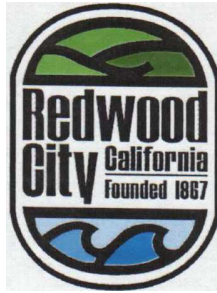


Planning Services

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NOTICE OF OFFICIAL ACTION

August 27, 2008

Peter Allen
Bair Island Aquatic Center
1450 Maple Street
Redwood City, CA 94063

Subject: Issuance of Use Permit

Project No.: UP2007-18

Property Address: 1450 Maple Street

Assessor's Parcel Number: 052492-1 60

Dear Mr. Allen:

Your application for a Use Permit to allow the continued operation of an existing facility, the Bair Island Aquatic Center, was heard by the Zoning Administrator at a Public Hearing on May 21, 2008. The application of the Bair Island Aquatic Center (BIAC) for a Use Permit, pursuant to Article 20, Section 20.4A of the Zoning Ordinance is to allow an outdoor commercial! recreational facility with rowing, paddling, and outrigger programs, activities, outdoor storage and an operational marina. The site contains approximately 33,193 square feet or 0.76 acres and is located in the Tidal Plain "TP" Zoning District. The site is currently developed with an approximately 2,000 square foot metal tilt up building for the purpose of housing an office, bathroom, rowing machines, and indoor storage. The remaining portion of the site is utilized for outdoor storage and marina operations. More specific details regarding the use are provided below:

Program activities consist of the following, based on a current membership of 175 individuals:

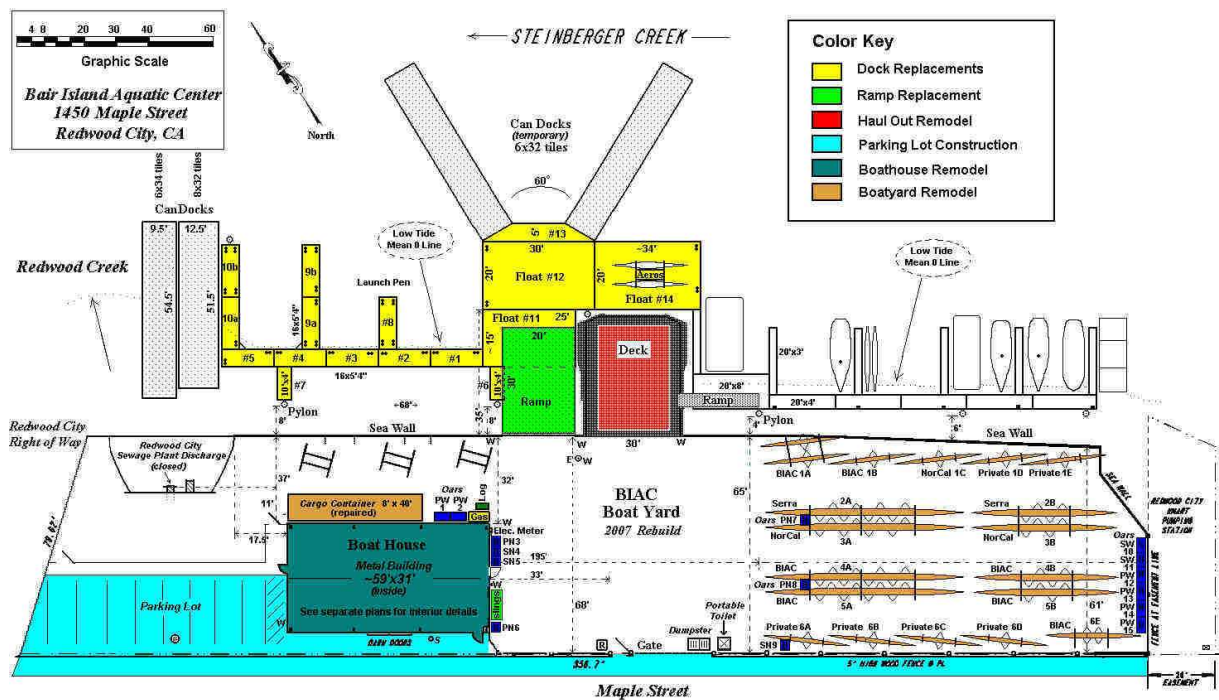
- a. Sweep Rowing (69%):
 - i. Masters (Novice, Intermediate, Advanced)
 - ii. Juniors (NorCal, Serra)
- b. Paddling (12%):
 - i. Outrigger Canoes
 - ii. Dragon Boats
 - iii. Surfski
- c. Sculling (19%): single rowing
- d. Kayaking (0% - currently inactive)

