



**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR/PLANNING COMMISSION
Ligaya Day Services Use Permit**

Recommendation: **Approval**
Hearing Date: **August 31, 2018**

Application No(s):	P2011	Owner(s):	Robin Indelicato
Agenda Item:	1	Assessor's Parcel No(s):	179-311-23
Last Date for Action:	8/30/18	Property Address:	70 San Pablo Avenue
		Project Planner:	Lorraine Weiss, Planner
		Signature:	
Countywide Plan Designation:	GC (General Commercial/Mixed Use, F.A.R. = 0.10 to 0.20)		
Community Plan Area:	Santa Venetia Community Plan		
Zoning District:	C1 (Retail Business Zone District)		
Environmental Determination:	Exempt per CEQA Guidelines section 15301, Class 1		

PROJECT SUMMARY

The applicant requests Use Permit approval to allow an adult day care facility in unincorporated San Rafael. The adult day care service would provide a day program to serve adults with intellectual and developmental disabilities within an existing 3,300 square foot tenant space on the property. There are no changes proposed to the exterior of the building. The proposed hours of operation are 8:00 am to 4:00 pm on Monday to Friday, and closed on some holidays. One handicapped accessible van parking space is provided to pick up participants from their homes and drop them off at Ligaya Day Services site. Once picked up, participants will be dropped off at Ligaya Day Services between 8:15 am to 9:15 am. Pick up time will be from 2:00 pm to 3:30 pm to return participants to their homes.

Use Permit approval is required because the project is in the C1 Retail Business Zone District, and because the use may be conditionally permitted.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Adjacent Land Uses: The adjacent parcel to the north is an eating establishment, to the south is multiple family residential use, to the east is a single family residential use, and to the west a retail grocery store.

Topography and Slope: Generally flat with an average slope of approximately 4 percent.

Existing Vegetation: Perimeter landscaping only.
Environmental Hazards: None identified.

The Ligaya Day Services site is located two parcels in and on the east side of San Pablo Avenue. This is a side street off of the major roadway, North San Pedro Road. The areas to the east and southeast are developed with residential communities while the areas to the north and west are retail commercial properties.

BACKGROUND

The application was originally submitted on May 1, 2018 and transmitted to the Department of Public Works (DPW). DPW replied that prior to issuance of a building permit, the plans must show the accessible parking, signage and exterior path of travel and demonstrate that all aspects comply with current accessibility requirements.

After the application was deemed complete on June 28, 2018, public notice was distributed to the surrounding area. No comments have been received from the Santa Venetia Neighborhood Association or any members of the public.

KEY ISSUES

The Development Code does not have a use identical to that proposed. However, of the conditional uses listed for the C-1 retail business zoning district, both community center and medical – extended care facilities, have certain similarities to the proposed adult day care facility. The only differences are that the proposed use is a day service only and does not include extended care or beds. A nurse is on site to provide nursing aid to those who need assistance. In addition, this service is specifically for adults with intellectual and developmental disabilities.

While the applicant has proposed hours of operation and specific pick up and drop off times, we do not recognize that the Deputy Zoning Administrator impose specific hours or pick up and drop off times so as not to restrict or limit the hours in case the business wishes to have activities into the night. Given the commercial location near a major intersection, nighttime hours would not disrupt the community.

PUBLIC COMMENT

At the time of preparing this decision, there were no public comments received on this project.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Ligaya Day Services Use Permit with following condition:

Attachments:

1. Recommended resolution
2. Project plans
3. CEQA exemption
4. Department of Public Works Inter-Office Memorandum, dated May 16, 2018

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE LIGAYA DAY SERVICES USE PERMIT

70 San Pablo Avenue, San Rafael
ASSESSOR'S PARCEL: 179-311-23

SECTION I: FINDINGS

1. **WHEREAS**, Maribeth Lucero, on behalf of the owners, Robin Indelicato, has submitted a Use Permit application for Ligaya Day Services. The property is located at 70 San Pablo Avenue, in unincorporated San Rafael, and is further identified as Assessor's Parcel 179-311-23. The adult day care service would provide a day program to serve adults with intellectual and developmental disabilities within an existing 3,300 square foot tenant space. The program will reinforce existing activities of daily living skills and identify supports and accommodations that will help program participants maintain independence and choice within their lives. There are no changes proposed to the exterior of the building. The proposed hours of operation are 8:00 am to 4:00 pm on Monday to Friday, and closed on some holidays. One handicapped accessible van is provided to pick up participants from their homes and drop them off at Ligaya Day Services site. Once picked up, participants will be dropped off at Ligaya Day Services between 8:15 am to 9:15 am. Pick up time will be from 2:00 pm to 3:30 pm to return participants to their homes.

2. **WHEREAS**, on August 16, 2018, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Class 3 because it does not result in potentially significant impact on the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
 - F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 - G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
 - H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
5. **WHEREAS**, the project is consistent with the goals and policies of the Santa Venetia Community Plan for the following reasons:
- A. The project is consistent with the land use and community character policies, including LU-5, Commercial Business, because the new tenant and business is a local-serving business.
 - B. The project is consistent with the land use and community character policies, including CIR-3, Alternative Transportation Modes, because the new business provides a van to pick-up and drop-off program participants, and for use for community outings associated with the service.
6. **WHEREAS**, the project is consistent with the mandatory findings for Conditional Use Permit approval (Marin County Code Section 22.48.040).
- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.**

The adult services use, which is similar to a medical service use, though without extended care beds is conditionally permitted in the C-1 Retail Business zoning district, with Use Permit approval.
 - B. The proposed use is consistent with the Countywide Plan and any applicable Community Plan.**

The project is consistent with the Countywide Plan as discussed in Finding 4A-H above, and the Santa Venetia Community Plan as discussed in Finding 5A-C above.

C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The project would not expand the floor area of the tenant space at the subject site, impact traffic congestion consistent with the Countywide Plan as discussed in Finding 5C above. As there are no changes proposed to the exterior of the building, the proposed project would not result in significant adverse visual impacts.

D. That granting the Conditional Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The project would not result in adverse effects to the community because it would not result in impacts related to noise, parking, or traffic. While the applicant has proposed hours of operation and specific pick up and drop off times, we do not recognize that the Deputy Zoning Administrator impose specific hours or pick up and drop off times so as not to restrict or limit the hours in case the business wishes to have activities into the night. Given the commercial location near a major intersection, nighttime hours would not disrupt the community.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The project is located on commercial land and is several hundred feet from the nearest residence which allows for appropriate separation between buildings. Minimal perimeter landscaping exists on the site and vegetation removal is not proposed.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Ligaya Day Services Use Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Use Permit approval authorizes the Ligaya Day Services, an adult day care facility to provide a day program to serve adults with intellectual and developmental disabilities within an existing 3,300 square foot tenant space. The program will reinforce existing activities of daily living skills and identify supports and accommodations that will help program participants maintain independence and choice within their lives. There are no changes proposed to the exterior of the building. One handicapped accessible van will be provided to pick up participants from their homes and drop them off at Ligaya Day Services site. The property is located at 70 San Pablo Avenue, in unincorporated San Rafael, further identified as Assessor's Parcel 179-311-23.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Ligaya Day Services," consisting of two sheets prepared by Avila-Bunch Architects, Inc., received in final form on June 27, 2018, and on file with the Marin County Community Development Agency.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permit, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision September 13, 2018.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 31th day of August 2018.

THOMAS LAI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary