

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR VILLAGE BAPTIST CHURCH USE PERMIT

| | | | |
|--------------------------|------------------------------|---------------------------|--------------------------------------|
| Item No: | C1. | Application No: | UP 08-14 |
| Applicant: | Rev. Emmanuel Akognon | Owner: | Village Baptist Church |
| Property Address: | 825 Drake Avenue, Marin City | Assessor's Parcel: | 052-112-03 |
| Hearing Date: | February 14, 2008 | Planner: | Christine Gimmler, Senior Planner |

| | |
|------------------------------|--|
| RECOMMENDATION: | Approval with Conditions |
| APPEAL PERIOD: | Ten business days to the Planning Commission |
| LAST DATE FOR ACTION: | February 26, 2008 |

PROJECT DESCRIPTION:

The applicant is requesting Use Permit approval to allow installation of a temporary modular building on the one-acre Village Baptist Church property on Drake Avenue in Marin City. The temporary structure would be used for weekly church services until construction of the Village Baptist Church (approved in 2007) is completed. The proposed one-story 14-foot high modular building would contain approximately 2,100 square feet, and would accommodate up to 70 church members. The structure would be located west of the existing parking area, which would be restriped to accommodate 25 parking spaces, including 2 accessible spaces. Proposed exterior colors include off-white siding with green trim.

GENERAL INFORMATION:

Countywide Plan

| | |
|-------------------------------|---|
| Designation: | MF 4.5 (Multiple Family, 11 to 40 units per acre) |
| Zoning: | RMP-34 (Residential, Multiple-family Planned District, 34 units per acre) |
| Lot size: | 1.01 acres |
| Adjacent Land Uses: | Single and multi-family residential |
| Vegetation: | Limited introduced landscaping |
| Topography and Slope: | Moderately sloping |
| Environmental Hazards: | None identified |

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15302, Class 2 of the CEQA Guidelines because it entails placement of a temporary structure on a previously developed property to house weekly church services during construction of the permanent structure. The proposed project would not result in grading, tree removal, or other potentially adverse environmental impacts.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. .

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Marin City Community Plan because the project proposes the installation of a temporary modular building to be used for weekly church services prior to and during construction of the permanent church structure on the site, which was approved in 2007. Continuation of use of the site for a religious institution serving the Marin City community would be consistent with policies of the Marin City Community Plan because it would provide a community use which would serve the residents of Marin City consistent with the historic use of the property. In addition, installation and use of the temporary building would not conflict with the character of the area or result in adverse environmental or visual impacts. Please refer to the recommended resolution for detailed findings

PROJECT ANALYSIS:

The one acre subject property is located at the northeast corner of Drake Avenue and Park Circle in Marin City. The site is currently vacant but was previously developed with the original Village Baptist Church building, which was approved and constructed in the mid 1960's and subsequently destroyed by fire in 1999. The surrounding neighborhood is composed primarily of single-family and multifamily residential development. Other nearby uses include commercial and public uses including a school, library, and shopping center. The topography of the site is characterized by moderate slopes that rise in a northerly direction from Drake Avenue. However, the site has been altered by past grading activity associated with construction of the original church. In 2007, the applicant received Use Permit and Design Review approval for the construction of a new 9,750 square foot church on the subject property to replace the original Village Baptist Church. As approved, the new church facility will be located at the eastern end of the one-acre property, while the western portion of the site will accommodate a new 55-space parking lot.

As described above, the current application proposes the installation of a 2,100 square foot modular building to be used for weekly church services on a temporary basis prior to and during construction of the permanent church facility. The one story structure would attain a maximum height of 14 feet above grade and would be located on a relatively level and accessible portion of the site immediately west of an existing parking area (constructed for the original church) which would be restriped to accommodate 25 temporary parking spaces.

Overall, staff finds that Use Permit findings can be made for the proposed project. The installation of a relatively small modular church building on a temporary basis would not significantly alter the visual character of the area and would not generate any activities which are detrimental to the public or adjoining property owners and residents. The site would be served by 25 parking spaces, which Department of Public Works staff have determined would be adequate to serve the temporary church building until the permanent structure and its associated parking lot are completed. The temporary building would primarily serve existing residents of Marin City who are long time members of the Village Baptist Church congregation. Although the structure would be visible from Drake Avenue, it would not be visually prominent due to its low height and would be partially screened from Park Circle by existing

vegetation. The temporary building would be sited where it would not require grading or tree removal and would not interfere with construction of approved development. The small scale of the structure would ensure that no adverse traffic or parking impacts on nearby neighbors would result. Water and sewer service to the temporary building would be provided by the Marin Municipal Water District and the Sausalito-Marín City Sanitary District. Finally, the proposed project would not result in any adverse impacts on the environment and no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator take the following actions:

1. Review the administrative record;
2. Conduct a public hearing; and
3. Approve the Village Baptist Church Use Permit based on the findings contained in the proposed resolution.

- Attachments:
1. Proposed Resolution recommending approval of the Village Baptist Church Use Permit
 2. Environmental Document
 3. Location Map
 4. Assessor's Parcel Map
 5. Site Plan
 6. Floor Plan
 7. Elevations
 8. Department of Public Works, Land Use and Water Resources memo, 12/21/07
 9. Marin County Fire Department memo, 12/20/07
 10. Marin Municipal Water District letter, 12/28/07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

**A RESOLUTION APPROVING WITH CONDITIONS THE
VILLAGE BAPTIST CHURCH USE PERMIT**

**ASSESSOR'S PARCEL 052-112-03
825 DRAKE AVENUE, MARIN CITY**

SECTION I: FINDINGS

- I. WHEREAS the applicant is requesting Use Permit approval to allow installation of a temporary modular building on the one-acre Village Baptist Church property on Drake Avenue in Marin City. The temporary structure would be used for weekly church services until construction of the Village Baptist Church (approved in 2007) is completed. The proposed one-story 14-foot high modular building would contain approximately 2,100 square feet, and would accommodate up to 70 church members. The structure would be located west of the existing parking area, which would be restriped to accommodate 25 parking spaces, including 2 accessible spaces. Proposed exterior colors include off-white siding with green trim. The subject property is located at 825 Drake Avenue, Marin City, and is further identified as Assessor's Parcel Number 052-112-03.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 14, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project; and
- 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 pursuant to Section 15302, Class 2 of the CEQA Guidelines because it entails installation of a temporary building on a developed property which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Comply with the Countywide Plan land use designation of Single Family, 4 to 7 units per acre (SF6), which permits religious institutions subject to Use Permit approval.
 - B. Provide a temporary structure for religious and community service uses on a previously developed infill site within the City-Centered Corridor which is served by existing roadways and necessary public and community facilities.
 - C. Comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.
 - D. Not cause substantial soil disturbance or the removal of significant natural vegetation.

- E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, traffic and circulation, or other services.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the Marin City Community Plan because the project would provide temporary space for Village Baptist Church services prior to and during construction of the permanent church, which was approved in 2007. The temporary structure would not block views from surrounding properties or result in other adverse environmental impacts, and would be compatible with the character of the community. Use of the site for a religious institution serving the Marin City community would be consistent with policies of the Marin City Community Plan because it would provide a community use which would serve the residents of Marin City consistent with the historic use of the property.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory findings for a Use Permit pursuant to Section 22.48.040 of the Marin County Development Code can be made for the reasons listed 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.

Pursuant to Marin County Code 22.10.030, religious institutions are a conditionally- permitted land use within the governing RMP zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Marin City Community Plan because the project proposes the installation of a temporary modular building to be used for weekly church services prior to and during construction of the permanent church structure on the site, which was approved in 2007. Continuation of use of the site for a religious institution serving the Marin City community would be consistent with policies of the Marin City Community Plan because it would provide a community use which would serve the residents of Marin City consistent with the historic use of the property. In addition, installation and use of the temporary building would not conflict with the character of the area or result in adverse environmental or visual impacts.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15302, Class 2 of the CEQA Guidelines because it entails placement of a temporary structure on a previously developed property to house weekly church services during construction of the permanent structure. The proposed project would not result in grading, tree removal, or other potentially adverse environmental impacts.

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

Installation of the proposed modular building would allow weekly church services to occur on the property on a temporary basis prior to and during construction of the recently approved permanent church building. Accordingly, the design, location, size and operating characteristics of the proposed use are consistent with the approved use of the property as a permanent church facility. The project would be compatible with surrounding residential land uses and would not generate any activities which would be detrimental to existing or future land uses in the vicinity. The proposed hours of operation are reasonable and Department of Public Works staff have indicated that the applicant's proposal to provide 25 parking spaces on site would be adequate to serve the temporary church building until the permanent structure and its associated parking lot are completed. Finally, the Village Baptist church enjoys widespread support among the Marin City community and no adverse comments regarding the project have been received from residents in the vicinity.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The proposed temporary modular building would not adversely impact the architectural integrity and character of the community due to its small size and temporary nature. Although the structure would be visible from Drake Avenue, it would not be visually prominent due to its low height and would be partially screened from Park Circle by existing vegetation. The temporary building would be sited where it would not require grading or tree removal and would not interfere with construction of approved development.

