

MARIN COUNTY ZONING ADMINISTRATOR

RESOLUTION NO. 21-104
A RESOLUTION APPROVING THE MARIN GATEWAY GARP LLC
(O'REILLY AUTO PARTS) CONDITIONAL USE PERMIT
130 DONAHUE WAY, MARIN CITY
ASSESSOR'S PARCEL: 052-490-08

SECTION I: FINDINGS

1. **WHEREAS**, Michael Chen, on behalf of the owners, Marin Gateway GARP, LLC, is requesting a Conditional Use Permit approval to allow the proposed tenant, O'Reilly Auto Parts, to provide ancillary auto repair/maintenance services in conjunction with retail use. The existing 6,559 square feet vacant building is located at the southern side of the site, identified as Building 12, in the Marin City USA Master Plan. O'Reilly Auto Parts is an auto parts retail user with the primary business of auto parts and accessories sales to the general public. As a service to its retail customers, O'Reilly's Auto Parts also provides complimentary services such as check engine light testing, battery testing, wiper blade replacement, light bulb installation, and other minor maintenance services not involving fluid or hazardous materials. These ancillary services are proposed to occur in the shared parking lot. The store would be open from 7:30 a.m. AM to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 9:00 p.m. Sunday, though these hours may be adjusted based on time of year and holidays.

The property is located at 130 Donahue Street, Sausalito, and is further identified as Assessor's Parcel 052-490-08.

2. **WHEREAS**, on March 11, 2021, the Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines because the project does not involve physical improvements and would occur in an existing retail shopping center that would not result in significant impacts to the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the removal of any trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during the review of the Building Permit application, and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during the review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

5. **WHEREAS**, the project is consistent with the goals and policies of the Marin City Community Plan for the following reasons:

- A. The project is consistent with the hydrology policies, including EP 1, because the project would not adversely affect existing stream channels or watershed areas.
- B. The project is consistent with the existing ridgeline's scenic quality and vegetation protection policies, including, EP 2 and DP 2, because it would not adversely affect oak/bay woodlands, grassland, coastal brush lands or significant massing of trees, or result in the introduction of invasive plant species.
- C. The project is consistent with the environmental constraints policy EP 3 because it would not be located on steep slopes or geologically hazardous areas, is designed to conform with existing hillside grades, and avoids excessive excavation.
- D. The project is consistent with the outdoor area policy EP 4 because it has been designed to be comfortable for residents and development would be sited to benefit useable outdoor space and buffer noise pollution

6. **WHEREAS**, the project is consistent with the mandatory findings for Coniditonal Use Permit approval (Marin County Code Section 22.48.020) for the following reasons:

- A. The proposed uses are allowed, as conditional uses, within the subject zoning district and comply with all of the applicable provisions of this Chapter.**

The project entails an auto parts retail use with complimentary minor repair services in the retail center, further identified as the Marin Gateway Shopping Center. The development of the retail center was evaluated for conformance with the Countywide Plan as part of the Marin City USA Master Plan, Community Plan, and Redevelopment Plan Amendments. The Board of Supervisors determined that the development of the retail center was consistent with County policies and adopted Ordinance 3088 approving the development on March 17, 1992. An amendment to the parking requirements for the development was also evaluated for conformance with the Countywide Plan and the Marin City Community Plan and approved by the Board of Supervisors via Ordinance 3115 on November 10, 1992.

The proposed retail use is principally permitted in the Planned Commercial zone per Chapter 22.12, Table 2-6, and by the Marin City USA Master Plan Section 4.2 14. However, the proposed Complimentary minor repair service is a use that is not explicitly listed as permitted by-right or through a conditional use permit. Under the Marin City USA Master Plan, Section 2, specifically unclassified use may be permitted by the Planning Director upon determining that the use is of the same general character and intensity as the uses in the Master Plan and is consistent with the purpose of the Master Plan, which, amongst others, includes creation and protection of a commercial area for general retail, personal service and institutional uses as approved by the Marin City USA Master Plan.

Rather than permitting this project by right, it was determined that the project would be subject to Conditional Use Permit approval to allow for the review of the proposal in conjunction with the shopping center. Further, the Marin City USA Master Plan permits complimentary service use in conjunction with the operation of a service station via a Conditional Use Permit.

