



STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

McCRAY USE PERMIT AND SIGN PERMIT

Item:	2	Project ID:	2011-0113
Applicant:	Marcus Filly	Owner:	James McCray
Property Address:	215 Shoreline Highway, Mill Valley	Assessor's Parcel:	052-061-14
Hearing Date:	May 26, 2011	Planner:	Neal Osborne

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	Ten working days to the Planning Commission
LAST DATE FOR ACTION:	June 19, 2011

PROJECT DESCRIPTION:

The project is a proposal to obtain a Use Permit for TJ's Gym, a health and fitness facility, in an existing 3,163 square foot building on a 5,988 square foot lot. The building was previously in use for the "Video Droid" video rental business. The existing building has a maximum height of 17.5 feet above grade and the following property line or access easement setbacks: 31.5 feet front (northeast), 20 feet side access easement (northwest), 0 feet side (southeast), and 0 feet rear (southwest). The exterior would match the style of adjacent buildings with tan stucco and wood siding. Ten parking spaces are proposed on the site and additional shared parking spaces are available on the adjacent Shoreline Shopping Center property pursuant to an "Agreement Regarding Parking" with owners Parish-Martin. The proposal includes a wall mounted sign on the northeast façade facing Shoreline Highway on the same 14.5 foot by 34-inch wooden frame used for the old "Video Droid" sign. The sign would state, "CROSSFIT TJ's (EST. 2002) GYM" with black and white lettering painted on black and white backgrounds with a blue border, and would be externally illuminated.

In order to approve the project, the findings contained in the following Marin County Code Section (MCC) would need to be made: *22.48.040 (Use Permit) and 22.28.060 (Sign Permit).*

GENERAL INFORMATION:

Countywide Plan
 Land Use Designation: NC – Neighborhood Commercial
 Community Plan: Tamalpais Area
 Zoning: RMPC-6, Residential/Commercial Multiple-family Planned District, 6 units per acre maximum density)
 Lot size: 8,405 square feet
 Adjacent Land Uses: Tam Junction Shopping Center and various commercial enterprises

Vegetation: None
Topography and Slope: Relatively level with slope towards Coyote Creek
Environmental Hazards: Proximity to the San Andreas and Hayward Fault Zones, flooding

ENVIRONMENTAL REVIEW:

The Environmental Coordinator determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3(c) of the CEQA Guidelines. The project is exempt because it is the operation of a commercial fitness center in an existing building that would not result in any grading, tree removal, traffic, or other potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. No comments have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The project is consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Area Community Plan because the project consists of the establishment of a fitness center on a commercial property where it would not interfere with surrounding land uses. Please refer to the project analysis and recommended resolution for detailed findings.

PROJECT ANALYSIS:

The project is a proposal to use the existing building previously in use for "Video Droid" for a health and fitness training facility. The use of the 3,163 square foot building for exercise classes would operate from 5:30 A.M. to 7:00 P.M. daily. The proposed 40 square foot use identification sign would be located on the front of the building facing Shoreline Highway in the same location and size as the previous Video Droid sign.

Community Comments

The Tam Design Review Board and the Tamalpais Area Bayfront Coalition recommended approval of the project as proposed (refer to Attachments 8 and 11). No additional comments have been received.

Parking

The plans submitted with the initial application indicated a total of ten on-site parking spaces with three parking spaces within a Marin County Flood Control easement. The DPW staff requested that before vesting the approval of the Use Permit and the commencement of the use as a fitness center, the three parking space should be removed from the plans (refer to Attachment 7). The parking of vehicles within the easement could restrict DPW staff access to the Coyote Creek levee and flood control pump station. The property owner's attorney, Neil Sorensen, submitted a letter clarifying that the terms of the non-exclusive utility and drainage easement do not preclude the use of the easement for parking

DZA Staff Report
MAY 26, 2011
Item No. 2, Page 2

vehicles associated with the business use of the McCray property (refer to Attachment 14). Even though the assertion of the legal right to use these three parking spaces is still being reviewed by County Counsel, the applicant submitted revised plans on May 5, 2011 that indicate removal of the three parking spaces from the easement. DPW staff determined that the seven parking spaces proposed on the plans are adequate for the proposed use. Additionally, the owner of the adjacent Shoreline Shopping Center property provides more parking spaces for the employees and customers of the business at 215 Shoreline Highway pursuant to an "Amendment To Agreement Regarding Parking" (refer to Attachment 12).

Traffic

The proposed fitness center use would have less traffic than the previous use of the property for the video rental store based on the estimates of trip generation from the Institute of Transportation Engineers "Trip Generation Manual (8th Edition)". Robert L. Harrison submitted a letter report that estimates the trip generation for the fitness center would be 10 PM peak hour trips, which would be 28 fewer PM peak hour trips than the 38 PM peak hour trips from a video rental store (refer to Attachment 13).

