



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR FRIBERG USE PERMIT AND SIGN PERMIT

Item No:	C5	Application No:	UP 07-31, SP 09-1
Applicants:	Steve Adams	Owners:	Dorothy Friberg
Property Address:	1050 Redwood Highway, Mill Valley	Assessor's Parcel:	034-071-08
Hearing Date:	July 31, 2008	Planner:	Veronica Corella-Pearson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	August 14, 2008
LAST DATE FOR ACTION:	August 5, 2008

PROJECT DESCRIPTION:

The applicant, Steve Adams, on behalf of the owner, Dorothy Friberg, is proposing to establish a business offering psychic services that will be available by appointment during the hours of 11 am to 8 pm and will employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering ¾ foot tall by ½ foot wide. The 43.5 square foot sign would be internally illuminated and would have a 1/8 inch thick aluminum cabinet, finished in off-white, with push through lettering in vinyl green. Also proposed for approval is an existing entry sign that is 6 square feet in size which reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted perpendicular to the building.

GENERAL INFORMATION:

Countywide Plan:	RS (Residential Commercial, FAR of 0.1 to 0.3)
Zoning:	RMPC-7 (Residential, Commercial Multiple Planned, 7 units/acre)
Lot size:	0.13 acres
Adjacent Land Uses:	Commercial and Residential
Vegetation:	Introduced vegetation
Topography & Slope:	Level lot
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15311, Class 11 of the CEQA Guidelines because there will be no site disturbance except for the placement of a sign which will not result in any negative impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. To date, no correspondence has been received in response to the public notice.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan. Please also refer to the plan consistency findings contained in the attached resolution.

BACKGROUND:

The property is currently developed with two residential units and an office building. The property was approved under a Use Permit in 1940 to develop the lot with office space for a contractor and real estate office and with a dwelling unit to the rear. In 1947 a Use Permit application for a photography shop was approved, and in 1953, a dwelling unit to the rear of the office space was approved.

SIGN REVIEW ANALYSIS:

The applicant is proposing a new sign which would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering $\frac{3}{4}$ foot tall by $\frac{1}{2}$ foot wide. The sign would have a total coverage of 43.5 square feet. The psychic office will occupy 792 square feet of office space, and the remainder will remain vacant and used for storage. The sign will be mounted on the front (west) elevation, which has a total length of approximately 51 feet. Also proposed for approval is an existing entry sign that is 6 square foot in size and reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted perpendicular to the building..

Under Section 22.28.060 of the Marin County Code the Sign Permit can receive ministerial approval since it is for a business on the ground floor and proposes one sign which will not exceed the aggregate of one square foot for each linear foot of wall and is less than the maximum size of 50 square feet. Yet, under sign review all signs shall be located on and parallel to the front wall of the structure. Therefore under the Conditions of Approval, staff is recommending that the sign be reattached to be parallel to the building.

USE PERMIT ANALYSIS:

The zoning for the subject property is RMPC-7 (Residential, Commercial Multiple Planned, 7 units/acre) which requires a Master Plan for Personal Service use. The building was approved under a Use Permit for a contractors and real estate office, and since then other uses have been reviewed under a Use Permit, therefore allowing for a Use Permit for the change in use to a psychic reader.

The applicant is proposing to serve only one client at a time and only between the hours of 11 am to 8 pm. The Building and Safety Division has made a preliminary determination that the Universal Building Code does not require that the office be accessible to people with disabilities because the proposed occupancy type would not be substantially changed from the previous occupancy type of the office. The use is compatible with other uses in the vicinity and the change in occupancy of the office space will not result in exterior alterations of the facade which would be in conflict with the zoning district.

RECOMMENDATION:

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

Attachments:

1. Proposed Resolution recommending approval of the Friberg Use Permit (UP 07-6) and Sign Permit (SP 09-1)
2. CEQA Exemption
3. Location Map
4. Site Plan and Front Elevation
5. Floor Plan, Upper Level
6. Floor Plan, Lower Level
7. Sign Cabinet Details
8. Marin Municipal Water District, letter dated 8/14/07
9. Department of Public Works – Land Development, memo dated 7/24/08
10. Picture of sign to be legalized

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE FRIBERG USE PERMIT (UP 07-6) AND
SIGN PERMIT (SP 09-1)
1050 REDWOOD HIGHWAY, MILL VALLEY
ASSESSOR'S PARCEL 034-071-08