The outdoor storage consists of the following:

- a. Approximately nine boat racks which hold up to 10 large boats (for sculling, rowing or paddling) per rack;
- b. Two boat racks which hold up to 24 small boats;
- c. Approximately 11 boat trailers;
- d. Twelve outdoor storage lockers for housing paddles, oars, life vests and other related equipment; and
- e. Several sheds used for storing flammables.

The marina operations consist of two primary boat docks (used for launching the smaller boats that are stored on land) and 12 boat slips. The boat slips, which can hold approximately 18 boats, are rented to individual boat owners. Currently, several of the slips on the south end of the marina are occupied with live aboard units while the remaining slips are used for monthly storage purposes. The boat docks on the north end of the marina are utilized for small boat with outboard motors used by program coaches to follow crew boats.

The site currently accommodates eight (8) on-site parking spaces.



BACKGROUND:

The earliest City records available indicate that in 1959 the subject property was utilized as an outfall area adjacent to the Redwood City Sewage Treatment Plant. In 1964, the then owner Pacific Ready Mix, Inc. notified the City that they would be seeking approvals for a boat repair facility which was being installed north of the Treatment Plant on the opposing side of Maple Street. In August of 1964, the property owner received a variance to construct a fence along the front property line.

Since that time the property has changed ownership and is currently owned by CEMEX. Bait Island Aquatic Center (BIAC) has been operating as a tenant on the subject property for over eight years. Although no entitlements were obtained at the inception of the use, making it difficult to determine the exact initiation of use, BIAC was able to obtain a three year Use Permit (UP2004-43) in October 2004. The Use Permit was granted for a membership of 175 persons and services included a variety of rowing, paddling and outrigger programs and activities for its membership, school groups, junior programs and non-members. Between April and October of 2004, the City's Code Enforcement Division worked with BIAC to address life safety issues with regard to the dilapidated condition of the boat docks and ramps, existing electrical panels and wiring, and hazardous materials on the site and in the water.

On April 28, 2007, Webcor Builders volunteers along with Rebuilding Together Peninsula sponsorship, made significant improvements to the site and BIAC's facilities. These improvements included; building replacement boat docks, reconstructing the boat ramp, reconstruction of the observation deck, remodeling the existing boat house, remodeling the boat yard and constructing new boat racks.

The Zoning Administrator was able to make the following findings and the application for a Use Permit was approved, subject to the conditions of approval listed below:

FINDINGS:

1. The establishment, maintenance, and operation of the proposed use will not, under the circumstances of this case, be detrimental to the public health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood because recent site upgrades are considered to be within the scope of the existing use and would result in the repair and maintenance of existing facilities and therefore not cause an increase in intensity of the existing use. Furthermore, the use is considered compatible with the adjacent waterfront uses. The use of waterfront property for water oriented recreational uses is highly encouraged. Furthermore, the operations of the proposed use will be conditioned and termed to ensure that the proposed site is maintained in good working order and that potential impacts are minimized.
2. The establishment and operation of the proposed use will not be detrimental or injurious to property or improvements in the neighborhood because the use will not result in the construction of any new structures and the operation of the proposed use (i.e., storage of boats and associate materials) will be maintained on-site. Conditions of approval will be placed on the subject use to help ensure proper ongoing maintenance of the site, which shall include, but not limited to the clean-up of the waterfront, improved access to the waterfront, and on-site drainage control. It is not anticipated that the need for off-site parking will be considered detrimental or injurious to property or improvements in the neighborhood given the fact that a significant amount of the proposed use occurs during off-peak hours.

3. The establishment and operation of the proposed use will not be detrimental or injurious to the general welfare of the City because the use provides a unique opportunity for a community service program to provide upgrades to an existing program that might not otherwise be able to accomplish the site improvements. Recent improvements to the overall site will result in a cleaner, safer project site that allows members to get recreational exposure to the waterway through its rowing, paddling, and outrigger programs.

