEARING**

On February 28, 2024, a Zoning Administrator hearing was convened for this permit (PLAN23-169). The Acting Zoning Administrator for this meeting, Margaret Kavanaugh-Lynch, opened the hearing at 10:05 am.

#### **A. Planner Presentation**

The Project Planner, Renee Nickenig, provided an overview of the proposed project, the project findings for approval, and the draft project conditions.

#### **B. Applicant presentation**

A legal representative for the applicant, Bruce Evans, spoke at the hearing and gave minor edit suggestions to the proposed conditions.

#### **C. Public Comments**

No public comments were received prior to the hearing or during the hearing.

#### **D. Zoning Administrator Discussion**

The Zoning Administrator reviewed the project for decision. She noted that the findings and conditions included in the staff report supported approval of the proposed project.

#### **E. Action**

The Zoning Administrator approved the requested Conditional Use Permit (UP24-003) based on the findings and subject to the conditions included in the staff report.

The Zoning Administrator noted that any aggrieved party may appeal these decisions 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

**March 6, 2024 at 5:00 p.m.** Both of the projects approved today shall become effective at the end of the appeal period.

*Margaret Kavanaugh-Lynch*

February 29, 2024

Margaret Kavanaugh-Lynch, Acting Zoning Administrator

Date