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Marin Coun
Community Development Agen

Mark J. Riesenfeld, AICP, Dire

NOTICE OF DECISION
SPIRIT ROCK PHASE III DEVELOPMENT PLAN

Decision Date: December 7, 1995
Application Number: DP 95-010
Applicant: Spirit Rock Center
Owner: Spirit Rock Center
Project Address: 5000 Sir Francis Drake Boulevard, Woodacre
Assessor's Parcel: 172-350-35
Decision: *Approved with Conditions*
Planner: Brian Crawford/Tom Lai

PROJECT DESCRIPTION:

The Phase III Development Plan would complete the physical improvements and allow the entire meditation retr program described in the Spirit Rock Center Master Plan (87A-04) that was approved by the County in 1988. 7 physical improvements proposed by the Phase III Development Plan include the following:

- Meditation hall (10,056 square feet of floor area)
- Dormitories consisting of three residence halls and a council house (12,260 total square feet of floor area)
- Staff housing consisting of two buildings (3,792 total square feet of floor area)
- Teacher housing consisting of two buildings (1,770 total square feet of floor area)
- Family housing consisting of one building (1,879 square feet of floor area)
- Multipurpose building (1,784 square feet of floor area)
- Commons building (3,505 square feet of floor area)
- ~~Maintenance building (380 feet of unenclosed floor area; 646 square feet of enclosed floor area)~~
- Hermitage consisting of 18 single-room dwelling units, two single-story bath houses, and a two story comm building (5,014 square feet of total floor area)
- Parking facilities, and roadway and utility extensions
- Expansion of the on-site sewage treatment facility
- Landscaping

This proposal also includes a minor adjustment to the boundaries of the existing conservation and development areas the subject property to accommodate existing and proposed improvements. The adjustment of this boundary wo result in an equal exchange of approximately 2.24 acres of land between the conservation and development areas.

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15162 because the Phase III Development Plan is substantially consistent with the project description and mitigation measures contained in the previously adopted Negative Declaration for the Spirit Rock Center Master Plan. The proposed project does not raise any new significant environmental issues not previously addressed by the Negative Declaration, and no new information of substantial importance regarding new significant environmental issues, or an increase in severity of previously identified environmental impacts, has become known to the County during review of this project.

PUBLIC NOTICE:

The Community Development Agency has mailed notices identifying the applicant, describing the project and location, and giving the earliest possible decision date to all owners of properties within 300 feet of the subject property.

MANDATORY FINDINGS FOR DEVELOPMENT PLAN APPROVAL:

- A. The proposed project, with conditions of approval, is consistent with relevant policies and programs of the Countywide Plan because the site design of buildings, roadway extensions and utilities minimizes grading and visibility from off-site public vantage points, and avoids removal of significant vegetation or adverse alterations of wildlife habitat. In particular, although development is proposed within streamside conservation areas as defined by Policy EQ-2.2, it is adequately set back from the watercourse and streambank to preclude impacts to the hydraulic, wildlife, and scenic values of the affected streams. In addition, the project landscape plan proposes to revegetate the affected stream conservation areas with native species to enhance their wildlife and scenic values.
- B. The proposed project, with conditions, is consistent with the design requirements of the governing ARP zoning district (*Marin County Code Section 22.47.105*) because buildings, roadway extensions, and utilities have been clustered in the most accessible, least visually prominent, and most geologically stable portion of the project site. In addition, the site design of the project retains natural features of the land, including ridgelines, hillside areas, trees, vegetation, and areas adjacent to creeks. The design of the proposed buildings uses natural exterior materials and colors that visually blend with the surrounding natural backdrop. The project would maintain adequate open space by providing an equal exchange of land (approximately 2.24 acres) between the existing development area and conservation easement to accommodate the expansion of the on-site sewage treatment facility and the precise siting of buildings approved in concept by the Spirit Rock Center Master Plan.
- C. The proposed project, with conditions, is consistent with the Spirit Rock Center Master Plan because the siting and design of buildings and other physical improvements substantially conform with the Master Plan development scheme and conditions of approval imposed through the Master Plan. The following minor variations in the Master Plan design concept are hereby approved:
 1. The hermitage building has been resited to the north and modified to consist of 18 detached residential units, two detached bathhouses, and a commons building. Six of the residential units, a portion of the commons building, and a roadway crossing are located within a 100-foot stream conservation area. The modified hermitage substantially conforms with the approved Master Plan for the reasons listed below.
 - a. The improvements are located within the approved development area.
 - b. The improvements have been sited in a gentle to moderately sloped area which is screened by existing tree canopies. Therefore, grading to construct the improvements would be minimized, the hydrology of the affected stream would not be impacted by accelerated erosion, and the buildings and roadways would be visually isolated from within the property and off-site vantage points.

- c. The improvements have been sited to avoid removal or alteration of riparian vegetation and wildlife habitat.
 - d. Relocating the improvements outside of the stream conservation area would place buildings and roadways in areas of steeper slopes, greater tree concentration, or higher visibility from distant vantage points, and would, therefore, result in the potential for increased grading, tree removal, visibility, and privacy intrusion into the hermitage.
 - e. Because the primary use of the hermitage would be for silent meditation, it would not result in loud noises or other activities that could disrupt wildlife habitats in the area.
2. Existing and proposed improvements encroach into the existing conservation easement, including: parking and the expanded sewage treatment facilities in the vicinity of the staff housing area (1.19 acres); the new maintenance building and adjacent parking area (0.30 acres); a portion of the existing main parking area (0.36 acres); a portion of the existing residence (0.05 acres); the existing leachfield and path grading (0.24 acres) and the new pavilion (0.10 acres). The applicants have proposed to adjust the boundary of the development area/conservation easement to provide for an equal exchange of land to accommodate these existing and proposed improvements as well as the expansion of the on-site sewage treatment facility. The boundary adjustment would result in no net loss of open space for the project site as a whole and no substantive change in the design or future use of open space areas established by the Spirit Rock Center Master Plan. A condition of approval has been incorporated to prohibit the project from advancing to construction unless the boundary adjustment is finally approved by the Marin County Parks and Open Space Commission.
 3. Two of the proposed parking areas and portions of the proposed dormitory buildings are located within 100-foot stream conservation areas. Development of these improvements would not, however, result in the removal of trees or other significant riparian vegetation. In general, the affected areas are gently sloped and thus no significant grading, alteration of stream banks, or accelerated erosion would occur from development of these improvements. The improvements have also been sited to meet flood control standards so that people and property would not be exposed to significant flood hazard.
 4. The number of beds in the dormitory housing identified as Building #1 in the approved Spirit Rock Center Master Plan would increase from 71, as conditionally approved, to 86. However, due to reductions in the number of approved dormitory beds approved as part of the Spirit Rock Phase II Development Plan, the total number of dormitory beds for the entire retreat program would not exceed 155 pursuant to the approved Spirit Rock Center Master Plan.

CONDITIONS OF APPROVAL:

Community Development Agency - Planning Division

1. The Spirit Rock Center Phase III Precise Development Plan is hereby approved and subsequent development and use of the property shall be in substantial conformance with Phase III Precise Development Plan application on file with the Marin County Community Development Agency Planning Division, consisting of:
 - A. Plan set entitled "Phase III Development Plan for Spirit Rock Center," prepared by HDA in association with JSW, dated 6-14-95, consisting of Sheets A0 and A1, C1-C6, A2-A13, L1-L7, with exception of revised Sheet L-2, dated 10-10-95, and labeled Exhibit "A" of the CDA Planning Division file.
 - B. Plan sheet entitled "Preliminary Development Map," prepared by HDA in association with JSW, dated 10-13-95, and labeled Exhibit "B" of the CDA Planning Division file.
 - C. Plan sheet entitled "Staff Housing Area," prepared by HDA in association with JSW, dated 6-14-95, and labeled Exhibit "C" of the CDA Planning Division file.
 - D. Colors and materials board labeled Exhibit "D" of the CDA Planning Division file.
 - E. Geotechnical Feasibility Study, prepared by Pheonix Geotechnical, dated 6-5-95.

2. The uses approved by this Precise Development Plan is the conduct of a nonprofit religious/educational institution for the instruction in and practice of silent meditation on the subject property pursuant to Section 22.10.020(b)(13) of the Marin County Code and the Spirit Rock Center Master Plan conditions of approval (Board of Supervisors Ordinance No. 2981), including the maximum occupancy levels and complete retreat program described in Master Plan conditions 8 (A)(B)(E)(F) and (G). The use, operation, and maintenance of the institution shall be subject to all pertinent Master Plan and Development Plan conditions of approval previously imposed by the County. No increase in the previously approved occupancy levels for the subject property is approved herein.
3. The temporary staff housing quarters approved by the Spirit Rock Center Phase II Precise Development Plan shall be removed from the project site within 60 days following the grant of occupancy for the first permanent staff housing building approved herein or February 25, 2003, whichever occurs first.
4. Prior to issuance of a building permit, the applicant shall submit a final landscape plan identifying the location and type of vegetation for each of the planting palettes shown in Exhibit "A". Landscaping shall consist of native, drought tolerant species. Plantings within stream conservation areas should predominately be riparian species which contribute to the wildlife and scenic values of these areas. The applicant shall also submit (prior to issuance of a building permit) a Statements of Conformance and Completion form to the CDA Planning Division to confirm that the proposed landscape plans comply with the water efficiency and landscaping design requirements of Chapter 23.10 of the Marin County Code.
5. Prior to the grant of occupancy for the buildings approved herein, all required landscaping and water efficient irrigation systems, where necessary, shall be installed. The specific vegetation and irrigation required to be installed prior to occupancy of individual buildings shall generally correspond to the landscape plan sheets (L1-L7), and shall be subject to review and final approval by the Community Development Director. Also, prior to the grant of occupancy, the applicant shall submit to the CDA Planning Division a landscape maintenance agreement for approved landscape plans, including, but not necessarily limited to the plantings within the stream conservation areas. The landscape maintenance agreement shall include a letter of credit or other form of security acceptable to the Community Development Director to ensure the survival of the approved plantings and proper functioning of the irrigation systems for a two year period from installation.
6. No trees over four (4) inches in diameter have been authorized for removal as part of this action and none shall be removed during future construction phases of the project unless prior approval is granted by the Community Development Director and mitigation in the form of 2:1 tree replacement is provided by the applicant. Prior to commencement of construction, the applicant shall install protective fencing around trees having diameters of four inches or greater which are located in close proximity to construction areas. The precise location of tree protection fencing shall be determined by the Community Development Director.
7. Construction vehicles and materials shall be stored outside of stream conservation areas (100 feet as measured from top-of-bank or edge of riparian vegetation, whichever is greater) and the dripline of trees with diameters of four inches or greater.
8. The exterior building material and colors shall substantially conform to the materials board labeled as Exhibit "D" of the CDA Planning Division file. The final color selection for buildings and paving shall be shown on the building permit plans and shall be subject to review and approval by the Community Development Director.
9. An archaeologist shall be present on site and monitor construction work during site grading to ensure the identification and protection of any resources discovered during construction. Prior to commencement of site grading, the applicant shall submit written verification that an archaeologist has been retained to comply with this condition.

10. Exterior lighting shall be limited to the minimum number of fixtures to provide for safe access. Light fixtures shall be placed at low elevations and hooded to prevent glare. Building permit plans shall include the location and details for exterior lighting in conformance with this condition.
11. Construction activity is only permitted between the hours of 8:00 AM and 5:00 PM, Monday through Sunday and 8:00 AM to 7:30 PM, Monday through Sunday, from May 1st to September 30th. No heavy equipment shall be operated on Sundays or after 5:00 PM. Exceptions to these hours may be granted by the Community Development Director upon written request by the applicant. The applicant shall actively organize and encourage carpooling of construction workers on the site, particularly for weekend volunteer workers.
12. Construction equipment shall be properly muffled and shut off when not in use.
13. All utility lines shall be placed underground.
14. All water using fixtures shall be water conserving/low flow fixtures.
15. Prior to issuance of improvement plans or other permits for the roadway extension to the hermitage, the applicant shall consult with the Department of Fish and Game regarding requisite permit requirements or agreements and provide evidence to the Community Development Director that such requirements or agreements, if applicable, have been satisfied.
16. The adjustment of the development area/conservation easement conceptually approved herein does not include the expanded development area for the pavilion building as shown on Exhibit "B". The final location of the pavilion and any related adjustments to the development area/conservation easement must be approved through a separate permit application as described below in the vesting rights for the Spirit Rock Center Master Plan.

Marin County Parks and Open Space District

17. Prior to issuance of improvement plans or building permits for the improvements approved herein, the applicant shall obtain final approval for the adjustment of the conservation easement/development area boundary from the Marin County Parks and Open Space District, including compliance with administrative procedures and other conditions to implement the boundary adjustment as determined by the District.

Marin County Department of Public Works Land Use and Water Resources

18. The improvement plans shall be revised to incorporate culverts where roads cross drainage channels rather than swales as shown on Sheet C-1 of Exhibit "A".
19. The improvement plans shall be revised to show the installation of headwalls and trash racks at the 30-inch culvert shown on Sheets C-2, C-4 and C-6.

Marin County Department of Public Works Traffic Division

20. When the project is operating at maximum approved occupancies or the traffic volume and in/out trips are similar to full occupancy, the Department of Public Works Traffic Division and CDA Planning Division shall be notified in writing by the applicant to begin a one-year traffic monitoring program. The monitoring program shall verify that no off-site traffic safety or circulation problems are the direct result from the operation of this retreat center. Should the County find that the maximum operation and occupancy of the retreat results in a traffic safety or circulation problem, the conduct of the retreat may be subject to additional conditions of approval, changes to retreat schedules or limitations in occupancy levels. The review period shall extend for a minimum of one calendar year (365 days) after notification by the applicant that the retreat is operating at maximum approved occupancies. Full occupancy may occur before full buildout of the physical facilities approved herein.

Marin County CDA Environmental Health Division

21. Prior to the issuance of building permits, the applicant shall submit and receive approval of an individual sewage disposal system permit, accounting for the additional waste water generated by the buildout of the Master Plan. In addition, the applicant must obtain an amendment to the Waste Discharge Permit for the entire retreat program from the Regional Water Quality Control Board San Francisco Bay Region.

Marin County Fire Department

22. All buildings shall contain interior fire sprinkler systems. Such systems shall be shown in the building permit drawings.
23. All structures shall have a minimum 30 feet clearance from all flammable vegetation. The project site shall be subject to periodic inspection by the County to verify compliance with this condition.
24. The project shall comply with Master Plan conditions 26-29.

VESTING OF RIGHTS:

Spirit Rock Center Master Plan

The approval of the Spirit Rock Center Phase III Development Plan vests the Spirit Rock Center Master Plan with the exception of the pavilion building located to the south of the hermitage which is not included in the project description for the Phase III Development Plan. The pavilion may be submitted as an amendment to the Phase III Development Plan so long as the Development Plan is effective (December 7, 1999) or thereafter as a Master Plan Amendment. The Community Development Director may waive the administrative requirements for Development Plan or Master Plan and instead require the submittal of a Design Review application for the pavilion if the proposal substantially conforms with the approved Spirit Rock Center Master Plan.

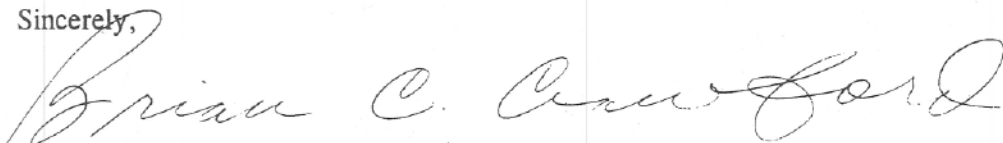
Spirit Rock Center Phase III Development Plan

The applicant must vest this Development Plan approval by securing a Building Permit for all or part of the approved work by **December 7, 1999**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Community Development Director approves it. A Development Plan extension of not more than four years may be granted for cause pursuant to Section 22.45.063 of Marin County Code.

RIGHT TO APPEAL:

If you disagree with this decision, you may appeal it to the Planning Commission. A Petition for Appeal and a \$500.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than **4:00 p.m., December 14, 1995**. If you have any questions, please call me at (415) 499-6292.

Sincerely,



Brian Crawford, AICP
Planner

cc: Department of Public Works (Land Use and Water Resources)