CEQA STATUS:

The proposed use is categorically exempt from the requirements of the California Environmental Quality Act Guidelines pursuant to section 15301 Class 1 "existing facilities" because the proposed use would result in the repair and modification of existing structures.

CONDITIONS OF APPROVAL: *It is the responsibility of the property owner, project applicant, tenant, and/or any other party identified in this document to adhere to and perform the following conditions of approvals in the time specified. If no time is specified then the condition is considered to be an ongoing obligation.*

General Conditions

1. The subject use shall substantially conform to the plans and related information submitted by Bair Island Aquatic Center on October 5, 2007, on file with Planning Services, except as modified by the conditions contained herein.
2. Any minor modifications to said approved plans and related materials must be submitted to Planning Services for review and approval. Substantial modifications, as determined by Planning Services, may require the submittal of subsequent permits.
3. The master Use Permit (UP2004-43) remains in full force and effect and the subject Use Permit (UP2007-40) shall supplement the conditions of approval.
4. Approval and continuation of the subject use is contingent on maintaining a valid lease with the property owner. Therefore, based on the property owners letter dated October 4, 2007, the Use Permit is granted for an additional three (3) year term.

Additional extensions of the Use Permit are subject to terms of a new lease agreement, by the property owner, and confirmation, by the City, of a use that is in good standing.

5. This Use Permit (UP2007-40) is not transferable to another party and shall be limited to Bair Island Aquatic Center; any other activity or use not in support (as determined by the City) of said use shall require additional review and approval by the City.
6. It shall be the responsibility of the applicants to secure all necessary entitlements for the proposed scope of work through the appropriate lead agency be it the City of Redwood City, Army Corps of Engineers, Fish Wildlife Service or other local, State or Federal Agency.
7. Any signs associated with the proposed use are subject to the review and approval of the Architectural Review Committee prior to installation of the signage.
8. Any exterior modification to the existing buildings and/or structures shall require the review and approval of an Architectural Permit.

Operational Conditions

Site:

9. It shall be the responsibility of the applicant to adequately dispose of any on-site debris/junk including but not limited to tires, unused or damaged boats or boat parts on an on-going basis. No accumulation of such materials is permitted.
10. Since this is a project located in a "sensitive" area, on site storm drainage must be retained and treated before being allowed to discharge into the bay waters. Therefore, the applicant shall be required to comply with the requirements of the City's NPDES permit and shall be subject to the conditions of the San Mateo County Stormwater Pollution Prevention Program (STOPPP). This shall include, but not be limited to, treatment for the parking area established within the conditions of this Use Permit.
11. Given the sensitive area designation for the site and the potential for runoff to enter the bay waters, washing or rinsing of boats, oars, and other gear shall be limited to the use of fresh water. The use of any detergents shall be limited to soft, biodegradable soaps that are retained on the property and filtered prior to entering the bay waters.
12. It shall be BIAC's responsibility to provide adequate traffic control measures during the peak hours. This shall include, but not be limited to, monitoring of pickup and drop-off during school program activities, the avoidance of double parking in the right-of-way, and parking management during any special events.
13. It shall be the responsibility of the applicant to secure and maintain adequate off-site parking. The applicant shall provide Planning Services with a written parking lease agreement between the BIAC and the property owner of the off-street parking. The lease agreement shall include the current parking requirements for all properties as well as a scaled parking plan identifying the parking stall locations that are to be assigned for the proposed use including employee and patron parking.
14. In the event that the proposed use causes detrimental parking impacts to the surrounding neighborhood and/or businesses, or that off-site parking facilities are eliminated, the capacity of the facility shall be reduced accordingly in order to mitigate any parking impact.

Programs:

15. Membership for the Bair Island Aquatic Center (BIAC) shall be limited to 200 persons at this site. Use of BIAC by non-membership persons shall be limited to 60 persons at any given time and shall be encouraged during non-peak hours. It shall be the responsibility of the property manager to schedule programs and events to ensure minimal impact on surrounding land uses and roadways during peak hour operations.
16. Programs for the subject use (BIAC) shall be limited to those identified in the submitted materials. Any increase in programs (i.e. number of programs offered) or significant change in programs (i.e. number of participants in program or a change in the type of program), as determined by the City, shall be subject to the review and approval of the Zoning Administrator prior to implementation of the program change.
17. Hours of operation for the rowing, paddling and outrigger programs and activities shall be limited to 5:30 AM to 8:00 PM. Marina operations shall minimize during evening and

late night hours (i.e. 8:00 PM to 5:30 AM) to ensure no significant increase in ambient noise.

18. Special events, such as regattas, that will generate more than twice the general attendance are allowed up to one time per calendar year subject to submittal of a parking management plan at least three (3) months prior to such event for review by Planning Services.

Outdoor Storage:

19. All outdoor storage associated with the proposed use must be adequately screened. Therefore, no trailers, boats, or other materials shall be stored in the parking lot or on the public right-of-way.
20. The boat racks shall be limited in size, quantity, and general configuration to remain consistent with the materials submitted for this Use Permit. Any modifications, including but not limited to, construction of a cover, reconfiguring the placement, and additional of racks must be reviewed and approved by the City prior to implementation.
21. The cargo container, oar lockers, and any other outdoor storage containers shall be either screened from public view or painted to match the existing building.
22. Flammable materials shall be properly stored in accordance with Fire Department requirements. Access to such materials shall be limited to staff and emergency personnel only.

Boat House:

23. All repairs and/or modifications to the existing Boat House shall be in accordance with all applicable Building Code, Fire Code, and Engineering requirements.
24. If the cost of any modifications to the boat house involves more than 50% of the value of the original building, then the elevation of the boat house would have to be raised above the flood plain.
25. The addition of any square footage, including a second floor and/or mezzanine, to the existing boat house shall require the review and approval of a Use Permit prior to implementation. Furthermore, the existing mezzanine shall be used for indoor storage.
26. Any exterior modifications to the existing building shall require the review and approval by the Architectural Review Committee.
27. The dumping of any sewage, debris, and/or waste into the water way shall be strictly prohibited. It shall be the responsibility of the applicant (BIAC) to provide adequate on-site disposal services (i.e. a pump out service, on site refuse containers, etc.) Any illegal dumping associated with the proposed use may result in revocation of this Use Permit.
28. Any increase in the size of boat docks, the replacement of and/or the reconfiguration of boat docks shall require the review and approval of a new Use Permit prior to construction.
29. It shall be the responsibility of the applicant to maintain all boat docks and ramps in good repair and decent working order, free of tripping hazards and dry rot. The applicant shall

obtain a building permit prior to the commencement of construction of any new building, boat dock, and/or ramp. Any new construction shall remain consistent with the provisions of the Flood Plain Management Ordinance as well as all applicable building and fire codes.

Follow-up Conditions:

29. It shall be the responsibility of the applicant (BIAC) to provide on going maintenance of the site, which shall include but not be limited to the condition of boat docks, ramps, storage of hazardous materials, boat racks, and debris. In the event that any life safety issues are identified all uses associated with the proposed use shall cease until the life safety issues are adequately addressed and verified by the City's Building and Inspections Division and/or Fire Department.
30. Any non-compliance with the above conditions may result in the revocation of this Use Permit. Furthermore, in the event that the approved Use Permit generates detrimental impacts to the neighborhood, including parking, circulation and noise, or any other issue of concern as determined by the City, this Use Permit shall be subject to review by the Zoning Administrator at a public hearing.

If approved, no building or zoning permit shall be issued, and no use shall be established except in accordance with and subject to the terms and conditions outlined above, and in no case shall such permit be issued or use established prior to the final action on any appeals that may be filed within the appeal period. Any appeal made in accordance with the provisions of Section 48.2, Ordinance No. 1130 (Zoning Ordinance), must be received by the City Clerk no later than seven calendar days after the date of the official action. As such, this Use Permit shall become effective on the eighth (8th) day following the date of approval by the Zoning Administrator unless an appeal to said decision has been filed in accordance with the provisions stated above.

Blake Lyon

Zoning Administrator

cc: Cemex Construction Materials, L.P.
Building & Inspection Services Division
Engineering & Construction Services Division