



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
February 24, 2016
Agenda Item: **PH-1**

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 1550 Tiburon Boulevard, Suite S; File #CUP2016001;
Conditional Use Permit to Expand an Existing Commercial Building for
Purposes of Accommodating a Bakery/Café Use; Belvedere Land
Company, Owner; Rustic Bakery Applicant;
Assessor's Parcel No. 060-082-57

PROJECT DATA

Address:	1550 Tiburon Boulevard, Suite S
Assessor's Parcel Number:	060-082-57
File Number:	CUP2016001
Lot Size:	3.91 acres
General Plan:	Neighborhood Commercial
Zoning:	NC (Neighborhood Commercial)
Current Use:	Vacant commercial space
Owner:	Belvedere Land Company
Applicants:	Rustic Bakery/William Craig (Architect)
Flood Zone:	AE – Special Flood Hazard Area
Date Complete:	February 11, 2016

SUMMARY

The applicant, Rustic Bakery, is proposing to expand an existing commercial building located at the Boardwalk Shopping Center by 200 square feet in order to provide additional space for the business, which is currently in the tenant improvement phase and intends to open soon. The proposed expansion would occur in the “courtyard” area of the shopping center adjacent to the space occupied for many years by Jeannie’s Coffee and more recently by Elements Coffee. A conditional use permit (CUP) is required for construction of additions to existing structures in the Neighborhood Commercial zone.

The Boardwalk Shopping Center is a multi-tenant commercial center that straddles the corporate boundary line separating the Town of Tiburon and the City of Belvedere. The majority of the tenant space to be occupied by Rustic Bakery is located in Belvedere, with only a small portion located in Tiburon. That portion would be comprised of a small space at the front of the building (previously occupied by Corner Books), an unenclosed front seating area, and the proposed addition. The bulk of the use would occupy the former coffee house space in Belvedere. The

café use would technically constitute a change of use when compared to the former Corner Books retail use, although the change is not substantive from a zoning regulations standpoint.

Rustic Bakery would be a small, specialized café offering a variety of small meals, drinks, pastries and breads. A small kitchen area is shown on the drawings, but it is not located in the Tiburon portion of the space. The California Alcoholic Beverage Control (ABC) has approved a license for the cafe to sell beer and wine for consumption on the premises. The proposed hours of operation would be daily from 7:00 A.M. to 6:00 P.M. The applicant indicates that a maximum of four employees would be working at the business at any one time.

PLANNING ISSUES

Commercial space expansion and floor area ratio. The primary purpose of the proposed addition is to provide improved interior circulation, as the existing space is too narrow to provide adequate space for customers to circulate freely through the cafe between the service counters and the exterior walls facing the courtyard. The addition would essentially bump out the existing glass walls into a 10 foot by 20 foot unenclosed area of the courtyard coinciding with existing support posts in the courtyard area. The new area would also provide additional seating for patrons. The exterior appearance of the addition would be similar to the existing wall, although improved and refreshed. The proposed expansion would be minor in nature and would not substantially alter the general use of that portion of the shopping center, although staff anticipates a more robust establishment and customer base at what is likely to be a popular destination. The proposed café would be compatible with and complement surrounding uses.

Section 16-22.040 of the Zoning Ordinance establishes the floor area ratio (FAR) in the NC (Neighborhood Commercial) zone at 0.37. The Boardwalk shopping center currently contains approximately 37,883 square feet of floor area, which results in an FAR of 0.22. The FAR increase caused by the proposed 200 square foot addition would be negligible and far below the allowable limit. Overall, staff estimates that the total 2,160 square foot floor area for Rustic Bakery would include 631 square feet in Tiburon (including the proposed 200 square foot addition) and 1,529 square feet in Belvedere. There are no lot coverage, height or setback issues associated with the project.

On-site parking for this shopping center is provided in the existing parking lot directly in the front of the subject use and at other on-site locations. The proposed 200 square foot addition would not substantively increase parking demand for the existing shopping center. The overall use would be similar in parking demand to prior uses in the existing tenant spaces.

Flood Hazard Zone. According to current flood hazard maps, the Boardwalk Shopping Center is located within flood hazard zone "AE," which is an area subject to inundation by the 1% annual chance of flood. However, the scale and valuation of the proposed addition would be far below the threshold for triggering compliance with the Town's flood prevention regulations.

GENERAL PLAN AND ZONING CONSISTENCY

The subject site is designated Neighborhood Commercial (NC), which typically allows resident-serving commercial uses and offices in addition to mixed (commercial/residential or

office/residential) uses. The following policies of the Land Use and Downtown Element of the Tiburon General Plan are helpful to the review of this application:

General Plan

Land Use Policy LU-2: *The Town shall limit the type and amount of uses within the Town to those that are compatible with the nature, character and image of the Town as a quiet, small-town residential community with a village-like commercial area.*” Rustic Bakery is a family-owned business with existing cafes in two other locations in Marin. The bakery would contribute to the existing small town residential atmosphere of the shopping center, and likely improve the vitality of the shopping center with a type of use encouraged by the Town.

Policy LU-23: *The Town shall support a diversity of commercial uses to serve the shopping and service needs of the community.* The Boardwalk shopping center contains a variety of shops, including a bank, restaurants, local newspaper, hair salon, spa, offices, stationary store, bookstore, and a grocery store. The proposed café use would provide additional diversity to the shopping center, as this type of business is different than other businesses in the center.

Policy DT-12: *The Neighborhood Commercial land use designation shall permit primarily resident-serving commercial and residential uses. The maximum allowable intensity for lands designated Neighborhood Commercial is an FAR of 0.37, except where a Transfer of Intensity is approved consistent with Policy DT-9.* The proposed café and bakery is intended to serve the residents of Tiburon and Belvedere. The proposed addition would not cause the shopping center to exceed the allowable FAR for this site.

Policy DT-26: *Tiburon Boulevard. Retail storefronts and active outdoor spaces for community gathering, such as sidewalk cafes, are strongly encouraged, in order to make strolling along Tiburon Boulevard a stimulating and enjoyable activity.* The outdoor seating for the café would provide a community gathering space for the courtyard and for the entire shopping center. The outdoor space would be located near the walkway and parking lot, which both are adjacent to Tiburon Boulevard.

Staff concludes that the use and addition would be consistent with and further the goals and objectives of the General Plan and enhance the immediate area.

Zoning Ordinance

Section 16-52.040 (B) establishes the purposes of conditional permit review. These include:

1. Determining whether the location proposed for the conditional use is properly related to the development of the neighborhood or vicinity as a whole;
2. Determining whether the location proposed for the particular conditional use would be reasonably compatible with the types of uses normally permitted in the surrounding area;
3. Evaluating whether or not adequate facilities and services required for such use

exist or can be provided;

4. Stipulating such conditions and requirements as would reasonably assure that the basic purposes of this Zoning Ordinance and the objectives of the General Plan would be served; and
5. Determining whether the Town is adequately served by similar uses presently existing or recently approved by the Town.

As described above and below, Staff concludes that the application conforms to and would further these purposes.

Section 16-52.040 (D) of the Tiburon Zoning Ordinance lists the factors to be considered in determining whether or not any conditional use should be permitted in a specific location.

1. *The relationship of the location proposed to the service or market area of the use or facility proposed; transportation, utilities, and other facilities required to serve it; and other uses of land in the vicinity.* Staff Finding: The proposed café would be located in a neighborhood shopping center near a major signalized intersection along Tiburon Boulevard and Beach Road, and would be adequately served by utilities and other support facilities. This use would be compatible with other retail and service uses within the shopping center and Downtown Tiburon as a whole.
2. *The compatibility of the design, location, size, and operating characteristics with the existing and future land uses in the vicinity.* Staff Finding: The general design and size of the addition would be substantially similar to the current building design. The proposed hours of operation would be similar to the other retail business within the shopping center and in Tiburon.
3. *The probability of impairment to the architectural integrity and character of the zoning district in which it is to be located.* Staff Finding: The general design of the addition would be substantially similar to the current building design.
4. *The protection of the public interest, health, safety, convenience, or welfare of the Town, or any probability of injury to property or improvements in the vicinity and zoning district in which the real property is located.* Staff Finding: The re-establishment of a small cafe within the Boardwalk Shopping Center would improve the convenience of retail services serving residents in this area of Tiburon and would be compatible with surrounding uses.
5. *The need of the community for additional numbers of such uses, paying particular heed to whether the neighborhood or vicinity is already adequately served by similar uses.* Staff Finding: There are small cafés in the Downtown area on Main Street and on Ark Row, but none in the upper Tiburon Boulevard area of Downtown. This use and addition would provide a service that would better serve residents and visitors to this part of the Downtown area.

