

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – March 25, 2010

Hearing Officer Johanna Patri, AICP, Consulting Planner
 Jeremy Tejrjian, AICP

Staff Present: Scott Greeley, Planner
 Kristina Tierney, Planner

Joyce Evans, Recording Secretary

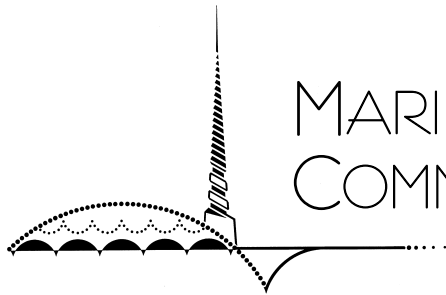
Convened at 9:02 A.M.
Adjourned at 9:20 A.M.
Reconvened at 9:22 A.M.
Adjourned at 9:36 A.M

**C1. COASTAL PERMIT (CP 10-8) AND DESIGN REVIEW (DR 10-45):
PETER ROSSELLI AND KARNE ROEPER**

SG

A proposal to consider the Rosselli Coastal Permit (CP10-8) and Design Review (DR10-45) proposing to construct a new 2,319 square-foot, single-residence on top of an existing foundation that was built in 1980 in Muir Beach. In addition, a two-car parking deck is proposed to be located along the northeasterly corner of the property. The proposed residence would consist of two levels plus loft, a 160 square-foot deck. The height of the two story structure would achieve a maximum height of 25 feet. The proposed two story structure would result in a 12% floor area ratio (FAR) and will maintain the following setbacks: 1) 24 feet from northerly front property line; 2) 28 feet, 6 inches from westerly side property line; 3) 46 feet, 6 inches from easterly side property line; and 4) 74 feet from southerly rear property line. The project is in a C-R-A:B-4 zoning district. The subject property is located at **43 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-282-03**.

The hearing officer stated that the item had been rescheduled to a date uncertain. New notices will be sent when a date is established.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **COUNTY OF MARIN (BOLINAS BEACH CAMPING BAN)**

Application (type and number): Coastal Permit (CP 10-34)

Assessor's Parcel Number: Various

Project Location: Bolinas Beach

For inquiries, please contact: Scott Greeley, Planner

Decision Date: March 25, 2010

DETERMINATION: Approved with Conditions

Minutes of the March 25, 2010, Deputy Zoning Administrator's hearing are attached.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**H1. COASTAL PERMIT (CP 10-34): COUNTY OF MARIN
(BOLINAS BEACH CAMPING BAN)**

SG

A proposal to consider the County of Marin Coastal Permit (10-34) proposing to create a "full time and permanent" ban to camping on Bolinas Beach. In this case, "Bolinas Beach" is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership, and which is located within the boundaries of the area more particularly identified in the aerial photograph on file in the Community Development Agency. The proposed Coastal Permit will not impact beach access. Any decision made by the Deputy Zoning Administrator can be appealed to the Planning Commission. The subject property is located along Bolinas Beach and can be identified by **Assessor's Parcels 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24.**

The Hearing Officer acknowledged additional comment letters in support of the project from the Bolinas Fire Protection District, Bolinas Land Trust, Cela O'Connor and Robert Eckdall.

In response to the Hearing Officer, staff defined what exactly is being requested for banning as it relates to camp and camping.

The public testimony portion of the hearing was opened.

David Kimball, Bolinas Fire Protection District, Herbert Tully resident, Bobbi Kimball, Bolinas Community Public Utility District, Cela O'Connor, and Bruce Bowser, resident spoke in favor of the project, expressing concerns with health, safety, fire risk, waste management and security reasons and noted that the ban will not effect beach access for the public.

The public testimony portion of the hearing was closed.

The Hearing Officer approved the project with the following modification to the Resolution:

- SECTION II: DECISION AND APPEAL RIGHTS: ...public and private ownership (insert) "as shown on Exhibit "A" of this Resolution."

