



DATE: June 14, 2018
TO: City Council
City Manager
Community Development Director
FROM: Steve Marshall, Zoning Administrator
SUBJECT: Zoning Administrator's Hearing of June 14, 2018

Community Development Dept.
Planning Division
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NEW ITEM:

- 1. ACTIVE AUTO SALES
CEQA CATEGORICALLY EXEMPT: SECTION 15301
P2018-019; USE PERMIT
APN 160-202-04; 399 ENTRADA DRIVE**

Conduct a public hearing and potentially approve a request for a use permit to allow Active Auto Sales to sell used cars and operate a business office within an existing building at 399 Entrada Drive.

PRESENT

Olaf Becker, Active Auto Sales (Applicant)
Raoul Isaac, Property Owner Representative
Kristina Phung, Planner I

PUBLIC HEARING

Zoning Administrator Marshall opened the public hearing.

Mr. Becker confirmed receiving the project staff report. He had no questions or concerns about the recommended conditions of approval.

The public comment period was opened. No comments were made regarding the proposal.

Zoning Administrator Marshall approved the use permit allowing Active Auto Sales to sell used vehicles at 399 Entrada Drive, based on the findings and conditions of approval recommended in the staff report.

Zoning Administrator Marshall noted there is an appeal period of ten (10) calendar days.

FINDINGS

1. CEQA Finding

The request for a use permit to allow the operation of a used car sales business at 399 Entrada Drive is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15301, *Existing Structures*.

CEQA Guidelines Section 15301 exempts projects involving the minor alteration of existing structures. Active Auto Sales is proposing minor alterations and renovations to the exterior and interior of the existing building and parking lot improvements including new asphalt and landscaping. The interior/exterior tenant improvements and site improvements are considered to be minor in nature and would not have a negative impact on the environment.

2. Use Permit Findings

In accordance with Sections 19.42.050E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Active Auto Sales to operate a used car sales business on the basis of the following findings as supported by the facts discussed in the staff report, incorporated by reference herein, and subject to the conditions of approval specified below.

- a. The proposed use is consistent with the General Plan and any applicable specific plan;
- b. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;
- c. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
- d. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
- e. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

ACTION TAKEN

In accordance with Section 19.42.050E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Active Auto Sales to sell used vehicles at 399 Entrada Drive, subject to the conditions of approval specified below.

CONDITIONS OF APPROVAL

The following conditions of approval shall be met to the satisfaction of the Zoning Administrator:

1. This Use Permit approval shall expire two (2) years from the date of approval unless the activity authorized therein has commenced operation.
2. Any alteration of the approved use and/or site shall be submitted in writing and approved by the Planning Division prior to such changes being made.
3. Outdoor storage of inoperable vehicles and/or related equipment shall be prohibited.
4. A sign permit shall be obtained prior to the installation of any exterior building signage, subject to the review and approval of the Planning Division.
5. A final landscape plan shall be approved by the Planning Division prior to issuance of a building permit.
6. All landscaped areas shall be provided with an automatic sprinkler system in compliance with ZO Section 19.30.070.H.4.
7. The placement and use of a temporary office structure for auto sales is permitted upon issuance of a building permit from the Novato Building Division. The temporary office may be used until a certificate of occupancy has been granted upon completion of building renovations. The temporary office structure shall be removed from the property within ten days of issuance of the certificate of occupancy or expiration of the building permit, whichever occurs first.
8. Hours of construction shall adhere to NMC Sec. 19.22.070 and be limited between 7 A.M. and 6 P.M. on weekdays and 10 A.M. and 5 P.M. on Saturday. No construction is allowed on Sundays or official federal national holidays, except otherwise authorized by the Community Development Director.
9. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City's Cost Base Fee System. Failure to pay said fees may result in the City withholding

issuance of related building permits, certificate of occupancy, recordation of final maps or other entitlements.

10. Company regulations shall not override the conditions of the Use Permit as issued by the City of Novato.

The following conditions must be met to the satisfaction of the Novato Fire Protection District:

11. Automatic fire sprinkler system is required per NFPA Standard #13. An automatic fire sprinkler system is required to be installed conforming to NFPA Standard #13. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District to apply for fire service connection. Additional sizing may be required due to available pressures and fire flow.
12. Fire lane(s) required. 'No parking fire lane' curbs and signs shall be installed in accordance with NFD Standard #204, as required by the Fire Marshal.
13. Knox Key Access Required. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection Standard #202.
14. Substantial Remodel defined. Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams, or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms, affected by such changes shall be included in the computing floor areas for the purpose of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.
15. Substantial remodel of wall and/or ceiling coverings. When the wall or ceiling coverings (i.e. gypsum board, plaster, sheetrock, etc.) are removed, altered, modified, or added to, a lineal foot calculation of existing versus improved coverings shall be completed.
16. Address number requirements. The address number shall be posted clearly visible from the street with numerals illuminated and contrasting color to their background conforming to Novato Fire Protection Standard #205.
17. No hazardous materials storage agreement required. A 'No Hazardous Materials Storage' agreement shall be incorporated into the rental agreements for the premises.

18. California Building Code and State Fire Marshal Building Standards and Regulations, conformance required. The facility and improvements shall comply with California Building Code and State Fire Marshal building standards and regulations.
19. Portable fire extinguishers required. Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9.

The following conditions must be met to the satisfaction of the North Marin Water District:

20. The project must conform to District Regulation 15 - Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
21. Cross-connection and backflow protection. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District's Regulation 6 and California Department of Health Regulations. Upon installation, an inspection report (device testing) must be completed and returned to the District prior to the commencement of business activities.
22. Indemnity and Time Limitations
 - a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
 - b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
 - c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
 - d. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.

- e. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

FURTHER ACTION

No further action on the application will be taken unless an appeal is filed in writing within ten calendar days, along with the required filing fee.