

## 1. **DESIGN REVIEW AND USE PERMIT WITH SUPPLEMENTAL SIGN REVIEW FINDINGS (Project ID: 2011-0113): JAMES MCCRAY**

The subject property is located at **215 Shoreline Highway, Mill Valley**, and is further identified as **Assessor's Parcel 052-061-14**.

The hearing officer read the project description.

The Deputy Zoning Administrator asked if staff had any additional comments or had received additional correspondence since the staff report was distributed and the staff responded, noting the following:

- Planning staff received comments from the Department of Public Works staff /regarding change in proposed hours of operation and the traffic fees required; and
- Michel Jeremias, Department of Public Works was in receipt of a letter dated July 20, 2011 from Bob Harrison, the applicants' traffic consultant, stating that the change in hours to close at 3:00 P.M. would not require traffic fees. However Cal-Trans determined that the weekday peak traffic is from 2:00 P.M. to 5:00 P.M. Therefore, the fee will be required if the business operates between 2:00 P.M. and 3:00 P.M.

The public testimony portion of the hearing was opened.

The applicant/owner spoke regarding the favorable elements of the project, including the following:

- Greg Batlin, Coyote Creek Coffee stated that previous coffee carts were located there without any impact to traffic.
- Jim McCray, property owner, expressed his surprise about hearing of Department of Public Works concerns about the change in hours for the first time now because the letter was written in July.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that he could approve the project as proposed with the requirement to pay the traffic fee or continue the item to the September 29<sup>th</sup> hearing to allow the applicant to work with the Department Public Works staff regarding hours of operation and the value of the traffic fee. Approval of the project today would require payment of a traffic fee estimated to be less than \$10,000.

Discussion followed on:

- How the traffic fee is calculated based on Cal-Trans traffic data for PM peak hours;
- The involvement of CalTrans;
- The ITE Trip Generation Manual indicates 1.0 to 1.5 PM peak trips for a coffee shop of this size;
- Condition of Approval # 9; and
- Options for the hours of operation.

Staff responded to questions from the Deputy Zoning Administrator to clarify several issues including the following:

- Condition of Approval 2 has a clause that could allow modification to the hours of operation administratively, based on the Director's consultation with Department of Public Works staff.

The Deputy Zoning Administrator made several comments pertaining to the project, including the following:

- Extended hours of operation would have no adverse impact, and the only issue is the traffic fee;
- In response to the Deputy Zoning Administrators questions, Amanuel Haile, Department of Public Works stated that a traffic study was not necessary because they had one on record showing peak times from 2:00 P.M to 5:00 P.M., Monday through Friday. and
- In response to the Deputy Zoning Administrator, Michel Jeremias, Department of Public Works, stated that the traffic fee condition could be eliminated.

The Deputy Zoning Administrator approved the project with the following modifications to the project:

- FINDING VI (G) -Add Design Review Finding to justify the modification to the project: "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."
- FINDING VII (F) Change the hours of operation to exclude 2:00 PM through 5:00 P.M. "The small business use would be closed during the hours of 2:00 P.M. to 5:00 P.M. on weekdays and would have no impact to the P.M. peak traffic."
- SECTION 3: CONDITIONS OF PROJECT APPROAL, Condition of Approval #2: Delete the second sentence; and
- SECTION 3: CONDITIONS OF PROJECT APPROAL Condition of Approval #9: Delete

The Hearing Officer concurred with staff's findings and conditions of approval and approved as modified the McCray Use Permit and Design Review with Supplemental Sign Review Findings.

The Hearing Officer informed all parties of interest that this action is not necessarily final because an aggrieved party could file an appeal to the Marin County Planning Commission within ten (10) working days.