The Hearing Officer concurred with staff's analysis and recommendation and approved the County of Marin (Bolinas Beach Camping Ban) Coastal Permit, based on the Findings in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within (5) working days.

Bobby Kimball, spoke in favor. Measure H 2009 advisory pole on the ban – upheld the will of the voters. 56% voted in favor for ban on camping.

Appealed in five days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-114

A RESOLUTION APPROVING THE COUNTY OF MARIN COASTAL PERMIT (BOLINAS BEACH CAMPING BAN)

BOLINAS BEACH, BOLINAS

ASSESSOR'S PARCELS 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24

SECTION I: FINDINGS

- I. WHEREAS, the County of Marin, is seeking Coastal Permit approval to create a “full time and permanent” ban to camping on Bolinas Beach. "Bolinas Beach", in this case is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership. Per Chapter 6.90.020(B) of the Marin County Code, “To camp” and “camping” means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms “to camp” and “camping” are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping. The proposed project will not impact beach access. **The subject property is located along Bolinas Beach and can be identified by Assessor's Parcels 193-142-07, 193-142-11, 193-142-10, 193-151-19, 193-151-20, 193-151-21, 193-151-16, 193-151-11, 193-151-18, 193-151-17, 193-142-23, 193-162-19, 193-142-15, 193-123-06, 193-142-12, 193-142-24, 193-162-17, 193-162-16, 193-162-25, 193-162-24.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing March 25, 2010, to consider the merits of the project and hear testimony in favor of and in opposition to the project.

- 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, per Section 15308, Class 8 of the CEQA Guidelines because it entails prohibiting camping on Bolinas Beach, and would not restrict beach access nor result in potentially significant impacts to the environment.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The proposed project will require no water and due to the elimination of human wastes and litter which results from camping and would minimize pollutants found in the ocean and along the beach as a result of such activities. Therefore, the project is consistent with this finding.

B. Septic System Standards

The proposed project will not require septic or sewer connections. Further, due to the minimization of the introduction of human-based pollutants and litter, it would minimize sanitation impacts. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The proposed project will result in no grading or excavation. Therefore, the project is consistent with this finding.

D. Archaeological Resources

Banning camping on Bolinas Beach would result in no grading or excavation and since it will result in decreased human intensity of use, would minimize the possibility of impacts on archaeological resources. Therefore, the project is consistent with this finding.

E. Coastal Access

The proposed project entails the banning of camping on Bolinas Beach, as defined above in Finding I. The project does not entail any additional restriction on use of the beach, including with regards to hours of operation or direct access to the beach. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community because it does not involve removing any existing housing stock. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the beaches and the ocean. As a result, the proposed project will minimize impact to any local streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to local dunes found in the Dune Protection area identified by the Local Coast Plan and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the ocean, beaches, and community of Bolinas. As a result, the proposed project will minimize impact on local wildlife habitat. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping to the ocean, beaches, and community of Bolinas. As a result, the proposed project will minimize impact to local native plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection

Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter which results from camping due to inadequate existing sanitation facilities, to the local shoreline areas and should as a result lead to enhanced shoreline protection. Therefore, the project is consistent with this finding.

L. Geologic Hazards

Banning camping on Bolinas Beach prohibits camping on the beach and does not introduce new construction or other uses or activities along the beach, nor would it increase human exposure to erosion, seismic, or other geologic hazards. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project only affects the use of the beach and will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The beach is recognized as a visual resource by the Local Coastal Program. Banning camping on Bolinas Beach will minimize introduction of human-based pollutants and litter

which results from camping to Bolinas Beach, and should result in the maintenance or enhancement of the beach, as a result of a reduction in potential refuse. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The proposed project only prohibits camping on Bolinas Beach. It will not otherwise limit access, hours, or other type of use already permitted on the beach. In addition, due to the minimization of human-based pollutants and litter to the ocean, beach, and Community of Bolinas, it should have a minimal impact on local facilities and capacity of such facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

Banning camping on Bolinas Beach will have no impact on existing, proposed, or future construction in the area and will have no impact on existing historical resources. Therefore, the project is consistent with this finding.

SECTION II: DECISION AND APPEAL RIGHTS

Pursuant to Chapters 22.56I and 22.57I (Coastal Permit) of the Marin County Interim Development Code, the County of Marin Coastal Permit (Bolinas Beach Camping Ban) is approved to create a "full time and permanent" ban to camping on Bolinas Beach. "Bolinas Beach", in this case is defined as all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership, as shown on Exhibit "A" of this Resolution. "To camp" and "camping" means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms "to camp" and "camping" are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping.

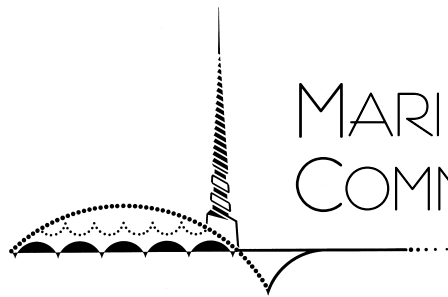
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on April 1, 2010.**

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25th day of March 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest: _____
Joyce Evans, DZA Secretary



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **HARBOR POINT RACQUET AND SWIM CLUB**
Application (type and number): Use Permit (CP 10-8), and Design Review (DR 10-30)
Assessor's Parcel Number: 043-301-09
Project Location: 475 East Strawberry Drive, Mill Valley
For inquiries, please contact: Kristina Tierney, Planner
Decision Date: March 25, 2010

DETERMINATION: **Approved with Conditions**

Minutes of the March 25, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-26.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**H2. USE PERMIT (CP 10-8) AND DESIGN REVIEW (DR 10-30):
HARBOR POINT RACQUET AND SWIM CLUB**

KT

A proposal to consider the request from Form4 Architecture, on behalf of the Harbor Point Racquet and Swim Club, for Design Review approval and a Use Permit to expand and improve the existing fitness center located at 475 East Strawberry Drive. The project would expand the existing 681 square foot fitness center and 695 square foot locker room building by constructing a new two-story, 7,047-square-foot fitness center. A total of 67 parking spaces (3 new spaces) would be provided to serve the 803 members. The property is zoned BFC-RMP-2.96 (Bayfront Conservation, Residential, Multi-family Planned, 2.96 units/acre. The subject property is located at **475 East Strawberry Drive, Mill Valley**, and is further identified as **Assessor's Parcel 043-301-09**.

In response to the Hearing Officer, staff corrected the square footage of the project in the project description to 7,133 feet and changed the roof description in Condition of Approval #7 from a concrete tile roof to a composition shingle roof.

Michel Jeremias, Department of Public Works added a new Condition of Approval to read:

- Condition of Approval #23, add: "The applicant shall be required to pay a transportation facilities fee per Marin County Code Title 15.07. Such fees will be determined by one of the following methods: established engineering methods such as ITE, or collected field data, to be determined by an engineer, at the applicant's expense, or based on the changes in use from the existing facility base line to the PM peak trips."

The public testimony portion of the hearing was opened.

Ray Kaliski, Partner and owner of Marin Land Development, spoke in favor of the project. He asked that the project be approved today. The Hearing Officer responded that an increase in membership in the future would need a Use Permit Amendment.

The Hearing Officer directed staff to replace the term "Handicapped" throughout the resolution with "accessible to people with disabilities." He also directed staff to change "Exhibit A" to "Exhibit B" in Condition of Approval #5.