Water Supply

The Marin Municipal Water District staff determined that the existing 0.09 acre-feet annual water allocation will be adequate for the proposed use and the purchase of additional water entitlement will be not be required (refer to Attachment 8).

Sign Permit

The use identification sign proposed would be painted on the existing 39 square foot wooden frame that is mounted on the side of the building's 40-lineal-foot wall facing Shoreline Highway. The same wooden frame was previously used for the sign that identified the video rental store (Video Droid). The proposed sign would state: "CROSSFIT TJ'S (EST. 2002) GYM" and would comply with the 40 square feet maximum allowed with a Sign Permit pursuant to Marin County Code Section 22.28.060.E.4.a.

Staff recommends Condition of Approval 2 that requires the applicant to install hoods around the existing four flood lights above the sign within 30 days, and to direct the lights onto the sign, to minimize glare to Shoreline Highway and the surrounding area.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the McCray Use Permit and Sign Permit for TJ's Gym, a health and fitness facility based on the findings and subject to the conditions contained in the attached resolution.

- Attachments:
1. Proposed resolution recommending approval of the McCray Use Permit and Sign Permit
 2. CEQA Categorical Exemption
 3. Assessor's Parcel Map
 4. Site Plan
 5. Elevations, Floor Plan, and Section
 6. Southern Marin Fire Protection District letter, 5/3/11

DZA Staff Report
MAY 26, 2011
Item No. 2, Page 3

7. DPW, Land Use and Water Resources Division memorandum, 4/22/11
8. Tamalpais Design Review Board Minutes, 4/20/11
9. Marin Municipal Water District e-mail and letters, 5/13/11, 5/11/11, and 4/14/11
10. Caltrans letter, 4/13/11
11. Tamalpais Planning Area Bayfront Coalition letter, 4/8/11
12. James McCray and Marcus Filly Parking Information Letter and "Amendment To Agreement Regarding Parking", 3/1/11
13. Robert L. Harrison letter, 2/17/11
14. Neil Sorensen letter, 2/15/11

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION ____

A RESOLUTION APPROVING
THE McCRAY USE PERMIT AND SIGN PERMIT
PROJECT ID: 2011-0113

ASSESSOR'S PARCEL 052-061-14

215 SHORELINE HIGHWAY, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS the project is a proposal submitted by Marcus Filly of TJ's Gym, on behalf of James McCray, to obtain a Use Permit and Sign Permit for a health and fitness facility in an existing 3,163 square foot building on an 8,405 square foot lot. The building was previously in use for the "Video Droid" business. The existing building has a maximum height of 17.5 feet above grade and the following property line or access easement setbacks: 31.5 feet front (northeast), 20 feet side access easement (northwest), 0 feet side (southeast), and 0 feet rear (southwest). The exterior would match the style of adjacent buildings with tan stucco and wood siding. Ten parking spaces are proposed on the site and additional shared parking spaces are available on the adjacent Shoreline Shopping Center property pursuant to an "Agreement Regarding Parking" with owners Parish-Martin. The proposal includes a wall mounted sign on the northeast façade facing Shoreline Highway on the same 14.5 foot by 34-inch wooden frame used for the old "Video Droid" sign. The sign would state, "**CROSSFIT TJ's (est. 2002) GYM**" with black and white lettering on black and white backgrounds with a blue border, and would be externally illuminated. The subject property is within the RMPC-6 zoning district and is located at 215 Shoreline Highway, Mill Valley, further identified as Assessor's Parcel 052-061-14.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 26, 2011, 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 (CEQA), per Section 15303, Class 3(c) of the CEQA Guidelines because it is the operation of a small fitness center in an existing 3,163 square foot building in a commercial village core district that would not result in any grading, tree removal, or other potentially significant impacts on the environment.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - A. The proposed project would result in the use of an existing building previously in use for a video rental store in a commercial area consistent with the uses allowed under the governing NC, Neighborhood Commercial Countywide Plan land use designation.

- B. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works.
 - C. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
 - D. The proposed project would minimize soil disturbance and maximize protection of natural vegetation, wetlands, and drainage courses.
- V. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the Tamalpais Area Community Plan because
- A. The proposed use of an existing 3,163 square foot building for a health and fitness facility is a conditionally permitted uses on the property consistent with the Commercial land use category as a health related service for the village core concept of the Tam Junction Area pursuant to Objective LU.24. The project would also be consistent with the Site Planning and Development Guidelines 2.1 for Land Use Planning in the Tam Junction Design Guidelines, Appendix I.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, habitats, or drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the mandatory findings to approve a Use Permit (Section 22.48.040 of the Marin County Code), as specified below.
- 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 health and fitness facility is listed as a category of Recreation, Education, and Public Assembly uses that are allowed with a Use Permit pursuant to Table 2-6 of Marin County Code Section 22.12.030.
 - B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.**

The project provides consistency with the Neighborhood Commercial (NC) land use designation for the project site. The TJ's Gym health and fitness facility is consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Area Community Plan, Tam Junction Design Guidelines Policy C-2. The project would be compatible with other surrounding land uses, would minimize visual impacts, and would promote resident serving uses along the west side of Shoreline Highway between Tam Junction and Coyote Creek.

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

The use of the existing building for a health and fitness facility is a class of project that is exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3(c) because the new use as a 3,163 square foot fitness facility would be relatively small and would not result in potentially adverse impacts regarding additional land disturbance, additional impermeable surface area, visual impacts, traffic, or noise.

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 design, location, size, and operating characteristics of TJ's Gym would fit into the Tam Junction shopping center and surrounding neighborhood, and would be compatible with existing and future land uses.

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

TJ's Gym would not impair the architectural integrity and character of the RMPC-6 zoning district as a small commercial facility within an existing building adjacent to other businesses within the southern portion of the Tam Junction commercial area.

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 grant of the proposed Use Permit for the use of the existing building for TJ's Gym would result in a health and fitness center use that would not be detrimental to the public 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.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Sign Permit (Section 22.28.060 of the Marin County Code), as specified below:

- A. One sign is proposed on the front wall of the building facing Shoreline Highway.
- B. The use identification sign would be less than one square foot per each linear foot of the front wall's 40-foot length with an area of 39 square feet.
- C. The sign would not project beyond the ends of the wall to which it is attached.
- D. The sign would be on a one-story building, would not project above the maximum height of the 17.5-foot wall, and would be less than 20 feet above grade.

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the McCray Use Permit and Sign Permit (Project ID: 2011-0113), for the use of the existing building at 215 Shoreline Highway, Mill Valley for TJ's Gym, a health and fitness facility with one 40 square foot use identification sign, pursuant to Marin County Code Sections 22.48.040 and 22.28.060.E.4.a.

SECTION 3: CONDITIONS OF PROJECT APPROVAL

1. The approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "TJ's GYM, 215 Shoreline Hwy Bldg., Mill Valley, CA 94941 APN 52-061-14" consisting of two sheets prepared by John Christian Belz date stamped received May 5, 2011.

The approved exterior sign and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," on file with the Marin County Community Development Agency including:

- a. A 39 square foot wood frame sign painted with a blue, white, and black background, and white and black lettering, "**CROSSFIT TJ's (EST. 2002) GYM**".
- b. BEFORE JUNE 26, 2011 AND THE COMMENCEMENT OF BUSINESS OPERATIONS, the applicant shall install small hoods or shields around the four flood lights above the sign to direct light onto the use identification sign without adverse glare to the surroundings. The applicant shall submit photographs to the Planning Division staff to verify installation of the hoods. The four existing flood lights shall be hooded and directed onto the sign to minimize glare and eliminate direct illumination offsite.

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

2. The approval permits the use of the subject property as shown on Exhibit A for a health and fitness business with permitted hours of operation from 5:30 A.M. to 7:00 P.M. daily. Minor modifications to the hours of operation may be requested by the applicant subject to the Director's approval in consultation with Department of Public Works staff.
3. Exterior lighting shall be permitted for safety purposes only and shall be manually operated, low intensity, hooded, and directed downward to minimize visual effects
4. Any changes or additions to the project shall be submitted to the Community Development Agency - Planning Division for review and approval before the contemplated modifications may be initiated.
5. This Use Permit is subject to revocation procedures contained in Marin County Code Chapter 22.120 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood.

Marin Municipal Water District

6. Compliance with the District's Water Conservation Ordinance 414 is a condition of water service. Plans shall be submitted to the District, and reviewed to confirm compliance.

Southern Marin Fire Protection District

7. Provide a U.L. listed key box as required by the Southern Marin Fire Protection District (2010 CFC / SMFD Ordinance Section 506.1).
8. The address shall be posted in accordance with the specifications and locations pursuant to 2010 CFC Section 505.1.
9. Provide an approved fire alarm detection system in accordance with standards as established by the National Fire Protection Association. Said system must be connected to the headquarters of the Southern Marin Fire Protection District through an approved U.L. central monitoring station.
10. Exit signs shall be provided at the two exiting locations within the structure. Exit signs shall be illuminated and have a battery backup as required by 2010 CFC Section 1024.
11. All brush to within 10 feet of the surrounding structure shall be removed prior to final inspection.
12. A sign stating "DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" and place on the front door.
13. Door operations shall comply with 2010 CFC Sections 1008.1.9.1.

California Department of Transportation (Caltrans)

14. Any work or traffic control that encroaches on state right-of-way requires an Encroachment Permit issued by Caltrans.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the McCray Use Permit and Sign Permit (Project ID 2011-0113) approval by satisfying Condition of Approval 1.b. before June 26, 2011 and commencing business operations, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid in perpetuity unless the conditions of approval are violated, in which case the Use Permit may be revoked.

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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on June 10, 2011.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th day of May, 2011.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary