



Agenda Item No. 14

Staff Report

Date: September 14, 2023

To: Mayor Brekhus and Council Members

From: Alex Lopez-Vega, Assistant Planner

Subject: Hair Salon Use Permit-
7 Ross Common, Project Application No. CUP23-0004

Recommendation

Town Council consideration to allow a use permit for a hair salon at 7 Ross Common and consideration of Resolution 2339.

Project Summary

Owner:	Jeff Koblick
Applicant:	Megan Sledge
Location:	7 Ross Common
A.P. Number:	073-273-13
Zoning:	C-L (Local Service Commercial)
General Plan:	PS (Public Service)
Flood Zone:	AE (High Risk Area)

Project Description

The applicant, Megan Sledge, is requesting approval of a Use Permit to operate a hair salon business in the ground floor space on the south side (street-side facing) of an existing commercial/residential building at 7 Ross Common. The proposed site is approximately 750-800 square feet of space and the site has no onsite parking. The salon business will also offer for sale various hair care products on a retail basis. The hair salon would have three employees and three clients at most at one time. The proposed days and hours of operation are Monday through Saturday from 9:00 a.m. to 7:00 p.m.

Background

The applicant, Megan Sledge, has been a hair stylist for 14 years and for 12 of those years in Marin County. She indicates that hair styling has always been her passion and she is very excited

for the opportunity to open a hair salon of her own. She states that she has a loyal and dedicated following.

Discussion

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants, and professional offices. The Town encourages the community to support these businesses to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.” Other General Plan goals and policies related to the downtown are as follows:

- 2.1 Sustainable Practices (c) Preserve uses in the commercial area of the town that serve local residents and reduce the need to drive to other areas.
- 8.4 Downtown and Ross Common. Maintain the Town-owned Ross Common areas linked to uses and activities at Ross School and linked to the Town’s downtown area as the central recreation, gathering and local shopping area of Ross. Maintain the downtown area as an attractive, pedestrian-friendly, small retail/business area. Encourage smaller-scale housing units mixed with commercial uses.
- 8.5 Downtown Commercial Uses. Create a warm, friendly, attractive, and economically viable shopping environment in the downtown by encouraging local-serving commercial uses that create a pedestrian feel in the Downtown, especially in ground-floor storefront locations. Create an attractiveness to the Downtown commercial area through regulation of signage, awnings, and other façade treatments, and through public improvements.
- 8.6 Gathering Places. Encourage and enhance community gathering places such as downtown, the Ross Common and the post office. Support the activities of Ross Recreation, Ross School, and the Marin Art & Garden Center.
- Relevant General Plan “New Ideas” 8.B Modify Downtown Commercial Zoning. Revise commercial zoning in the Downtown to prohibit offices in storefront locations, to encourage mixed use housing, and to encourage uses that are local-serving and would contribute to the vitality of downtown.

The project site is also located within the Local Service Commercial (C-L) zoning district. Pursuant to Section 18.20.020, the purpose of the C-L zoning district is to allow for “uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit. A hair salon establishment is subject to approval of a Use Permit.

Currently, the downtown has three hair salon establishments (e.g., MC23 Salon, Silhouette Hair Studio and Atelier Emi). Staff believes the proposed hair salon and related sale of hair products use would be consistent with the General Plan goals and policies in that the use would be local

serving and contribute to the activity and economic vitality in the downtown. Staff does not anticipate any adverse impacts of the proposed use.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. At the time of writing the staff report there were no public comments received.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 1, Class 1 (Existing Facilities) as the project would have a negligible or no expansion of the existing use.

Fiscal, resource and timeline impacts

If approved, the project would not have any fiscal impacts to the Town.

Attachments

1. Resolution No. 2339
2. Project Application
3. Plans

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2339

A RESOLUTION OF THE TOWN OF ROSS APPROVING USE PERMIT TO OPERATE A HAIR SALON WHICH WILL ALSO SELL VARIOUS HAIR CARE PRODUCTS ON A RETAIL BASIS AT 7 ROSS COMMON, APN 073-273-13

WHEREAS, Megan Sledge, prospective tenant has submitted a Use Permit application to operate a hair salon and sell various hair care products on a retail basis at 7 Ross Common, Assessor's Parcel Number 073-273-13 (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 *—additions to existing structures*. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources; and

WHEREAS, on September 14, 2023, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; ratifies the findings set forth in Exhibit "A", and approves the project, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Elizabeth Brekhus, Mayor

Cyndie Martel, Town Clerk

EXHIBIT "A"
FINDINGS
7 ROSS COMMON
APN 073-273-13

A. Findings

I. In accordance with Ross Municipal Code Section 18.44.030, a Use Permit is approved based on the following finding:

The establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The Use Permit would further the Town's General Plan goals and policies relative to encouraging economically viable local-serving uses that will contribute to the pedestrian feel of the Downtown. Furthermore, the project would not be detrimental to the public welfare or injurious to properties in the neighborhood as the project would need to demonstrate compliance with all regulatory agencies, such as the Town of Ross Building Department and Public Works Department, in addition to the Marin Council Environmental Health Services Department.

II. In accordance with Ross Municipal Code Section 18.20.030(b), a Use Permit is approved in the Local Service Commercial District based on the following findings-

(1) The use permit is consistent with the public welfare:

The proposed use would not be detrimental to the health safety and morals since the size and nature of the proposed business would not generate noticeable parking, traffic, noise, or other undesirable or harmful effects that would adversely impact nearby business or neighborhoods.

(2) The proposed use will not be detrimental to or change the character of adjacent or neighboring properties in the area the use is proposed to be located:

The proposed use will be in an existing structure that has no onsite parking. No exterior modifications are proposed. The character of the neighborhood is a downtown commercial district, which is appropriate for the proposed use.

(3) The property on which the proposed use is to be located is suitable for the proposed use:

The property is suitable for the proposed use in that it is located in a commercial building containing another service use that is compatible with a hair salon business.

(4) The traffic-generating potential and/or the operation of the proposed use will not place an unreasonable demand or burden on existing municipal improvements, utilities or services:

The project applicant has indicated staffing of three employees and up to three clients at one time. This level of activity is not expected to have any adverse impact to the existing municipal improvements, utilities or services.

(5) Adequate consideration has been given to assure protection of the environment.

The proposed use is categorically exempt from CEQA and determined to have no impact on the environment.

(6) The proposed use is consistent with applicable zoning provisions and the objectives of the general plan; and

The project site is also located within the Local Service Commercial (C-L) zoning district. Pursuant to Section 18.20.020, the purpose of the C-L zoning district is to allow for “uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit. A hair salon and related retail sales are subject to approval of a Use Permit.

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants, and professional offices. The Town encourages the community to support these businesses in order to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.” The proposed use is consistent with applicable General Plan goals and policies.

(7) Adequate consideration has been given to assure conservation of property values, the suitability of the particular area for the proposed use and the harmony of the proposed use with the planned development and future land use of the general area.

The proposed use is located in the C-L district, which is a suitable area for the use and in harmony with the other existing land uses in the district.

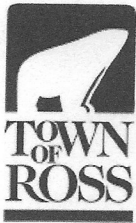
EXHIBIT "B"
CONDITIONS OF APPROVAL
7 ROSS COMMON
APN 073-273-13

The following conditions of approval are hereby approved by the Town Council:

1. This approval authorizes a Use Permit to allow for a hair salon and retail sales to operate at 7 Ross Common, Assessor's Parcel Number 073-273-13, in accordance with the approved project description, including, but not limited to, business hours 9:00 a.m. to 7:00 p.m., Monday through Saturday.
2. The applicant shall obtain all required building permits prior to commencement of work.
3. Any encroachment into the public right of way, such as for installation or replacement of awnings, signage, or seating, requires a revocable encroachment permit reviewed and approved by the planning department and issued by the Director of Public Works.
4. An increase of the square footage (such as expansion into the basement area of the business), intensity of operation, or a significant change in the proposed business from the approved description, shall be subject to Town Council approval.
5. The applicant shall comply with the Town noise regulations. Any new equipment, new vents or mechanical equipment, shall operate within the noise limits.
6. The applicant shall comply with all requirements of the California Department of Alcohol and Beverage Control. The applicants are responsible for securing permits from any other local, state or federal agencies, such as the County health department.
7. All trash and recycling shall be accommodated on site in covered receptacles. The Town may require the applicant to provide additional trash receptacles if found to be necessary.
8. Employees shall periodically check the area near the store to clean up any containers, napkins and other debris discarded by customers and empty the trash containers in and near the store if they become too full.
9. The applicant is responsible for ensuring that all improvements comply with accessibility regulations, regardless of whether a building permit is required for the work.
10. Prior to installation of any new signage, including any interior signs that are visible from the exterior, the applicant shall submit plans for the signs to the Town planning department staff for approval and or shall be subject to Town Council approval. No exposed neon tubing for signing or decoration is permitted.

11. In the event that any of the conditions of this approval are not satisfied, the Planning Department shall first notify the applicant and, if correction is not made, notice a hearing to be set before the Town Council to determine whether the Town should revoke the approval.
12. No changes to the approved plans and use shall be permitted without prior Town approval.
13. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

ATTACHMENT 2



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input checked="" type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): 073-273-13

Project Address: 7 Ross Commons, Ross

Property Owner: GP Marin Real Estate, LLC, Attn. Jeff Koblick

Owner Mailing Address (PO Box in Ross): P.O. Box 776

City/State/Zip: Ross, CA 94957 Owner's Phone: 415-407-0022

Owner's Email: jeffkoblick@icloud.com

Applicant: Megan Sledge

Applicant Mailing Address: 18096 Joseph Dr.,

City/State/Zip: Castro Valley, CA 94546 Applicant's Phone: 510-303-9242

Applicant's Email: Megan.sledge@gmail.com

Primary point of Contact Email: ☒ Owner ☐ Buyer ☐ Agent ☐ Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300	_____
Tree Permit 5305	_____
Fee Program Administration 5315-05	_____
Record Management 5316-05	_____
Record Retention 5112-05	_____
Technology Surcharge 5313-05	_____
TOTAL FEES:	_____

Date paid: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

Megan Sledge would like to operate a hair salon at 7 Ross Commons, Ross, CA 94957.

There are approximately 800 Sq. Ft. in the location.

Megan has worked in hair salons in Marin for 10 years and is now opening her own salon.

Adjacent tenants are Breaking Away Bikes and Mind Tank offices.

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Ross

, California on

7/25/23

Jeff B. Hollist

Megan Sledge

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- ☒ Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

There are no consultants

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm None

Project Landscape Architect _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____

Email _____

Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm None

Project Engineer _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____

Email _____

Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm None

Project Arborist _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____

Email _____

Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant None

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____

Email _____

Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____

Email _____

Town of Ross Business License No. _____ Expiration Date _____

ATTACHMENT 3