The Hearing Officer concurred with staff's analysis and recommendation and approved the Harbor Point Racquet and Swim Club Use Permit and Design Review, based on the Findings in the modified Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 10-115

A RESOLUTION APPROVING THE HARBOR POINT RACQUET AND SWIM CLUB USE PERMIT
AND DESIGN REVIEW
ASSESSOR'S PARCEL 043-301-09
475 EAST STRAWBERRY DRIVE, MILL VALLEY

SECTION I: FINDINGS

- I. WHEREAS Form4 Architecture, on behalf of the Harbor Point Racquet and Swim Club, is requesting Design Review approval and a Use Permit to undertake programmatic changes and physical improvements to the existing fitness center. The programmatic changes increase services offered by the fitness center, including three group fitness rooms. Physical improvements would include the demolition of the existing 681 square foot fitness center and 695 square foot locker room and construction of a new two-story, 29.5 foot tall fitness center totaling 7,133 square feet.

The application does not include an increase in the number of club members, which stands at 774 members. Four additional parking spaces are proposed, including three regular spaces and one van space that would be accessible to people with disabilities. A total of 67 spaces would be provided onsite, in compliance with Marin County Title 24 requirements.

Also included in this Use Permit is a request for one annual, two-day special event. The event would take place on a consecutive Saturday and Sunday. Hours of the event would be 9:30 am to 5 pm on both days. Requested attendance is up to 2,000 people with 17 parking spaces accessible to people with disabilities provided onsite and additional parking (approximately 800 spaces) to be provided offsite on nearby private property with shuttles available.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 25, 2010, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- 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, per Section 15303, Class 3(c) because it entails the construction of a commercial building not exceeding 10,000 square feet on a property where the use is a conditionally approved use in the zoning district and the governing Master Plan allows the specific use.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and Strawberry Community Plan due to the following reasons:
 - A. The project would be consistent with the MF2 (Multiple Family, 1-4 units/acre) land use designation.
 - B. The project complies with all Bayfront Conservation policies and programs regarding protection of wetlands (BIO-5.1 and 5.2).

- C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - D. The project would 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.
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - F. The project would minimize soil disturbance and maximize of natural vegetation.
 - G. The project would comply with policies in the Strawberry Community Plan regarding preservation of views to the Bay and avoiding alteration of the Bay shoreline (Policies 2.12, 2.21 and 2.22), and transportation (Policy A.1.a).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, in accordance with the conditions of approval, is consistent with the Mandatory Findings for a Master Plan Waiver (Section 22.44.040.B of the Marin County Code).

- A. The project is eligible for a Master Plan pursuant to Marin County Code Section 22.44.040.A.

The project constitutes a conditional use, allowed with Use Permit where authorized by Master Plan, pursuant to Table 2-6 in Section 22.13.030. The project is eligible for a Master Plan Waiver as it entails commercial development totaling less than 15,000 square feet in area.

- B. The project is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.

As discussed above, the project is consistent with the Countywide Plan MF2 (Multiple Family, 1-4 units/acre) land use designation, all Bayfront Conservation policies and programs regarding protection of wetlands (BIO-5.1 and 5.2) and policies contained in the Strawberry Community Plan and Amendments regarding preservation of views to the Bay and avoiding alteration of the Bay shoreline (Policies 2.12, 2.21 and 2.22), and transportation (Policy A.1.a).

- C. The project has been designed so that potential impacts could be properly addressed through Use Permit or Design Review procedures, in compliance with Chapters 22.48 and 22.42. These impacts may include, but are not limited to: drainage, erosion, grading, landscaping, including appropriate tree and native vegetation preservation/retention, and circulation and transportation.

The project represents an expansion of existing facilities and uses and has been evaluated through the Use Permit and Design Review processes in order to minimize impacts from grading, drainage, tree removal, and transportation.

- D. The project does not involve Transfer of Development Rights, or does not cluster residential units.

There is no residential component to this project and no Transfer of Development Rights has been proposed.

- E. The project is located outside any resource areas relating to the protection and preservation of agriculture, archaeological/historic resources, geological hazards, mineral resources, native vegetation, plant/ wildlife, recreational/open space, ridgelines, water-related hazards (e.g., flooding), watersheds, or wetlands (or within 100 feet of any wetlands).

Project activities would take place where there is existing development. Two approximately 680 square foot structures and a large portion of deck would be removed to make room for the new fitness center. As a result, no resources would be affected by the project.

- F. The project is served, or can be served, by public safety personnel and equipment (e.g., fire, sheriff, etc.) as well as utilities and services.

The project site is currently served, and will continue to be served by existing public safety personnel and equipment as well as utilities and services. No increase in membership is proposed or authorized and therefore demand for such services would not increase.

- G. The project will substantially exhaust the potential for residual development based on Countywide Plan and zoning district densities and floor area ratios.

The governing Master Plan has adequately addressed residential development of the project site and the proposed project does not include a residential component.

- H. The project is located to avoid areas that are impacted by noise, hazardous materials, flooding, etc..

The project site was selected to minimize grading and tree removal and to avoid areas impacted by noise, flooding, and to avoid wetlands.

- I. The project contains adequate, unconstrained area on the project site for physical development and related on-site circulation and parking areas.

The proposed project would be located on a property that meets the parking and circulation requirements of the Marin County Code, as verified by Department of Public Works staff. Adequate parking is provided for the annual event.

- J. The project preserves significant views of shoreline areas as seen from off-site public and private viewing points.

The project has been designed to preserve views of the Bay from the uphill residential neighbors. The height was carefully examined to ensure that no view corridors were affected.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, in accordance with the conditions of approval, is consistent with the Mandatory Findings for Design Review (Section 22.42.060 of the Marin County Code).

- A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

The visual resources policies of the CWP and the Community Plan encourage new structures to be compatible in scale and design with the surrounding environment. Structures should follow the natural land contours and should not obstruct significant views from public viewing locations. The proposed structure was designed with the goal of preserving the existing viewshed enjoyed by the uphill residences and East Strawberry Drive, and preserves views of the Bay, consistent with these policies. No locations were identified where the project would obstruct any significant views.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.

The new building is sited to fit into the existing site layout in an aesthetic and functional manner. It has been designed with appropriate height and setbacks and the appearance is in keeping with the existing structures on site and in the neighborhood. The project would not eliminate sun or light exposure, vistas or privacy to adjacent properties as the design was crafted to be respectful of the neighbors. Further, circulation patterns would not be changed as the new building would be located where there is existing development.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.

The new building allows for adequate separation between existing building and will retain existing landscaping and vegetation.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The project site is developed and largely flat. As a result, grading would be minimal and no retaining walls are included in the project.

- E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The project is a commercial building and is not governed by the Single-family Residential Design Guidelines. In general, the new building has incorporated many design aspects contained in the Single-family Residential Design Guideline, however, such as breaking up roof masses, minimizing tree removal and grading, cantilevered elements, and building materials.

- F. The project is designed to conserve energy and natural resources by meeting the green building standards in Table 4-6 of the Marin County Code.

The project would comply with all Marin County green building requirements and would not require any tree removal.

- G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The project has been designed to comply with all requirements of the BFC-RMP-2.96 zoning district and the MF2 land use designation related to height and density.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, in accordance with the conditions of approval, is consistent with the Mandatory Findings for a Use Permit (Section 22.48.040 of the Marin County Code).

- 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.

The proposed use for a tennis and swim club with a fitness center was approved by the Harbor Point Master Plan, originally approved in 1977 and most recently amended in November 1997. The applicant has requested a Master Plan Waiver as part of the project. This request was granted as the project entails less than 15,000 square feet of commercial development. A Use Permit and Design review are being processed instead of a Master Plan.

- B. The proposed use is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.

The proposed use is consistent with the MF2 land use designation of the Countywide Plan and all Bayfront Conservation Policies. The proposed use is also consistent with the Strawberry Community Plan and Amendments. The project site is completely developed and no wetlands would be affected by this project.

