



CITY OF NOVATO
COMMUNITY DEVELOPMENT

DATE: August 26, 2021

TO: City Council
City Manager
Community Development Director

FROM: Steve Marshall, Zoning Administrator

SUBJECT: Zoning Administrator's Hearing of August 26, 2021

NEW ITEM:

**DRY KINGS BUSINESS SUPPORT SERVICE
CEQA CATERGORICALLY EXEMPT: SECTION 15301
P2021-073; USE PERMIT; APN 160-161-02
300 ENTRADA DRIVE**

Dry Kings is requesting a use permit to allow for a cleaning, drying and restoration business support service at 300 Entrada Drive (APN 160-161-02).

PRESENT

Jenny Sharpe, Applicant
Vivek Damodaran, Planner II

PUBLIC HEARING

Zoning Administrator Marshall opened the public hearing.

Zoning Administrator Marshall confirmed the applicant had an opportunity to consider the staff report and reviewed the recommended conditions of approval.

Jenny Sharpe confirmed receiving the staff report and conveyed to staff that there were no objections regarding the recommended conditions of approval.

Zoning Administrator Marshall opened the public comment period.

No members of the public attended the hearing, and the public comment period was closed.

Zoning Administrator Marshall confirmed no written comments were received regarding the proposal.

Zoning Administrator Marshall stated he was approving the use permit based on the findings in the staff report and applying the recommended conditions of approval.

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

The public hearing was adjourned.

FINDINGS

1. CEQA Finding

The Applicant's request for a use permit to allow for a business support service use that includes tenant improvements 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 that involve interior modifications or alterations, such as interior partitions and plumbing. Business support services are an allowed use at 300 Entrada Drive with approval of a use permit. This proposal involves a change in the use of the existing tenant suite with minor tenant improvements and no new building expansion(s).

2. Use Permit Findings

In accordance with Section 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 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 NMC Section 19.42.050.E (Use Permit – Findings and Decision), the Zoning Administrator hereby makes the required findings and grants a use permit allowing Dry Kings to operate a business support service at 300 Entrada Drive as described in its application materials, subject to the conditions of approval listed 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 herein 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.
4. Noise associated with this land use approval shall not exceed maximum allowable exterior noise levels codified in NMC Section 19.22.070 (Noise and Construction Hours).
5. Waste generated at job sites shall be disposed of appropriately at liquid waste, solid waste, or recycling facilities and shall not be stored at the subject location to avoid any dust, odor, nuisance or potential hazard issues.

The following conditions of approval shall be met to the satisfaction of the Novato Building Division:

6. Any tenant improvements are subject to a building permit. Tenant improvements will be reviewed to ensure that the proposed occupancy is consistent for the building construction type, and the adjacent occupancies.

The following conditions of approval shall be met to the satisfaction of the North Marin Water District (NMWD): Please contact the NMWD at (415) 897-4133 if you have questions about these requirements:

7. The project must conform to NMWD Regulation 15 (Mandatory Water Conservation Measures). Occupancy approval shall not be granted until compliance with water conservation measures, as applicable can be verified. For the full scope of the required water conservation measures for both indoor fixtures/appliances and landscaping refer to NMWD Regulation 15 or 17, Section (e.) and (f.) at www.nmwd.com Please contact the NMWD Water Conservation Coordinator at (415) 761-8933 if you have any questions regarding clarification of the required water conservation measures or plans submittal requirements.
8. An above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with NMWD Regulation 6 and the California Department of Health Regulations (Title 17). Upon installation an inspection report (device testing) must be completed and returned to the NMWD prior to the commencement of business activities. Please contact the NMWD Backflow Department at (415) 761-8974 or backflow@nmwd.com if you have questions about these requirements.

The following conditions of approval shall be met to the satisfaction of the Novato Fire Protection District (NFPD).

9. 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. Changes,

alterations, or use including high piled storage in and to the building that effect Fire Sprinkler coverage shall be evaluated by a qualified licensed contractor. If alterations are required to the Fire Sprinkler System, a separate submittal of plans, permits and fees shall be submitted directly to NFD.

10. All automatic fire sprinkler and fire alarm systems, flow switches, and control valves shall be monitored by an approved UL Central Station company, zoned, and enunciated as required by the Novato Fire District and Fire Protection Standard 400.
11. Fire Hydrants shall be painted Rustoleum high gloss yellow or equal. Hydrants shall have a blue reflective roadway marker installed per NFD Standards.
12. Roadways and driveways shall have a minimum clearance of not less than 20 feet horizontal by 14 feet vertical clearance. No object shall encroach into this horizontal and vertical plane.
13. All driveways and parking areas shall accommodate Novato Fire District apparatus turning radius per NFD standards.
14. An approved fire gate shall be located by the Fire Marshal, and installed conforming to NFD Standard 221.
15. 'No parking fire lane' curbs and signs shall be installed in accordance with NFD Standard 204, as required by the Fire Marshal. Fire Lanes shall be updated as necessary.
16. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection Standard 202.
17. The business shall create and maintain a pre-plan per Fire Protection District ordinance.

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.