The component of the project that is subject to a Conditional Use Permit is the Complimentary minor service and installation of automotive parts and accessories. The complimentary services are neither principally permitted nor classified as a use by the Marin City USA Master Plan. This is primarily because complimentary services are recent trends in the auto parts retail business.

The proposed use most closely resembles a use described in section 5.2 of the Master Plan (Conditional Use Limitations: Commercial Use Classifications) under the general category of 5.2.1 Vehicle/equipment sales and services. Under section 5.2.1, minor repairs are permitted in conjunction with the operation of a service station. Given that the proposed project would provide minimal Complimentary services (such as check engine light testing, battery testing, wiper blade and light bulb installation, and other minor maintenance services) and would not involve fluid or hazardous materials (i.e., oil change, tire replacement services, muffler, radiator, and quick-lube services), the project would further the purposes of the Marin City USA Master Plan in that the principal use will be a retail business. The complimentary services would be in furtherance of the primary use.

B. The design, location, size, and operating characteristics of the proposed uses are compatible with the existing and future land uses in the vicinity.

Design. O'Reilly's Auto Parts will occupy a vacant retail space, formerly a Mattress Firm retail store. No significant changes are proposed to the building or site design. As shown

in the project plans, minor changes such as new awnings, color, and signage are proposed to match the O'Reilly's Auto Parts branding. However, these are typical retail changes and will be consistent with other retail businesses in the area. No auto repair shop elements such as exterior work areas or canopies are proposed. The store will appear as a typical retail store, and ancillary services will be performed in the parking areas (shared between other retail uses in the center). Based on other stores, no more than ten complimentary services are provided daily, and typically, each service lasts no more than five minutes. As such, the design is compatible with existing, and future land uses in the vicinity.

Location. The project location is at the south side of the Marin City retail center, easily accessible from Highway 101 and the Bridgeway via Donahue Street. This is a typical location for a retail business and will function well for customers coming from major roads and the surrounding neighborhoods. This location is compatible with existing, and future land uses in the vicinity.

Size. No changes are proposed to the size of the existing vacant tenant space (Building 12), which has previously held other retail tenants. It is a typical size for a retail building and auto parts store. Building 12 was designed to be one of the supporting retail buildings of the Marin City Master Plan. The size of the proposed use is compatible with existing, and future land uses in the vicinity.

Operational Characteristics. As described in the application materials, the store will be open from 7:30 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 9:00 p.m. Sunday, though these hours may be adjusted based on the time of year and holidays. These hours of operation are within the hours of operation allowed under the Marin City USA retail town center (7:30 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 9:00 p.m. Sunday, with some seasonal variation). The ancillary services will occur in standard parking spaces near Building 12. No special vehicle services areas, canopies, or signage are required. When not in use, the parking spaces will be available for general use.

C. 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 proposed retail use will not be detrimental to the public interest, safety, convenience, or welfare of the County. Instead, it will serve the public interest, safety, and welfare by filling an otherwise vacant retail space with a popular retailer. It will improve convenience in the area as there are no other auto parts stores in this part of the County.

No physical changes are proposed to the vacant retail space other than minor color changes and signage. The use will occur primarily within the building (allowed outright), with limited ancillary services performed in customers' vehicles in the shared parking area (conditional use per master plan use 5.2.1 1.).

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin Gateway (O'Reilly Auto Parts) Conditional Use Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Use Permit approval authorizes O'Reilly Auto Parts to provide minor complimentary auto repair/maintenance services in conjunction with the primary retail use. The complimentary repair services shall be limited to diagnostics, such as check engine light testing, battery testing, wiper blade and light bulb installation, and other minor maintenance services not involving fluid or hazardous materials (i.e., oil change, tire replacement services, muffler, radiator, and quick-lube services, repair, alteration, restoration, bodywork, etc., of vehicles). Battery recycling shall occur within the building. Further, autobody work, oil changes or similar non-minor services shall not be permitted.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Marin Gateway Center Building 12," consisting of five sheets prepared by Gerrity, received in final form on December 23, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of March 2021.

Michelle Levenson

MICHELLE LEVENSON
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed

Michelle Reed
DZA Recording Secretary