

**ORDINANCE NO. 3643**  
**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**APPROVING THE BENTLY HOLDINGS MASTER PLAN AMENDMENT**  
**PROJECT ID: 13-0366**

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**SECTION I: FINDINGS**

I. **WHEREAS**, The project sponsor, Riley Hurd III, applied for a Master Plan Amendment and Precise Development Plan Amendment with supplemental Use Permit findings to allow for up to 25,000 square feet of office space to be utilized for Medical Services – Clinics and Laboratories (i.e. non-hospital based nor extended care medical uses). Master Plan Amendment and Precise Development Plan Amendment approvals are required because both the 1984 Strawberry Hill Master Plan (Board of Supervisors Ordinance 2838) and the 1996 Strawberry Center Precise Development Plan (Planning Commission Resolution PC96-101) specifically prohibited in their conditions of approval “Offices for medical services of any kind including, but not limited to, doctors, dentists, psychologists, and chiropractors. . .”. Pursuant to Table 2-4 in Section 22.10 of the Marin County Development Code, the RMP zoning district allows for this use to be approved with a Master Plan and Use Permit. In addition, Section 22.44.030C(3) of the Marin County Code states that Use Permits may be granted simultaneously with the Master Plan approval, provided that the required Use Permit findings (Section 22.48.040) are made as part of the Master Plan or Precise Development Plan approval.

The subject property is located at **1 and 2 Belvedere Place, Mill Valley** and is further identified as **Assessor's Parcel 043-151-32**.

II. **WHEREAS** the Marin County Planning Commission held duly noticed public hearings on February 23, 2015 to hear testimony and consider the merits of the project after which the Planning Commission recommended that the Board of Supervisors approve the Strawberry Hill Master Plan Amendment and Precise Development Plan Amendment with supplemental Use Permit findings.

III. **WHEREAS** the Marin County Board of Supervisors held duly noticed public hearings on March 17, 2015, August 11, 2015, October 13, 2015, December 15, 2015, January 12, 2016, February 9, 2016, March 15, 2016, and April 12, 2016 to hear testimony and consider the project.

IV. **WHEREAS**, the Marin County Board of Supervisors finds that the proposed Master Plan Amendment is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), per Section 15301, Class 1 of the CEQA Guidelines. The project as proposed would not result in potentially significant impacts to the environment.

V. **WHEREAS**, the Marin County Board of Supervisors finds that the proposed Master Plan Amendment, as conditioned herein, is consistent with the findings for approval of a Master Plan Amendment pursuant to Development Code Section 22.44.030 C., as follows:

**A. The proposed Master Plan or Master Plan amendment is consistent with the goals, policies, objectives, and programs of the Countywide Plan and any applicable Community Plan, including the following policies:**

1. The project would be consistent with the MF4 (Residential, Multi-family, density of 11-30 units per acre) land use designation;
2. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
3. The project is consistent with CWP public health policies (PH-2.6 and PH-3.c) which encourage access of medical services to underserved areas.
4. The project is consistent with the Strawberry Community Plan Natural Resource Conservation policies, including policies 1.1 and 1.2 because it would not result in any new Bay or wetland fill or affect any protect historical or archeological resources.
5. The project is consistent with the Strawberry Community Plan scale and character policies, including policies 2.1 and 2.2 because it would not be located on a slope exceeding 40 percent, interrupt a continuous view of a ridge crest, or interfere with a view of the Bay from any hilltop.
6. The project is consistent with the Strawberry Community Plan safety policies, including policies 3.1 through 3.4, because it is already built in conformance with all safety standards related to slope stability, subsidence, and seismic activity.
7. The project is consistent with the Strawberry Community Plan open space policies, including policies 4.1 through 4.35, because it would not result in new adverse effects on access to or habitat quality of open space areas.

**B. The proposed Master Plan or Master Plan amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project limits the amount of potential medical service space to no greater than 25,000 square feet. The County has adopted policies that allow the applicant to propose a Transportation Management Plan with programs that will be reviewed during the building permit stage by the Department of Public Works. Upon implementation it will reduce the amount of new traffic generated by the project. In addition, the proposed project fills a need for medical services which is not otherwise provided for in the immediate and larger neighborhood. Insofar as parking and traffic, the limitations on the project's scope, has been addressed to the satisfaction of the Department of Public Works the location is well suited for this use, as it is adequately served by appropriate roads, parking, and transit stops.

**C. The site is physically and environmentally suitable for the proposed land use development(s), including access, provision of utilities, compatibility with adjoining land uses, and absence of unusual physical constraints that would**

**make future development in conformance with Chapter 22.16 (Planned District Development Standards) infeasible.**

The project is located on a lot with two existing office buildings in a City Centered corridor as designated by the Countywide Plan. There is nearby multi-family residential development, as well as transit, infrastructure, and community and regional shopping centers. The project requires no new roads or utility extensions. In addition, as noted in Findings A and B, adequate infrastructure already exists and the proposed project fills a need for medical services not otherwise provided in the immediate and larger neighborhood. The project has also been found to be both appropriate and consistent use with the Strawberry Community Plan and the Amendment to the Strawberry Community Plan by the Strawberry Design Review Board. Therefore the project is consistent with this finding.

## **SECTION II: DECISION**

The Board of Supervisors of the County of Marin ordains as follows.

The Marin County Board of Supervisors hereby approves the Bently Holdings Master Plan Amendment (Project ID 13-0396), subject to the Conditions of Approval contained in the Resolution approving the Precise Development Plan and Use Permit for the project.

This approval removes, in part, the previous prohibition against medical use offices to permit a maximum of 25,000 square feet of existing office space to be used for Medical Services – Clinics and Laboratories, with the proviso that the use be neither hospital-based nor extended care. All other conditions of approval associated with the Strawberry Hill Master Plan continue to apply.

## **SECTION III: VESTING**

Unless conditions of approval establish a different time limit, a Master Plan shall be valid for a period of three years from the date the ordinance approving the Master Plan was adopted. An approved Master Plan shall not expire if, prior to the expiration date, a Precise Development Plan is vested in compliance with this Development Code.

## **SECTION IV: EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty days from and after the date of its passage and shall be published once before the expiration of fifteen days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

## **SECTION V: VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 12<sup>th</sup> day of April 2016 by the following vote:

AYES: SUPERVISORS Judy Arnold, Katie Rice, Damon Connolly, Kathrin Sears,  
Steve Kinsey

NOES: NONE

ABSENT: NONE



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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
CLERK