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

The project is Categorical Exempt per CEQA Section 15303 Class 3 (c) as it entails construction of a commercial building not exceeding 10,000 square feet in an urbanized area where the use is conditionally permitted in the BFC-RMP-2.96 zoning district. The approved Master Plan for the project site allows fitness center use.

- D. The design, location, size, and operating characteristics of the proposed use are compatible .

The building has been designed to respect the neighboring properties and to maintain a mass and bulk appropriate to the project site and neighborhood and to avoid impacts to views. The building would be located where two existing, smaller structures are currently and would therefore minimize grading and tree removal. The new building and special event would support the continued use of the property for the Harbor Point Racquet and Swim Club.

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

The design of the new structure is in keeping with the architectural style of the surrounding community and has been designed to respect views from uphill residences while meeting the needs of the Harbor Point Racquet and Swim Club members and staff. The mass and bulk of the structure is appropriate for the site and maintains adequate setbacks to property lines. The project (new building and special event) is in keeping with the governing Harbor Point Master Plan.

- F. 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 operation of the existing facility and permitted special event under the Use Permit conditions would not result in traffic hazards which would be detrimental to public safety and welfare because the current facility meets all traffic standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Harbor Point Racquet and Swim Club Use Permit (UP 10-8) and Design Review (DR 10-30) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.48 (Use Permit) and 22.42 (Design Review) of the Marin County Code, the Harbor Point Racquet and Swim Club Fitness Center Design Review and Use Permit are approved to undertake programmatic changes and physical improvements to the existing fitness center. The programmatic changes increase services offered by the fitness center, including three group fitness rooms. Physical improvements shall include the demolition of the existing 681 square foot fitness center and 695 square foot locker room and construction of a new two-story, 29.5 foot tall fitness center totaling 7,133 square feet.

The application does not include an increase in the number of club members, which stands at 774 members. Four additional parking spaces are approved, including three regular spaces and one van space that is accessible to people with disabilities. A total of 67 spaces would be provided onsite, in compliance with Marin County Title 24 requirements.

Also included in this Use Permit is approval for one annual, two-day special event. The event would take place on a consecutive Saturday and Sunday. Hours of the event would be 9:30 am to 5 pm on both days. Attendance approved for up to 2,000 people with 17 parking spaces that would be accessible to people with disabilities provided onsite and additional parking (approximately 800 spaces) to be provided offsite on nearby private property with shuttles available.

2. Membership shall be limited to a maximum of 774 members and not more than 16 staff members and 109 members on site at any given time. Operation of the program shall be consistent with the estimates set forth in the attached Utilization Table Appendix I incorporated into this Use Permit and identified as "Exhibit B."
3. The annual two-day special event permitted herein shall be subject to the following additional standards:
 - a) The applicant must obtain a Community Event Permit from the Environmental Health Services Division.
 - b) Approximately 800 parking spaces are to be provided offsite on private property. Prior to the annual event, parking agreements with all involved property owners must be finalized. Shuttle service shall be provided from all parking areas to and from the event.
 - c) The Alto Richardson Fire Department shall be informed of this event ahead of time.
 - d) At least one off-duty Marin County Sheriff Deputy shall be onsite.
 - e) State Fire Marshal, or his designated representative, shall perform an annual fire safety inspection of the site and facilities. Any and all improvements shall be completed to the satisfaction of the inspecting officer.
4. No expansion of the approved operation of facilities shall be allowed without review and/or amendment of the Use Permit. The property owner shall advise the Community Development Agency in writing no less than 30 days prior to a proposed change in operation, including a change in management or expansion of operation. If the Community Development Agency

determined that the proposed change or expansion is substantially different in scale, character, or potential impacts than approved as part of this Use Permit, a Use Permit Amendment shall be required for the proposed change.

5. Approval of this Use Permit shall be in accordance with the document submitted with the application titled "Harbor Point Racquet and Beach Club Fitness Center Improvements," except as amended by these conditions. This approval allows for the conditioned operation as herein described. Said document is further identified as "Exhibit B" on file at Marin County Community Development Agency. The Use Permit is valid in perpetuity unless it is revoked pursuant to Condition 12 below.
6. This Use Permit is subject to revocation procedures contained in Section 22.88.040 and 22.88.045 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or detrimental to the public welfare or injurious to property or improvements in the neighborhood.
7. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Harbor Point Racquet and Swim Club Fitness Center," consisting of 18 sheets prepared by Form 4 Architecture, dated December 21, 2009 and received December 23, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community

8. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Form 4 Architecture, dated October 14, 2009, and on file with the Marin County Community Development Agency including:
 - a. Stucco siding to match existing
 - b. Composition shingle roof
 - c. Wood trim and siding to match existing
 - d. Stone veneer

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Design Review and Use Permit conditions of approval as notes.
10. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
11. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the

site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

12. All construction activities 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.
13. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
14. 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 this application, for which action is brought within the applicable statute of limitations.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

16. The applicant must show and label on the site plan the boundary based on FEMA Flood Insurance Rate Map (FIRM) as the subject property is partially within FEMA Flood Hazard Zone AE.
17. The applicant must show and label path of travel from site arrival points (accessible parking stalls, bus stops & sidewalks) and between buildings, and indicate special components of accessible routes (striping, ramps, slopes, signage, etc.). All aspects of accessibility shall comply with Federal and State accessibility guidelines.
18. The applicant must provide a continuous bank of detectable warning surface where a walk crosses or adjoins a vehicular way, and the walking surface is not separated by curbs, railings, or other elements.
19. The applicant must add the following note on the site plan. "Accessible path of travel as indicated on the plan is a barrier free access route without any abrupt level changes exceeding ½ inch beveled at 1:2 max slope, or vertical level changes not exceeding ¼ inch max and at least 48-inches wide. Surface is slip resistant, stable, firm, and smooth. Cross slope does not exceed 2% and slope in the direction of travel is less than 5% unless otherwise indicated."
20. The applicant must add note on plans: "Contractor to verify that all barriers in the path of travel have been removed or will be removed under this project, and path of travel complies with California Building Code 1133B."
21. The applicant must provide the square footage of existing and proposed pervious and impervious surfaces for the proposed project.
22. DPW suggests removal of truncated domes at the end of the hatched area, where it dose not serve any accessible parking and/or path of travel.
23. The applicant shall be required to pay a transportation facilities fee per Marin County Code Title 15.07. Such fees will be determined by one of the following methods: established engineering methods such as ITE, or collected field data, to be determined by an engineer, at the applicant's expense, or based on the changes in use from the existing facility base line to the PM peak trips.

Southern Marin Fire Protection District

BEFORE ISSUANCE OF A BUILDING PERMIT:

24. Submit documentation from the Fire District verifying that all requirements have been met.

Richardson Bay Sanitary District

BEFORE ISSUANCE OF A BUILDING PERMIT:

25. Submit documentation from the Sanitary District verifying that all requirements have been met.

Marin Municipal Water District

26. Water service can be activated upon the request and the fulfillment of the following requirements:

- a. Completion of a High Pressure Water Service Application;
- b. Submittal of a copy of the building permit and payment of required fees;
- c. Compliance with the District's rules and regulations in effect at the time service is requested; and
- d. Compliance with the District's landscape requirements (Ordinance 385) through submittal of working drawings for all planting and irrigation systems to the District prior to provision of water service for new landscape areas, or improved or modified landscape areas.
- e. Comply with the backflow prevention requirements.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits and commencing the allowed use on the property, in compliance with the conditions of approval by March 25, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

This Use Permit shall be valid upon timely vesting of the approval and will remain valid in perpetuity, unless the conditions of approval are violated, in which case the Use Permit may be revoked.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on April 8, 2010.

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25th day of March, 2010.

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary