

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – May 29, 2008

Hearing Officer Jeremy Tejrjian, AICP

Staff Present: Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.
Adjourned at 9:05 A.M.

May 29, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Peace Lutheran Church (TAM CSD)

Application (type and number): Use Permit (UP 08-26)

Assessor's Parcel Number: 052-062-05

Project Location: 205 Tennessee Valley Road, Mill Valley

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: May 29, 2008

DETERMINATION: Approved with Conditions

Minutes of the May 29, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-19.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

C1. USE PERMIT (UP 08-26): PEACE LUTHERAN CHURCH (TAM CSD)

Hearing requesting Temporary Use Permit approval to allow a Farmers Market to operate weekly on Tuesday afternoons from 3:30 to 7:30 p.m. from June 10 to October 7, 2008. The Farmers Market would consist of no more than 20 fully licensed and self-contained vendors selling fruits, vegetables, and flowers as well as arts and crafts. It is anticipated that 250 to 300 customers would attend the market weekly. Parking would be provided at the church and at two overflow parking lots located within a ¼ mile of the project site. Circulation will be directed in a one-way pattern extending from Shoreline Highway onto Tennessee Valley Road to one of the three designated parking areas. Cars entering the project site will use the entrance near Villa Garden Drive, and proceed in a one-way loop through the parking lot, back to Tennessee Valley Road. Parking and circulation will be monitored by two crossing guards. The subject property is located at **205 Tennessee Valley Road, Mill Valley**, and is further identified as **Assessor's Parcel 052-062-05**.

In response to the Hearing Officer, staff stated that the Department of Public Works merit comments were inadvertently left out of the resolution and will be added in.

The public testimony portion of the hearing was opened and closed.

The applicant was present and concurred with modifications as noted.

The Hearing Officer concurred with staff's analysis and approved the Peace Lutheran Church (TAM CSD) Use Permit, based on the Findings and subject to the Conditions in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-126

A RESOLUTION APPROVING THE PEACE LUTHERAN CHURCH TEMPORARY USE PERMIT
205 TENNESSEE VALLEY ROAD, MILL VALLEY
ASSESSOR'S PARCEL 052-062-05

SECTION I: FINDINGS

- I. WHEREAS the Tamalpais Community Services District has submitted a Temporary Use Permit application to allow a Farmers Market to operate weekly on Tuesday evenings from June 10 to October 7, 2008 from 3:30 to 7:30 p.m. On-site parking will be provided with two parking attendants/crossing guards on duty to direct customers in an orderly manner and to protect public safety. Overflow parking would be located just offsite. The property is located at 205 Tennessee Valley Road, Mill Valley and is further identified as Assessor's Parcel 052-062-05.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing May 29, 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 that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15304, Class 4(e) because it entails 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 because it is a temporary use accessory to the use of the property.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Tamalpais Area Communities Plan because:
 - A. The proposed project would retain the rural, residential character that is representative of the Tam Junction community;
 - B. The proposed project would maintain the current density of the property SF6 (Single-family, 4-7 units/acre); and
 - C. The project would provide adequate on-site parking.

VI. 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 25 on-site parking spaces, 20 overflow parking spaces located at the Tamalpais Community Services District cabin parking, and 35 overflow parking spaces located on land owned by the Marin County Flood Control District. As determined by the Marin County Department of Public Works, the proposed parking would be adequate to serve the hours and days of this proposed temporary use. There are three handicap parking spaces immediately adjacent to the Farmers Market, in the lower parking lot.

- 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 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 as the proposed project will be a temporary use, accessory to the functions of the church and will not result in a permanent structure. With limited hours of operation, the project will not impact other uses at the project site and will provide a useful community amenity.

- 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 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 Peace Lutheran Church Temporary Use Permit 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 Code, the Peace Lutheran Church Use Permit is approved to allow the Tamalpais Community Services District to run a Farmers Market to weekly for a period of one year from the date of this approval at the Peace Lutheran Church, located at 205 Tennessee Valley Road, Mill Valley. This location shall conform to the plans identified as "Exhibit A", received on May 6, 2008 and on file with the Marin County Community Development Agency, Planning Division. The subject property is located at 205 Tennessee Valley Road, Mill Valley and is further identified as Assessor's Parcel 052-062-05.
2. Prior to the expiration date for this Use Permit approval, upon payment of appropriate fees in a timely manner, this Use Permit may be extended beyond the one-year period at the discretion of the Planning Director and following review and approval.
3. Hours of operation shall not be earlier than 3:30 p.m. or later than 7:30 p.m. on Tuesdays, with setup taking place from 2:30 p.m. to 3:30 p.m. The Farmers Market is permitted to operate from June 10 to October 7, 2008.
4. All 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.
5. The applicant shall continue to retain two parking attendant for all hours of operation to ensure orderly traffic circulation.
6. A pedestrian walking path connector shall be created prior to June 10, 2008 to direct pedestrian traffic from the walking path to the southernmost entrance of the church in order to maximize public safety.
7. No customer parking shall be permitted on Tennessee Valley Road, nor in any neighbor's driveway.
8. The site shall be cleaned of debris, litter, and any other evidence of the temporary use daily.
9. Cones or signage shall be placed at the entrance to the curve on Tennessee Valley Road, east of the Log Cabin, to warn eastbound traffic of pedestrian activity ahead.

10. 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 of this Use Permit for a Farmers Market, for which action is brought within the applicable statute of limitations.
11. 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.

Marin County Department of Public Works

12. As proposed, the upper parking lot shall be used for public event parking with a minimum of 25 spaces. Overflow parking shall be provided at the Tamalpais Community Service District (TSCD) Cabin. Signage shall be provided directing drivers to overflow parking area.
13. Provide a temporary van accessible parking stall with direct, safe, and convenient access to the event area. Stall signage and markings shall comply with all State and federal accessibility requirements.
14. Temporary signage shall be installed the day of the event clearly indicating access route circulation and parking for the event, including but not limited to 'one way', 'do not enter' and overflow parking directional arrows.
15. Prior to the first day of operations, provide the name and emergency contact phone number of the on site event manager.
16. Bike parking racks shall be provided on site.
17. Prior to the event, the event contractor shall obtain an encroachment permit from DPW for traffic regulation on Tennessee Valley Road. The persons regulating traffic shall have received training and be equipped with suitable equipment. As proposed, the persons regulating traffic shall assist pedestrians to cross only at the southern driveway entrance. . Note that the encroachment permit will require liability insurance naming the County as additionally insured.
18. On the opening day, the event contractor shall contract or otherwise coordinate to have a Sheriff or CHP patrol vehicle stationed on Tennessee Valley Road to provide traffic and pedestrian supervision.

Marin County Environmental Health Services

19. Applicant need to submit application for community event to EHS at least 2 weeks before the event starts. This Certify Farmers Market (CFM) is subject to permit by EHS.

SECTION III: PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that this Temporary Use is valid until October 8, 2008.

NOW, THEREFORE BE IT FURTHER RESOLVED that 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 **June 12, 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 29th day of May 2008.

Jeremy Tejrjian, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary