MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 22-121

A RESOLUTION APPROVING THE PRESBYTERY OF THE REDWOOD CONDITIONAL USE PERMIT (P3477)
10 BAYVIEW DRIVE, SAN RAFAEL
ASSESSOR'S PARCEL: 186-132-26

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SECTION I: FINDINGS

1. WHEREAS, The applicant requests Conditional Use Permit approval to operate a childcare center in an existing building (St. Luke's Presbyterian Church), on a developed site in San Rafael. The proposed childcare center would accommodate 60 children, ranging in age from 2 to 5 years old. A total of 8 staff members would be present at peak operating hours. The center would be open from 8:00 am until 5:30 pm, Monday through Friday. Up to 15 special events consisting of presentations for center families are proposed per year occurring from 5:00 pm to 5:30 pm on weekdays. No exterior improvements are proposed with the project. The project site is further identified as APN 186-132-26.

2. WHEREAS, on November 3, 2022, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. WHEREAS, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines because it involves modifications to existing operations that would not result in impacts to special-status resources.

4. WHEREAS, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

   A. No trees would be removed with the project, therefore the project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.

   B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals and the project site is currently developed and would occur within existing structures and developed outdoor areas.

   C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

   D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.


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E. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) as the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.

F. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

7. WHEREAS, the project is consistent with the mandatory findings for Use Permit approval (Marin County Code Section 22.48.040).

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, a preschool, is allowed with Conditional Use Permit approval pursuant to Table 2-3 and Section 22.32.050 of the Marin County Development Code.

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

The proposed project involves the operation of a preschool in an existing building for 60 children, 2 to 5 years old in age. The preschool would be staffed by a maximum of 8 employees and operating hours would be from 8:00am until 5:30pm. Peak hours of operation would be during drop off (8:00-8:30am) and pick up (5:00pm to 5:30pm). Deliveries of groceries and supplies are anticipated twice a week, Monday through Friday. The preschool would host 12-15 presentations per year for participating and interested families, on a week day between 5:00pm and 5:30pm. Parking for the preschool would be accommodated in the existing church parking lot that accommodates approximately 60 vehicles.

The applicant provided a transportation plan for the project prepared by W Trans and dated July 21, 2022. The plan concluded that the proposed project would generate an average of 245 vehicle trips per day, with 59 morning peak hour trips and 41 evening peak hour trips. The plan concluded that the project is expected to add a nominal volume of traffic to Bonnie Banks Way, resulting in an "imperceptible change in traffic operation". In addition, queuing along the Point San Pedro Road/Bayview Drive intersection to access the preschool is not anticipated to exceed intersection capacity. Lastly, the plan concluded that the on-site parking supply exceeds the peak parking demand for the project of 39 spaces.

The proposed project would be accommodated in an existing building located on a developed portion of the site and would provide an early childhood education program for the community. Several community members have expressed a desire for such a program to be located in the Bayview Acres neighborhood which is largely developed with single family residences. It is anticipated that families in the immediate area would be interested in the program for their children.

C. The granting the Conditional 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 location.
As discussed above, the transportation plan prepared for the project states that trips associated with the project would result in nominal increases in traffic in the area and would be concentrated during drop off and pick up hours. Intersections used to access the project site were evaluated by the transportation consultant for the project and it was found that project-related queuing would not result in overflow of dedicated turning lanes. Lastly, there is more than adequate parking available on site for the proposed project.

Therefore, because the project would provide a needed early education program for the community contained in an existing building on a previously developed site and would not result in transportation effects, the granting of the Conditional Use Permit amendment would 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 site is located.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator and is subject to the conditions of project approval.

This decision certifies the proposed project’s conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Presbytery of the Redwood Conditional Use Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Conditional Use Permit approval authorizes the operation of a childcare center in an existing building (St. Luke’s Presbyterian Church), on a developed site in San Rafael. The authorized childcare center shall accommodate 60 children, ranging in age from 2 to 5 years old. A total of 8 staff members would be present at peak operating hours. The center would be open from 8:00 am until 5:30 pm, Monday through Friday. Up to 15 special events consisting of presentations for center families are authorized per year that shall occur no later than 5:00 pm to 5:30 pm on weekdays.

2. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2022” with respect to all of the standard conditions of approval.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within two years of the date of the approval shall expire and become void. The permit shall not be

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deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be mailed to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, and postmarked no later than eight business days from the date of this decision (November 16, 2022).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 3rd of November 2022.

Sabrina Cardoza  
SABRINA CARDOZA  
DEPUTY ZONING ADMINISTRATOR

Attest:

Michele Reed  
Deputy Zoning Administrator Secretary