PUBLIC COMMENT

As of the date of this report, no correspondence has been received regarding this application.

ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301(e) [Existing Facilities] and 15303(c) [New Construction or Conversion of Small Structures] of the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the attached resolution (**Exhibit 2**) approving the conditional use permit.

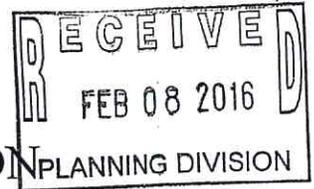
EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Submitted plans

Prepared By: Kyra O'Malley, Associate Planner



TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) _____ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 1550 Tiburon Blvd PROPERTY SIZE: 1529
PARCEL NUMBER: 060-082-60 ZONING: ML

PROPERTY OWNER: Jim Allen
MAILING ADDRESS: _____

PHONE/FAX NUMBER: 707-696-7981 E-MAIL: _____

APPLICANT (Other than Property Owner): Carol LeValley
MAILING ADDRESS: 3902 Cypress Drive
Petaluma CA

PHONE/FAX NUMBER: 415-827-4124 E-MAIL: carol@rusticbalcony.com

ARCHITECT/DESIGNER/ENGINEER William Craig
MAILING ADDRESS: 2666 Hyde St
San Francisco CA

PHONE/FAX NUMBER: 415-351-4063 E-MAIL: whc@carc@gmail.com

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

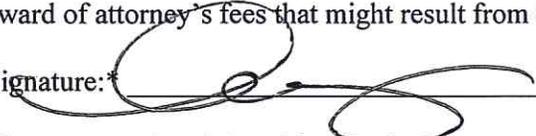
BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

200 SQ FT Expansion of cafe

EXHIBIT NO. 1

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge, with the defense counsel subject to the Town's approval. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: *  _____

Date: 2-8-16

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: *  _____

Date: 2-8-16

**If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

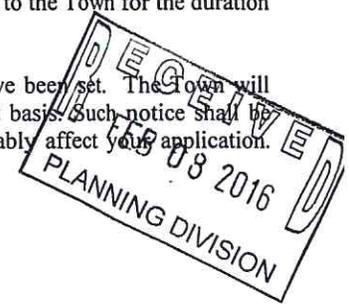


EXHIBIT NO. 1
2 of 4

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION		
Application No.: <u>CUP2016-001</u>	GP Designation:	Fee Deposit: <u>\$1540.00</u>
Date Received: <u>2/8/16</u>	Received By: <u>Lo</u>	Receipt #: <u>R666</u>
Date Deemed Complete: <u>2/11/16</u>		By: <u>Lo</u>
Acting Body:	Action:	Date:
Conditions of Approval or Comments: _____		Resolution or Ordinance # _____

William Craig Architect

Kyra O'Malley
Associate Planner
Town of Tiburon/Tiburon Planning
1505 Tiburon Boulevard
Tiburon CA 94920



Re: Rustic Bakery at Boardwalk Shopping Center CUP

The following are the items you requested in your email dated 9 Feb 2016:

1. Letter of Authorization from property owner attached.
2. Floor plans with and without expansion attached.
3. Project Description
Move a portion of the existing exterior glass wall to enclose 200 square feet of the adjacent deck.
 - a. Summary of Rustic Bakery (history).
Rustic Bakery was founded in Marin County in 2005 making primarily flat breads and crackers. Since that time it has developed into a series of three small cafes located in Novato, Larkspur and Larkspur Landing. The newest location is under construction at The Boardwalk Shopping Center, Tiburon.
 - b. Hours of operation are 7AM to 6PM.
 - c. Number of employees is 4.
 - d. 35 Seats inside and 18 seats outside on the deck at the front of the café.
 - e. Activities at this location include take out and dine in food, soft drinks, ABC approved on site beer and wine sales, customer counter pick-up and employee bussing.