SECTION I: FINDINGS

- I. WHEREAS Steve Adams, on behalf of the owner, Dorothy Friberg, is proposing approval to establish a business offering psychic services that will be available by appointment during the hours of 11 am to 8 pm and will employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering $\frac{3}{4}$ foot tall by $\frac{1}{2}$ foot wide. The sign would be internally illuminated and would have a $\frac{1}{8}$ inch aluminum cabinet, finished in off-white, with push through lettering in vinyl green. Also proposed for approval is an existing entry sign that is 6 square feet in size which reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted perpendicular to the building. The subject property is located at 1050 Redwood Highway, Mill Valley, and is further identified as Assessor's Parcel 034-071-08.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 31, 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, pursuant to Section 15311, Class 11 because there will be no site disturbance except for the placement of a sign which will not result in any negative impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
 - A. The project does not entail work which will trigger the *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources and special-status species (*CWP Policies BIO-1.1 and BIO-1.3 through 1., BIO-2.1, and BIO-2.2.*).
 - B. The project will not impact ecotones, natural transitions between habitat types and private open space e, or any corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4.*).
 - C. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1.*).
 - D. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4.*).

- E. The project avoids hazardous geological areas and will not trigger a Building Permit which requires conformance to the County earthquake standards (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
 - F. The project does not propose work which require compliance with CWP fire protection policies (*CWP Policy EH-4.1, EH-4.2, EH-4.c through EH-4.f, EH-4.,h and EH-4.n*).
 - G. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
 - H. The project does not propose exterior lighting (*CWP Policy DES-1.h*).
 - I. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
 - J. The project does not entail work which requires compliance with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a **Use Permit** per Section 22.48.040 of the Marin County Code can be made for the following reasons:

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 proposed improvements conform to the RMPC-7 (Residential, Commerical Multiple Planned, 7 units/acre) zoning district standards which allows for personal services as a conditional use. The site was developed in 1940 under a Use Permit for a contractors and real estate office, and since then other uses have been reviewed under a Use Permit, therefore allowing for a Use Permit for the change in use to a psychic reader.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

Please see Section IV above.

C. 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.

D. 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 psychic services will not impact the existing character of the neighborhood or prevent future land uses in the vicinity since it entails a diminutive amount of public traffic and proposes a sign which meets all the requirements for granting a Sign Permit.

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

The proposed use would not result in any changes to the exterior of the building except for the installation of a sign which meets the requirements for granting a Sign Permit under 22.28.010.4.a.

F. That 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 project proposes no work that would impact development on the site or result in health hazards to the public. The proposed Use Permit will not result in a change in a intensity of use from that of previous tenants and therefore requires no Use Permit from the Building Department and the space will continue to be used as an office with no exterior modification which require a Building Permit and conformance to Title 24. Therefore, the proposed project will not result in work which allows the County to request improvements to improve access to the property for ADA compliance.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with Section 22.28.060 of the Marin County Code the Sign Permit can receive ministerial approval since it is for a business on the ground floor and proposes two signs which will not exceed the aggregate of one square foot for each linear foot of the wall and is less than the maximum size of 50 square feet.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Friberg Use Permit and Sign Permit subject to the following conditions:

Community Development Agency – Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) and 22.28.070 of the Marin County Code, the Friberg Use Permit and Sign Permit is approved for a business offering psychic services that would be available by appointment during the hours of 11 am to 8 pm and employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering $\frac{3}{4}$ foot tall by $\frac{1}{2}$ foot wide. The sign would be internally illuminated and would have a $\frac{1}{8}$ inch aluminum cabinet, finished in off-white, with push through lettering in vinyl green. Also approved is an existing entry sign that is 6 square feet in size which reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted perpendicular to the building. The subject property is located at 1050 Redwood Highway, Mill Valley and is further identified as Assessor's Parcel 034-071-08.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled "1050 Frontage Road, Mill Valley" Residence," consisting of 4 sheets prepared and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

- a. The entry sign reading “Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards,” mounted perpendicular to the front elevation of the building shall be reaffixed to be mounted parallel to the front of the building.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
4. The applicant/owner hereby agrees 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 an approval of this Use Permit, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney’s fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
5. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by commencing the allowed use on the property, in compliance with the conditions of approval. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

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 **August 14, 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 31st day of July, 2008.

JOHANNA PATRI, AICP
MARIN COUNTY ACTING DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary