

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 11-125

**A RESOLUTION APPROVING
THE McCRAY USE PERMIT AND DESIGN REVIEW
WITH SUPPLEMENTAL SIGN REVIEW FINDINGS
PROJECT ID: 2010-0331**

ASSESSOR'S PARCEL 052-061-14

215 SHORELINE HIGHWAY, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS the project is a proposal submitted by Greg Batlin, on behalf of James McCray, to locate a coffee and snack kiosk adjacent to an existing 3,136 square foot commercial structure previously in use for the "Video Droid" and recently approved for use as "TJ's Gym". The 108 square foot, 8.5-foot tall, kiosk would have business hours of 6:00 a.m. to 3:00 p.m. seven days a week and would be operated by no more than two employees at a time. The property has seven existing parking spaces, including one accessible parking space. 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 August 25, 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 coffee in a commercial 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 a small kiosk adjacent to an existing building in use for TJ's Gym 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 Deputy Zoning Administrator finds that the proposed project is consistent with the Tamalpais Area Community Plan because:
- A. The proposed use of a 108 square foot building for a coffee kiosk is a conditionally permitted use on the property consistent with the Commercial land use category as a food and beverage service in 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 Design Review (Section 22.42.060 of the Marin County Code), as specified below.
- A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.
- The proposal to install a 108 square foot kiosk for coffee and snack sales located adjacent to TJ's Gym at Tamalpais Junction would provide a small building addition to the commercial area compatible with the site surroundings and community. The kiosk would be located 22 feet southwest of Shoreline Highway right-of-way and 30 feet from the edge of pavement. The proposed kiosk would have a height of 8.5 feet above grade and would be below the TJ's Gym sign along the front of the existing 3,185 square foot commercial building that has a maximum height of 17.5 feet. The coffee kiosk would blend into the existing design of the adjacent building with materials and scale appropriate to and compatible with the surroundings.
- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.
- The coffee kiosk would not eliminate light exposure, views, or privacy for adjacent properties. The maximum height of 8.5 feet above grade would be below the 17.7-foot height of the adjacent building in the background. The project would not result in light pollution or glare, and will not adversely affect rights-of-way for circulation.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.

The project will provide adequate separation of one-foot from the adjacent building and 140 feet from Walgreen's building to the northwest. The project would be installed on an existing concrete slab within a paved area and would not result in the removal of landscaping or other natural features.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The project would result in no excavation for installation of the coffee kiosk.

- E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The coffee kiosk is a commercial structure and as such would not need to comply with the Single-family residential guidelines. The exterior materials would be predominately subdued colors with yellow and white signs on the front wall and a yellow door with gray and white signs on the side wall.

- F. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The project will be a very small commercial operation with very minimal energy or natural resource consumption.

- G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The 108 square foot coffee kiosk design, location, and operating characteristics would not be detrimental to the public interest, health, safety, convenience, or welfare of the county and the Tam Design Review Board recommended approval as proposed. A condition of approval prohibits the installation of the proposed menu on the front window for consistency with Section 4.1.2 of the Tam Junction Design Standards in Appendix I of the Tamalpais Area Community Plan.

VII. 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 coffee kiosk is a type of restaurant with take-out food and beverage service that is listed as a category of Retail Trade Uses allowed with a Use Permit in the RMPC-6 zoning district 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 coffee kiosk 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 coffee kiosk 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 108 square foot coffee and snack take-out restaurant 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 the coffee kiosk 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.**

The coffee kiosk would not impair the architectural integrity and character of the RMPC-6 zoning district as a small commercial facility adjacent to an existing building 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 108 square foot coffee kiosk would result in a small take-out food and beverage restaurant business 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. Conditions of approval require that the small business use would be closed during the hours of 2:00 P.M. to 5:00 P.M. on weekdays, but allow it to remain open at all other times. Since the coffee kiosk would be closed during weekday peak hours, it would have no impact to the P.M. peak traffic.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Sign Review (Section 22.28.080 of the Marin County Code), as specified below:

- A. The three signs are proposed with one on the front wall, one on a front window of the building facing Shoreline Highway, and one on the side wall facing Walgreen's and the access driveway to the Shoreline Shopping Center. The location of the 1.9 square foot sign with Coyote Creek Coffee logo on the side of the building facing Walgreen's would not be a detrimental visual effect as a small sign providing additional use identification for this building.
- B. The three signs would be less than one square foot per each linear foot of the front wall's 12-foot length with an area of 11.2 square feet.
- C. The aggregate area of signs for the subject property, including TJ's Gym 39-square-foot sign on the front wall facing Shoreline Highway would be 50.2 square feet. This number and aggregate area of signs would exceed the standard of one use identification sign per use on the front wall and one-half square foot of signs for each lineal foot of the 90-foot front property line by 5.2 square feet. This additional area would allow for the signs to be in proper scale with the coffee kiosk use and would not interfere with safety or the visual quality of the community consistent with the purposes of the Sign Chapter in Section 22.28.010.
- D. The signs would be on a one-story building and would have a maximum height of 8.5 feet above grade.

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the McCray Design Review and Use Permit with supplemental Sign Review findings (Project ID: 2010-0331), for the use of a coffee kiosk adjacent to the existing building at 215 Shoreline Highway, Mill Valley with 11.2 square feet of signs, pursuant to Marin County Code Sections 22.48.040, 22.42.060, and 22.28.080.C.

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, "Coyote Creek Coffee, 215 Shoreline Hwy, Mill Valley, CA 94941 APN 52-061-14" consisting of one sheet prepared by John Christian Belz date stamped received June 6, 2011.

The approved exterior signs and colors shall substantially conform to the "Signing and Colors" plan with color samples which is identified as "Exhibit B," on file with the Marin County Community Development Agency, except as amended as follows:

Window signage shall not exceed five percent of the window area. Window signage colors shall be compatible with the exterior architectural detailing. Only the store name and/or identifying symbol, operating hours, emergency telephone numbers and security information are allowable copy.

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 coffee kiosk business with permitted hours of operation 24 hours daily, except for the hours of 2:00 P.M. to 5:00 P.M. on weekdays.
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.

Community Development Agency, Environmental Health Services

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans to Environmental Health Services for construction of a permanent food facility.
7. BEFORE FINAL INSPECTION, the permanent food facility plans shall be approved and the facility shall pass Environmental Health Services inspection.

Department of Public Works

8. BEFORE ISSUANCE OF A BUILDING PERMIT AND FOR THE DURATION OF THE COFFEE KIOSK USE, there shall be no encroachment, including roof overhang, into the adjacent drainage and utility easement.

9. BEFORE FINAL INSPECTION, the applicant shall submit an elevation certificate signed and stamped by a registered civil engineer or a licensed land surveyor.
10. BEFORE FINAL INSPECTION, the applicant shall provide a Flood-proofing Certificate, certifying the as-built kiosk to be in compliance with the FEMA flood-proofing requirements for non-residential buildings.

Marin Municipal Water District

11. The purchase of additional water entitlement will be required for the new use because the property's current water entitlement of 0.09 acre-feet will be insufficient.
12. 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.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

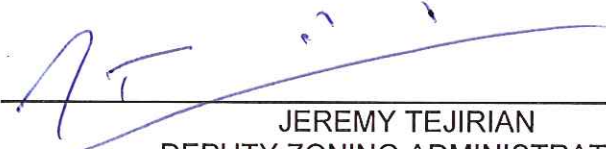
NOW, THEREFORE BE IT RESOLVED that the applicant must vest the McCray Design Review and Use Permit with supplemental Sign Review (Project ID 2010-0331) approval by obtaining a Building Permit, substantially completing construction, and satisfying all conditions of approval before August 25, 2013 and 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 September 9, 2011.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25th day of August, 2011.



JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
Deputy Zoning Administrator Secretary