F. 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 installation and use of a modular building during construction of the permanent Village Baptist Church would be compatible with the surrounding community and would not be detrimental to the health, safety, convenience, or welfare of the public or surrounding property owners. The installation of a relatively small modular church building on a temporary basis would not significantly alter the visual character of the area and would not generate any activities which are detrimental to the public or adjoining property owners and residents. The site would be served by 25 parking spaces, which Department of Public Works staff have determined would be adequate to serve the temporary church building until the permanent structure and its associated parking lot are completed. The temporary building would primarily serve existing residents of Marin City who are long time members of the Village Baptist Church congregation. The small scale of the structure would ensure that no adverse traffic or parking impacts on nearby neighbors would result. Water and sewer service to the temporary building would be provided by the Marin Municipal Water District and the Sausalito-Marín City Sanitary District. Finally, the proposed project would not result in any adverse impacts on the environment and no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Village Baptist Church Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. This Use Permit approval permits the temporary installation of a modular building to be used for church services until construction of the previously approved Village Baptist Church is complete. As approved, the 2,100 square foot structure will attain a maximum height of 14 feet, and will be sited west of the existing parking area on the site, approximately 40 feet from the front property line along Drake Avenue, 40 feet from the eastern side property line, and over 50 feet from the northern rear property line. As proposed and approved, 25 parking spaces (including 2 accessible spaces) for the temporary use will be provided within the existing parking area. Approved exterior colors include off-white siding with green trim. The subject property is located at 825 Drake Avenue, Marin City, and is further identified as Assessor's Parcel 052-112-03.
2. Except as modified herein, plans submitted for building permit and use of the temporary modular building shall conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit "A": entitled "Village Baptist Church," submitted November 27, 2007.
3. Operation and use of the approved temporary structure shall not exceed the hours of operation approved as part of the permanent Village Baptist Church approval. Any changes to the proposed number or timing of events and programs within the temporary building that would result in increase parking demand beyond the 25 parking spaces provided shall be submitted for review and approval of the Community Development Agency and Department of Public Works staff to ensure that adequate parking is available.
4. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded.
5. All construction activities associated with installation of the modular building and restriping of the parking lot area shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all

contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

6. PRIOR TO FINAL INSPECTION of the temporary building, the applicant shall comply with all requirements of the Marin Municipal Water District to ensure that the temporary structure is connected to an approved water source prior to occupancy.
7. PRIOR TO FINAL INSPECTION of the temporary building, the applicant shall comply with all requirements of the Sausalito-Marin City Sanitary District to ensure that the temporary structure is connected to an approved sanitary sewer service prior to occupancy.
8. Prior to occupancy of the permanent Village Baptist Church, the temporary building must be removed from the property and the site must be cleared of all construction debris.
9. This Use Permit for the temporary installation of a modular building to be used for church services shall expire two years from the date of approval. The temporary building must be removed from the subject property by that date, unless prior to the expiration date, the applicant applies for an extension and such extension is granted by the Deputy Zoning Administrator and upon substantial progress on the construction of the permanent church facility.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of (description of project being approved), for which action is brought within the applicable statute of limitations.
11. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent hazards to people and property.
12. 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.
13. This Use Permit shall be vested by securing a valid building permit for approved work, completing all work in compliance with the terms of the building permit approval, and commencing operation of the approved use. The Use Permit shall remain valid unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.88 of the Marin County Code.

Marin County Department of Public Works

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit or comply with the following:
 - a. The applicant shall provide an erosion and sediment control plan for the site. This plan shall include a 24-hour contact number.

- b. Adequately show and note all required components for accessible parking spaces along with path of travel to main entrance and public right of way (sidewalk). All handicap parking, loading areas and driveway approach to sidewalk shall meet federal and State of California Title 24 accessibility standards. Note all slopes. Please note that the Department of Public Works will allow an exception to Section 24.04.410 that maximum cross-slope should not be greater than 5 percent and shall not be greater than 8 percent for the temporary parking configuration. DPW staff does not think that removal and regarding the existing concrete parking lot is the most suitable way to provide disabled access parking and path of travel. We recommend that the applicant consider alternate designs to provide compliant parking and path of travel that does not require removal or regarding of the existing parking lot.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, BE IT FURTHER RESOLVED that the applicant must vest the Village Baptist Church Use Permit approval by February 14, 2010, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails securing a valid building permit for the temporary structure and completing all work in compliance with the secured building permit, and complying with all conditions of approval. This Use Permit shall expire 24 month from the date of approval (February 14, 2010) unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it.

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, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 28, 2008.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of February, 2007.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary