

Planning Services

Community Development Services

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NOTICE OF OFFICIAL ACTION

October 25, 2004

Bair Island Aquatic Center
C/O Marty Wank
1450 Maple Street
Redwood City, CA 94063

Subject: **Issuance of Use Permit**
Project No.: UP2004-43
Property Address: 1450 Maple Street
Assessor's Parcel Number: 052-392-160

Dear Mr. Wank:

Your application for a Use Permit pursuant to Article 20, Section 20.4A of the Zoning Ordinance to allow for the operation of an outdoor commercial/recreational facility with rowing, paddling, and outrigger programs, activities, outdoor storage and an operational marina has been reviewed by the Zoning Administrator at a Public Hearing held on Wednesday, September 29, 2004.

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 also located within the Bayfront Area Visioning Study. 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, while the remaining portion of the site is utilized for outdoor storage and marina operations. The outdoor storage consists of the following:

- a) approximately 9 boat racks which hold up to 10 large boats (for sculling, rowing or paddling) per rack;
- b) 2 boat racks which hold up to 24 small boats;
- c) approximately 11 boat trailers;
- d) 12 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 2 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. Several

of the slips are currently being occupied with live aboard units while the remaining slips are used for monthly storage purposes. The site currently does not provide any on-site parking; however, as proposed, the site would be improved to accommodate eight (8) on-site parking spaces. The Zoning Administrator was able to make the following findings and the application for Use Permit was approved, subject to the conditions of approval listed below.

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 RMC Pacific Materials/Lonestar. Bair Island Aquatic Center (BIAC) has been operating as a tenant on the subject property for five years; however, no entitlement was obtained so it is difficult to determine the exact initiation of use. Over the last five years (since November 1999) the City has been working with BIAC to obtain the necessary entitlement, clean up the site, and address life safety concerns. Over the last five years the programs and membership associated with BIAC have continued to increase. BIAC currently has a membership of 175 persons and provides a variety of rowing, paddling and outrigger programs and activities to its membership, school groups, junior programs and non-members. Since April of 2004 the City's Code Enforcement Division has been working with the 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.

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 the proposed use is considered compatible with the adjacent waterfront uses and is located in an area with minimal pass by traffic. The use of waterfront property for water oriented recreational uses is high 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

proposed 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 on-going maintenance of the site, which shall include 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. Furthermore, the applicant is responsible for securing off-street parking for the proposed use.

3. The establishment and operation of the proposed use will not be detrimental or injurious to the general welfare of the City because the proposed use provides a unique opportunity for community members to get recreational exposure to the waterway through its rowing, paddling, and outrigger programs. In addition, the proposed marina operations will be conditioned to ensure that potential impacts associated with this portion of the proposed use are minimized.

CONDITIONS OF APPROVAL:

1. The subject use shall substantially conform to the plans and related information submitted by Bair Island Aquatic Center and dated stamped September 22, 2004, on file with Planning Services, except as modified by the conditions contained herein.
2. Any modifications to said approved plans and related materials must be submitted to Planning Services for review and approval prior to the issuance of a building permit.
3. This Use Permit (UP2004-43) has been granted for a period of three years, from the date of this notice, and shall be subject to a yearly administrative review by the Planning Division to assure compliance with the conditions contained herein, as well as City, State and Federal regulations.
4. This Use Permit (UP2004-43) 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.
5. 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.

6. 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.
 - Rowing:
 - Men's Advanced Sweep (10)
 - Women's Advanced Sweep (10)
 - Novice/Intermediate Coed Sweep (12)
 - Coed Sweep – Afternoon (8)
 - Sculling:
 - Novice (7)
 - Intermediate/Advanced (15)
 - Paddling:
 - Dragon Boating (26)
 - Adult Outrigger (15)
 - Stanford Canoe & Kayak (10)
 - Juniors:
 - Serra High School Rowing (57)
 - BIAC Junior Rowing (24)
 - Silicon Valley Crew Rowing (24)
7. 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.
8. 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.
9. As submitted, the marina contains 2 docks (used for launching boat carried down to the water) and associated boat slips (used for storing boats in the water). The existing slips can store up to a maximum of 20 boats. No additional boat slips and/or docks are permitted and no boats shall be attached, secured, or otherwise docked to the slips and/or docks. Any increase in boats and/or docks shall be subject to subsequent review and approval by the City through a separate Use Permit process.

Life Safety: All life safety issues must be addressed within 60 days of the issuance of this Use Permit.

10. Any electrical service provided to boats within the marina shall be subject to the issuance of an Electrical Permit with the City's Building and Inspections Division. Furthermore, any extension cords and/or wiring to the boats in the marina shall be kept out of the water at all times and shall be consolidated through a primary conduit.
11. 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.
12. 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.
13. Within 60 days of this issuance of this Use Permit, the applicant shall comply with all applicable Fire Codes, which shall include but not be limited to the following:
 - The metal building shall not be used as a place of assembly (gathering together 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining, or awaiting transportation).
 - Where boats are stored on single or multiple-level racks in buildings, an automatic fire sprinkler protection shall be installed. (NFPA 303, Section 5-2.3(d))
 - Boats stored either inside or outside in single or multiple-level racks shall have unimpeded vehicular access at one end of the row of boat racks and have equipment available to remove any stored boat. (NFPA 303, Section 5-2.3(c))
 - Electrical equipment shall be installed and used in accordance with the provisions of the 1999 Edition of the *National Electric Code*, including but not limited to Article 555. (UFC Appendix II-C, Section 5.5)
 - No Class I flammable liquids shall be stored in an indoor boat storage area.

- All storage areas shall be routinely raked, swept, or otherwise policed to prevent the accumulation of rubbish.
- Portable fire extinguishers shall be provided. (UFC Appendix II-C, Section 6.4)
- An approved water supply for fire protection shall be provided. (UFC Appendix II-C, Section 6.3 and NFPA 303, Section 4-4.4) For example a draft pipe may be installed to bring water out of the bay. Please contact the Fire Prevention Bureau of the Redwood City Fire Department for further discussion, (650) 780-7400.
- A means shall be available for the immediate notification of the Fire Department. (UFC Appendix II-C, Section 7) For example, a public telephone or pull level fire alarm shall be available on-site.

“Nuisance”: All nuisance issues must be addressed within 120 days of the issuance of this Use Permit.

14. It shall be the responsibility of the applicant, within 120 days of the approval of this Use Permit, to improve the northwest portion of the site, adjacent to the existing metal building with a surface parking lot. The parking lot shall contain a minimum of eight (8) parking spaces. The spaces shall be consistent with the requirements established in Article 30 of the Redwood City Zoning Ordinance and all applicable ADA requirements. The four (4) western most stalls can be cordoned off for the purposes of loading and unloading boats onto trailers, but at no time shall be used for the parking and/or storage of boat trailers.
15. The parking area surface and drainage design shall be submitted to the Engineering & Construction Division for review and approval.
16. With the construction of the parking area the applicant shall install some form of physical separation from the adjacent City property. The physical separation may consist of a low fence, wall, landscaping, wheel stops for the parking spaces or a combination thereof. The separation shall be implemented at the time of parking area construction.
17. It shall be the responsibility of the applicant, within 120 days of the approval of this Use Permit, to create an area to be identified as a “No Parking - Loading Zone”. The size and exact location of the area shall be reviewed and approved by the Zoning Administrator in consultation with the City’s Traffic Engineer. It shall be the responsibility of the applicant to post signs, stripe the surface, and manage the loading zone to ensure adequate circulation. No double parking for the purpose of loading or unloading of boats and/or equipment is permitted within the public right-of-way.

18. It shall be the responsibility of the applicant to secure and maintain adequate off-site parking within 120 days of this Use Permit (UP2004-43). 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.
19. The applicant shall provide secured bicycle parking (i.e. racks or lockers) on site. The location shall be reviewed and approved by the Zoning Administrator prior to installation.
20. 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.
21. The applicant shall be required to maintain adequate on-site refuse and recycling containers. A permanent trash and recycling enclosure shall be constructed on-site within 120 days of issuance of this Use Permit. Please contact Browning-Ferris Industries (650-592-2411) for size requirements of trash/refuse enclosures.
22. 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.
23. 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.

Infrastructure: All infrastructure issues must be addressed within 180 days of the issuance of this Use Permit.

24. It shall be the responsibility of the applicant to identify and address the following Engineering and Construction conditions within 180 days of the issuance of this Use Permit:
 - a. **Short term Water/Sewer Facilities:** Demonstrate legal water supply showing the location of the water meter and size of service lines to the property and secure adequate water supplies as deemed necessary by the City's Engineering and Construction Division. Identify location and

size of sewer connection and confirm adequate service per requirements of the City's Engineering and Construction Division.

Long-Term Water/Sewer Facilities: In the event that the subject use (BIAC) secures the term of a new extended lease and maintains its facilities at the subject property (1450 Maple Street) for occupancy beyond the terms of this Use Permit (UP2004-43, see condition #3) then it shall be the responsibility of the applicant and/or the property owner to upgrade the utilities to the site. Where applicable the upgrades shall include, but not be limited to, extending the water main, installing water service, fire service, and pay respective water capital facility and connection fees, installing sewer lateral, pay sewer capital facility and connection fees.

- b. It shall be the responsibility of the applicant to pay the appropriate Traffic Impact fees, to be determined by Traffic Engineer, based on the number of "new" trips generated during the PM peak hours within 180 days from the issuance of this letter. The Traffic Impact Fee will take into consideration the previous use as well as the average use over a weekly and yearly period.
- c. 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 creek. 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.

General Conditions:

- 25. 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 dumping associated with the proposed use may result in revocation of this Use Permit.
- 26. For work along the shoreline or in the waterway, the applicant shall obtain all necessary permits and approvals from appropriate agencies (i.e. Army Corps of Engineers, Fish and Wildlife, etc.).
- 27. 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.

28. Any exterior modification to the existing buildings and/or structures shall require the review and approval of an Architectural Permit.
29. In the event that subject activities are deemed to be detrimental to nearby businesses, and/or the surrounding area as determined by the City, this Use Permit may be revoked pending notice by the Planning Division pursuant to Article 42.8, subsection B.
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.
31. The project site is located within the Bayfront Area Visioning Study and is identified as a "Special Public Place". As such, BIAC shall cooperate with City Planning requirements in this area to allow for reasonable public access relative to the adjacent City parcel, the establishment of a Precise Plan in the area, and/or via other efforts.

Where a Use Permit has not been used within one (1) year from the date of granting, either by beginning of construction of the improvements or by the initiation of the activity which is the subject of the Use Permit, said Permit shall automatically terminate and be of no further effect.

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
Project Planner

Jill Ekas
Zoning Administrator

cc: J.L. Sheidenberger, RMC Pacific Materials, 6601 Koll Center Parkway,
P.O. Box 5252, Pleasanton, CA 94566
Building and Inspection Services Department