



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR HOUSING AUTHORITY TEMPORARY USE PERMIT (08-19)

Item No:	C2	Application No:	UP 08-19
Applicant:	Environmental Education Council of Marin	Owner:	Housing Authority of the County of Marin
Property Address:	Drake & Donahue Street, Marin City	Assessor's Parcel:	052-140-41
Hearing Date:	May 15, 2008	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	May 29, 2008
LAST DATE FOR ACTION:	June 16, 2008

The applicant is requesting a Temporary Use Permit to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. As proposed, the fresh produce stand will be open 4:00-8:00 pm on Fridays and/or 10:00 to 2:00 Saturdays from April through October. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community. Tables and awnings will be set up and taken down each day, and area will be cleaned up after hours of sales. No modifications to the site are proposed. The subject property is located at **Drake and Donahue Street, Marin City**, and is further identified as **Assessor's Parcel 052-140-41**. A Temporary Use Permit is required since a produce stand is a new land use not specifically allowed in a multi-family residential planned district.

GENERAL INFORMATION:

Countywide Plan:	MF4.5 (Multi-family, 11-30 units/1-5 acres)
Zoning:	RMP-13 (Residential, Multi-family Planned, 13 units/acre)
Community Plan:	Marin City Community Plan
Lot size:	26.4 acres
Adjacent Land Uses:	Public housing
Vegetation:	Urban park with landscaped lawn
Topography and Slope:	Flat
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

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The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15304e, Class 4 of the CEQA Guidelines because it is a minor temporary use that entails no alteration of the land and would have no adverse environmental impacts.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 300 feet of the subject property. The Community Development Agency has received no adverse comments from the public regarding this project.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan because it will provide low-income residents with increased access to healthy food and will not result in any alteration of the land. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The approximately 26.4-acre subject property is an affordable public housing development at 103 Drake Avenue in Marin City, just south of the southbound U.S. Hwy 101 exit to Marin City and Sausalito. The site is developed with several multi-family residential buildings in the 296-unit Golden Gate Village owned by the Housing Authority of the County of Marin (MHA.) The nonprofit Environmental Education Council of Marin is requesting a Temporary Use Permit to set up a fresh produce stand on Fridays from 4:00 – 8:00 pm on Fridays and/or Saturdays from 10:00 to 2:00. They will be the sole vendors and responsible for setting up and taking down the tables and awnings each day of operation.

The proposed produce stand will be located in the MHA park on the southeast corner of Drake and Donahue Streets. The park includes two playgrounds, tennis court, basketball court, and picnic tables. The produce stand will be set up in the grassy area between the two playgrounds and adjacent to the Golden Gate Village parking lot. The primary table for the produce stand will be set up next along the sidewalk, which is handicap accessible. The proposed project will be similar to the pilot produce stand that was set up near the tennis courts along Drake Avenues in 2007. There are 15 parking spaces along Drake Ave and the Marin City Golden Gate Village Resident Council has given permission for customers of the produce stand to use two parking spaces in their parking lot.

The intent of planned districts is to allow flexibility land use that will benefit the public welfare. The proposed temporary use permit would provide fresh produce to the community, items which are not readily available in Marin City. Staff has determined that the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Temporary Use Permit findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Housing Authority Temporary Use Permit.

- Attachments:
1. Proposed Resolution recommending approval of the Housing Authority Temporary Use Permit
 2. Location Map
 3. Assessor's Parcel Map
 4. Project Plans
 5. Department of Public Works, Land Use Division Memo, 4/24/08
 6. Marin Municipal Water District Letter, 4/18/08
 7. Marin County Fire Department Email, 4/11/08
 8. Marin County Environmental Health Services Memo, 4/9/08
 9. Marin City Golden Gate Village Resident Council letter 2/4/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-____

A RESOLUTION APPROVING WITH CONDITIONS
THE HOUSING AUTHORITY TEMPORARY USE PERMIT

DRAKE AND DONAHUE STREETS, MARIN CITY
ASSESSOR'S PARCEL 186-072-01

SECTION I: FINDINGS

- I. WHEREAS the Environmental Education Council of Marin, on behalf of the owners, Marin Housing Authority, is requesting a Temporary Use Permit to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. As proposed, the fresh produce stands will be open 4:00-8:00 pm on Fridays and/or 10:00 to 2:00 Saturdays from April through October. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community. Tables and awnings will be set up and taken down each day, and the area will be cleaned up after hours of sales. **The subject property is located in the public park at Drake and Donahue Streets, Marin City, and is further identified as Assessor's Parcel 052-140-41.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 15, 2008, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15304e, Class 4 of the CEQA Guidelines because it is a minor temporary use of the land having negligible or no permanent effects on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (MCP) for the following reasons:
 - A. The project will provide Marin City residents with access to healthy foods. The County places a high priority on supporting neighborhood-oriented farmers' markets, particularly for low-income residents. All families, seniors, schools, and community-based organizations should be able to access, purchase, and increase intake of fresh fruits, vegetables, and other nutritious foods. (MCP Public Health Policy 1.b.)
 - B. The project will not adversely affect the residential areas, public area, or natural resources in the project vicinity.
 - C. The project will comply with Marin County standards for access and parking.
 - D. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

- E. The project will be situated in a landscaped neighborhood park and will not disturb soil or vegetation.

- V. WHEREAS the proposed project would be consistent with the goals of the Marin City Community Plan to preserve and enhances both the existing community and its natural setting, to meet the needs of Marin City residents, and to foster a sense of community identity. (Social Goals 4.1.1.)

- VI. WHEREAS, the subject project is similar to and compatible with the zoned multiple family residential use and surrounding land use, it is an allowable temporary use under Section 22.50.040G of the Marin County Development Code.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Temporary Use Permit per Section 22.50.060 of the Marin County Development Code can be made as described below.

A. The establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The proposed project would not generate any activities that are detrimental to the public or adjoining property owners and residents. The project will be served by fifteen on-street parking spaces and two spaces within the Housing Authority parking lot, which based on parking studies for the proposed Marin City Flea Market, would be adequate to serve the hours and days of this proposed temporary use. There are two handicap parking spaces immediately adjacent to the proposed project site. No adverse comments regarding the proposed project have been received by Community Development Agency staff.

B. 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 County.

The proposed project will be a temporary adjunct use to the current park area and will not result in a permanent structure. With limited hours of operation, the project will not substantially impinge on existing uses of the park. The location of the produce stand within the public housing site is valuable for improving the residents' access to healthy foods. Further, the proposed project's proximity to the entrance of Marin City makes it more accessible to the rest of the community.

C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by the Marin County Development Code.

There will be no permanent structures set up for this project; the site will be restored to its original state after each use. Each day of operation, the applicant will set up and take down the few tables and awnings, and clean up.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin Housing Authority Temporary Use Permit (UP 08-19) subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. Pursuant to Chapter 22.50 (Temporary Use Permits) of the Marin County Development Code, the Marin Housing Authority Temporary Use Permit is approved for the Environmental Education Council of Marin to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. This location shall conform to plans identified as Exhibit "A" - Environmental Education Council of Marin, prepared by Ken's Drafting Service, received March 28, 2008, and on file in the Marin County Community Development Agency, Planning Division. The subject property is located in the public park at the corner of Drake and Donahue Streets, Marin City, and is further identified as Assessor's Parcel 052-140-41.
2. This temporary use is approved to begin immediately through October 31, 2008, and again from April 1 through October 31 for the following four years. The produce stand is approved to be open to the public Friday from 4:00 p.m. to 8:00 p.m. and Saturdays from 10:00 p.m. to 2:00 p.m. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community.
3. Tables and awnings will be set up and taken down each day of operation. The project site shall be cleaned of debris, litter, or any other evidence of the temporary use at the end of the hours of sales each day.
4. Applicant shall obtain the necessary seasonal fruit vendor permit from Marin County Department of Environmental Health Services.
5. Applicant shall obtain the required California Fire Code Permit for tents and awnings. This can be obtained from the Marin County Fire Department or Woodacre Fire Station.
6. In accordance with the Americans with Disabilities Act, the produce stand shall be accessible to persons with disabilities. This can be achieved by locating the main tables along the sidewalk.

All signage shall be placed on the subject property and outside of the County road right-of-way along Drake Street. ?]

7. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division in writing for review and approval before the contemplated modifications may be initiated.
8. This Temporary Use Permit shall be vested by the operation of the produce stand consistent with the terms of the approval and shall remain through October 31, 2012, unless the terms of this permit approval are violated or the approved use is carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or

working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Temporary Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.50 of the Marin County Code.

9. The applicant/owner hereby agree to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval, for which action is brought within the applicable statute of limitations.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Temporary Use Permit approval by operating the produce stand and complying with all conditions of approval. Upon completion of the requirements to vest this application, the Temporary Use Permit shall remain valid for **five years** as long as all the terms of this permit are maintained.

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 29, 2008**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May 2008.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Delete

No project CEQA exemption:

The proposed use will result in no potentially significant impacts on the environment. Further, since this project will not result in direct or reasonably indirect physical change in the environment, it does not meet the definition of a “project” as defined by Section 15378 of the California Environmental Quality Act Guidelines and is not subject to CEQA review.

WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed use will not result in direct or reasonably indirect physical change in the environment, it does not meet the definition of a “project” as defined by Section 15378 of the California Environmental Quality Act Guidelines and is not subject to CEQA review.

- F. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard; - n.a.?

- G. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works; - n.a.?

The stand will be publically accessible.

As a conditional temporary use, the project would be consistent with an accessory use of the RMP-13 (Residential, Multi-family Planned, thirteen units per acre density) land use designation;

CWP: this is a high priority:

Goal PH-1.1. Promote Nutrition Education and Access to Healthy Foods. Specifically Policy PH-1.b Increase Access to Healthy Foods. The county places a high priority on supporting neighborhood-oriented, specific sources of healthful foods, such as farmers’ markets and local outlets, particularly for low-income residents so that all. The intent is that all families, seniors, schools, and community-based organizations are able to access, purchase, and increase intake of fresh fruits, vegetables, and other nutritious foods.

Location is readily accessible to other residents in Marin City.

The proposed project will be similar to the pilot stand that was set up last year at the same location.

The applicant is requesting a Temporary Use Permit to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. As proposed, the fresh produce stands will be open 4:00-8:00 pm on Fridays and/or 10:00 to 2:00 Saturdays from April through October. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to Marin City residence. Tables and awnings will be set up and taken down each day, and area will be cleaned up after hours of sales. The applicant has permission from the Marin City Golden Gate Village Resident Council for parking, (see attached letter.)

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a **Use Permit** per Section 22.48.040 of the Marin County Development Code can be made as described below.

- D. 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 existing garage is a principally permitted accessory use within the governing R-1:B-4 zoning district. Pursuant to Marin County Development Code Section 22.20.060(F.2), a detached accessory structure in this zoning district may exceed the 15 foot height limit with Use Permit approval, provided the structure does not exceed a 30% maximum floor area ratio (FAR). The project will result in a FAR of 4.8%.

- E. The proposed use is consistent with the Countywide Plan and applicable Community Plans.**

Please see Section IV above.

- F. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).**

Please see Section III above.

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

The proposed project will be an adjunct use to the current park and playground area and will not result in a permanent structure or disruption of existing park facility. of a height, mass, and bulk proportionately appropriate to the site. With limited hours of operation, the project will not substantially impinge on existing uses of the park.

- H. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.**

The exterior walls of the office will match the wood shingles of the existing garage, which is architecturally compatible with the single-family residence on the property and consistent with the residential character of the neighborhood.

- I. Granting the 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 proposed project will be required to meet Uniform Building Code standards and, therefore, would be constructed in a manner that would be structurally safe, and would preclude potential injury to improvements on the subject property and neighboring properties. Furthermore, the project will not require any tree removal, nor obstruct any adjacent neighbor's views, air, light, or privacy.

Nonprofit, providing service to residents and Marin City community. Fresh product not readily available to resident of Marin City.