



DATE: September 26, 2019  
TO: City Council  
City Manager  
Community Development Director  
FROM: Steve Marshall, Zoning Administrator  
SUBJECT: Zoning Administrator's Hearing of September 26, 2019

**NEW ITEM:**

**IGLESIA CRISTO ES LA PUERTA RELIGIOUS FACILITY  
CEQA CATEGORICALLY EXEMPT: SECTION 15301  
P2019-066; USE PERMIT APN 140-131-20;  
1557 SOUTH NOVATO BOULEVARD, SUITE "I"**

The Iglesia Cristo es la Puerta ("Applicant"), a community based church, is requesting a use permit to allow a religious facility in an existing suite at 1557 South Novato Boulevard, Suite I. The operation of this church would be within an existing vacant tenant suite. There are no proposed exterior or interior modifications proposed as a part of this use permit application.

**PRESENT**

Vivek Damodaran, Planner II

**PUBLIC HEARING**

Zoning Administrator Marshall opened the public hearing.

No representative of the applicant or members of the public attended the hearing.

The public hearing was closed.

No written correspondence was received in response to the application.

Zoning Administrator Marshall made the following findings based on the analysis contained in the project staff report.

**FINDINGS**

**1. CEQA Finding**

The Applicant's request for a use permit to establish a religious facility in an existing

building 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 Facilities. CEQA Guidelines Section 15301 exempts projects consisting of the operation of private facilities that involve negligible or no expansion.

The religious facility is an allowed use at 1557 South Novato Boulevard, Suite I with approval of a use permit. The proposed religious facility includes using the tenant space as a meeting area for services, bible study and religious events. This proposal involves a change in use and minor tenant improvements with no building expansion(s).

## **2. Use Permit Findings**

In accordance with 19.42.050.E of the Novato Municipal Code, the Novato Zoning Administrator made the following findings as supported by the facts discussed in the staff report.

- 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 the 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 19.42.050.E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Iglesia Cristo es la Puerta to allow the for the use of Suite I at 1557 South Novato Boulevard as a religious facility 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. 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, and recordation of final maps or other entitlements.
3. A Sign Permit shall be obtained through the Planning Division prior to the installation of any exterior building signage, subject to the review and approval of the Community Development Director.

The following conditions of approval shall be met to the satisfaction of the *North Marin Water District*:

4. The project must conform to District Regulation 15 or 17 - Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
  - a. *For the full scope of the required water conservation measures for both indoor fixtures/appliances and landscaping refer to Regulation 15 or 17 (section e. and f.) at [www.nmwd.com](http://www.nmwd.com). Please contact the District Water Conservation Coordinator at (415) 761-8933 if you have any question regarding clarification of required water conservation measures or plan submittal requirements.*

### **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 (10) calendar days, along with the required filing fee.