EXHIBIT NO. 1
3 of 4

- f. The reason for the 200 sq. ft. expansion is the narrow width of the aisle in front of the order and pick-up counter. It became apparent during construction that this will cause operational difficulties. The expansion will allow more room for customers to order, pick-up and circulate through and out of the café.
4. We will ask the General Contractor to outline the 200 square foot expansion on the deck.

Attached are 6 full size sets of plans and 10 reduced 11 x 17 sets.

2666 Hyde Street, San Francisco CA. 94109 415 351 4063

EXHIBIT NO. 1
4 OF 4

RECORDING REQUESTED
WHEN RECORDED, RETURN TO:
Tiburon Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920

Record without fee per GC 27383

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A CONDITIONAL USE PERMIT
TO EXPAND AN EXISTING COMMERCIAL BUILDING FOR RUSTIC BAKERY CAFE,
LOCATED AT 1550 TIBURON BOULEVARD, SUITE S
ASSESSOR PARCEL NO. 060-082-57

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. The Planning Commission has received and considered an application to expand an existing commercial building by approximately two hundred (200) square feet through construction of a small addition for Rustic Bakery on a commercially-zoned property located at 1550 Tiburon Boulevard, Suite S (File #CUP2016001). In addition to occupying a space formerly used as a coffee shop, the proposed cafe would also occupy a space formerly occupied by Corner Books, a retail sales establishment. The application consists of the following:

1. Application Form and supplemental materials received February 8, 2016
2. Site Plan and Floor Plan received February 11, 2016

The official record for this project is hereby incorporated and made part of this resolution. The record includes the staff reports, minutes, application materials, and all comments and materials received at the public hearing.

- B. The Planning Commission held a duly-noticed public hearing on February 24, 2016, and heard and considered testimony from interested persons.
- C. The Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15301(e) and 15303(c) of the CEQA Guidelines in that the project involves a minor expansion to an existing commercial building and a minor conversion of use, and there are no environmental resources of hazardous or critical concern in the project vicinity, no

hazardous substances are involved, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

- D. The Planning Commission finds, based upon the application materials and analysis provided in the February 24, 2016 staff report, that the project as conditioned is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Zoning Ordinance, specifically Sections 16-52.040 (B) and (D), and other applicable Town regulations. The proposed addition to the existing commercial building would be consistent with the intent of the Neighborhood Commercial zone and the General Plan land use designation of Neighborhood Commercial.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit application (File #CUP2016001), subject to the following conditions of approval:

1. This use permit authorizes the construction of an up to 200 square foot addition at 1550 Tiburon Boulevard, Suite S, as generally shown on drawings (3 sheets) prepared by William H. Craig, Architect, date-stamped "Received February 11, 2016" by the Planning Division. Any substantial modification of the authorized addition, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.
2. This use permit authorizes the use of floor area and outdoor courtyard area for a café use in substantial conformance with application materials and drawings submitted with the application. Any substantial modification of the authorized use, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.
3. Serving of alcohol for consumption on the premises is permitted in conformance with regulations of the state department of Alcohol and Beverage Control.
4. Site Plan & Architectural Review approval shall be required for the addition.
5. The applicant shall obtain all necessary permits from the Town of Tiburon Building Division.
6. The permittee shall comply with all applicable regulations of the Marin County Health Department, the Marin Municipal Water District, Sanitary District No. 5, and the Tiburon Fire Protection District.

7. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
8. This Conditional Use Permit approval shall expire and become null and void if not vested within one (1) year of final approval, unless an extension is approved.
9. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on February 24, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

KYRA O'MALLEY, SECRETARY