



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

MEMORANDUM

TO: Members of the Planning Commission

FROM: Tom Lai, Principal Planner

RE: **Item 7: Planning Commission Agenda for January 24, 2005**
San Rafael Rock Quarry Request for Time Extension
1000 Point San Pedro Road, San Rafael
Assessor's Parcels 184-010-09, -15, -16, -52

DATE: January 18, 2005

The San Rafael Rock Quarry has submitted a request for a time extension to vacate administrative staff from five as-built office buildings that were required by the Planning Commission to be removed from the property in conjunction with the Commission's decision legalizing one office building.

Background:

Between 1992 and 1995, the San Rafael Rock Quarry installed six modular office buildings and converted a seventh building into an office at its facility without benefit of County permits. Various unsuccessful attempts were made by the Quarry to legalize the offices, and one modular office was eventually removed from the property. On September 27, 2004, the Planning Commission granted approval for the continued use of one 3,738 square foot office building by up to 15 administrative employees and required the Quarry to vacate staff from five other as-built office buildings totaling 10,913 square feet within 90 days (by December 27, 2004) and to remove those five office buildings within six months (by March 27, 2005). (Please refer to Attachment 3.) The Planning Commission's decision was appealed to the Board of Supervisors by the Quarry. On October 26, 2004, the Planning Commission's action and deadlines were sustained as a result of the Board not being able to obtain a majority vote on an action either supporting or denying the appeal. (Please refer to Attachment 4.)

On December 22, 2004, Gary Giacomini, the Quarry's legal counsel, submitted a letter request to the Planning Commission to extend the deadline to vacate the administrative staff so that it would coincide with the final deadline that was established to remove the buildings (March 27, 2005), instead of the 90 days that were required by the Planning Commission which would have expired on December 27, 2004. (Please refer to Attachment 2.) In support of this request, Mr. Giacomini has submitted information indicating that since the Planning Commission's September 27th decision, the Quarry has diligently searched for an off-site location for the offices and has found a suitable property within the City of San Rafael. The property is located at 2350 Kerner Boulevard (Assessor's Parcel 009-291-10), on the northeast corner of Kerner Boulevard and Morphew Street, just south of the City's Public Works facility/corporation yard. The Quarry has submitted an application for a Use Permit and Design Review to the City for the use of the modular offices for a temporary 18 month period, during which time

construction of two approved permanent office buildings on the site would be completed to permanently accommodate the Quarry's administrative staff. According to correspondence received from Bob Brown, the City's Community Development Director, construction of the permanent office buildings is scheduled to commence in Spring 2005. A hearing on the Use Permit and Design Review has been scheduled before the City's Deputy Zoning Administrator on January 26, 2005.

Analysis:

Based on the following factors, staff finds that the applicant has expended good faith efforts to comply with the deadlines imposed by the Planning Commission.

1. The applicant submitted permit applications to legalize the one approved office building before the November 12th, 2004 deadline that was imposed by the Planning Commission. County records indicate that the building permit application was filed on November 8, 2004. Although the building permit has not been issued due to factors relating primarily to required modifications for conformance with accessibility requirements, the Building Permit application meets all requirements and has received approval from the Planning and Environmental Health Service Divisions as well as the Department of Public Works. A septic permit renewal was granted on January 2, 2004 for a new system that would service the one approved office building.
2. The applicant has submitted documentation indicating that efforts were made following the Planning Commission's hearing to find alternative locations that could accommodate the five offices that were required to be relocated. (Please refer to Attachment 2.)

Conclusion:

Although the applicant has provided evidence that efforts have been expended to seek alternative locations for relocation of the Quarry's offices and staff, the fact remains that the applicant has been unable to meet the initial deadline imposed by the Planning Commission to vacate the administrative staff from the five office buildings. While staff does not recommend denial of the proposed time extension, since the request does not affect the final deadline for removal of the offices and since the applicant has a pending application with the City of San Rafael, staff recommends that your Commission incorporate findings that further extensions would not be appropriate and require the applicant to submit a performance agreement with financial assurances guaranteeing the removal of the five offices and staff by the original, March 27, 2005 deadline for removal of the office buildings.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution granting an extension of time to the San Rafael Rock Quarry to vacate administrative staff from five office buildings.

- Attachments:
- (1) Proposed Resolution Granting an Extension of Time to the San Rafael Rock Quarry to Vacate Administrative Staff from Five Office Buildings
 - (2) Gary Giacomini Letter and attachments, (12/21/04)
 - (3) Planning Commission Minutes (9/27/04) and Resolution PC 04-015
 - (4) Board of Supervisors Minutes, (10/26/04)
 - (5) Bob Brown E-mail, (12/15/04)
 - (6) Assessor's Parcel Map (2350 Kerner Boulevard, San Rafael)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

**A RESOLUTION GRANTING AN EXTENSION OF TIME TO THE
SAN RAFAEL ROCK QUARRY TO VACATE ADMINISTRATIVE STAFF
FROM FIVE OFFICE BUILDINGS**

**1000 POINT SAN PEDRO ROAD, SAN RAFAEL
ASSESSOR'S PARCELS 184-010-09, -15, -16, -52**

SECTION I: FINDINGS

- I. WHEREAS on September 27, 2004, the Planning Commission granted approval for the continued use of one 3,738 square foot office building by up to 15 administrative employees and required the Quarry to vacate staff from five other as-built office buildings totaling 10,913 square feet within 90 days (by December 27, 2004) and to remove those five office buildings within six months (by March 27, 2005). The Planning Commission's decision was appealed to the Board of Supervisors by the Quarry. On October 26, 2004, the Planning Commission's action and deadlines were sustained as a result of the Board not being able to obtain a majority vote on an action either supporting or denying the appeal. The property is located at **1000 Point San Pedro Road, San Rafael**, on property that is further identified as **Assessor's Parcels 184-010-09, -15, -16, -52**.
- II. WHEREAS on December 22, 2004, Gary Giacomini, the Quarry's legal counsel, submitted a letter request to the Planning Commission to extend the deadline to vacate the administrative staff so that it would coincide with the final deadline that was established to remove the buildings (March 27, 2005), instead of the 90 days that were required by the Planning Commission which would have expired on December 27, 2004. In support of this request, Mr. Giacomini has submitted information indicating that since the Planning Commission's September 27th decision, the Quarry has diligently searched for an off-site location for the offices and has found a suitable property within the City of San Rafael. The property is located at 2350 Kerner Boulevard (Assessor's Parcel 009-291-10), on the northeast corner of Kerner Boulevard and Morpew Street, just south of the City's Public Works facility/corporation yard. The Quarry has submitted an application for a Use Permit and Design Review to the City for the use of the modular offices for a temporary 18 month period, during which time construction of two approved permanent office buildings on the site would be completed to permanently accommodate the Quarry's administrative staff. According to correspondence received from Bob Brown, the City's Community Development Director, construction of the permanent office buildings is scheduled to commence in Spring 2005. A hearing on the Use Permit and Design Review has been scheduled before the City's Deputy Zoning Administrator on January 26, 2005.
- III. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on January 24, 2005 to consider the time extension request and testimony in favor of, and against, the time extension.
- IV. WHEREAS the Marin County Planning Commission finds that the applicant has expended good faith efforts to comply with the deadlines imposed by the Planning Commission, based on the following factors.

1. The applicant submitted permit applications to legalize the one approved office building before the November 12th, 2004 deadline that was imposed by the Planning Commission. County records indicate that the building permit application was filed on November 8, 2004. Although the building permit has not been issued due to factors relating primarily to required modifications for conformance with accessibility requirements, the Building Permit application meets all requirements and has received approval from the Planning and Environmental Health Service Divisions as well as the Department of Public Works. A septic permit renewal was granted on January 2, 2004 for a new system that would service the one approved office building.
 2. The applicant has submitted documentation indicating that efforts were made following the Planning Commission's hearing to find alternative locations that could accommodate the five offices that were required to be relocated.
- V. WHEREAS the Marin County Planning Commission notes that, although the applicant has provided evidence that efforts have been expended to seek alternative locations for the Quarry's offices, the fact remains that the applicant has been unable to meet the initial deadline imposed by the Planning Commission to vacate the administrative staff from the five office buildings. Based on this, a one-time extension of time is appropriate provided the applicant is required to submit financial assurances guaranteeing the removal of the offices and staff by the original, March 27, 2005 deadline. However, further extensions would not be appropriate.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission grants an extension of time to the San Rafael Rock Quarry to vacate the administrative staff from five office buildings at its facility that is located at **1000 Point San Pedro Road, San Rafael on Assessor's Parcels 184-01-09, -15, -16, and -52**. This determination is based on the applicant's compliance with the following requirements.

1. The applicant shall vacate and remove the five office buildings totaling 10,913 square feet and administrative staff by March 27, 2005 and obtain an inspection from the Community Development Agency staff verifying compliance with this requirement.
2. Prior to March 27, 2005, the applicant shall submit a performance agreement with financial assurances acceptable to the Community Development Agency Director guaranteeing the removal of the five office buildings and administrative staff by March 27, 2005.
3. No further extensions to the above deadlines shall be granted. Non-compliance with the above requirements shall constitute grounds for the County to commence enforcement proceedings pursuant to Marin County Code Chapters 1.05 and 22.122.

SECTION III: APPEAL

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$700.00 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 February 3, 2005**.

IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 24th day of January 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE THOMPSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary