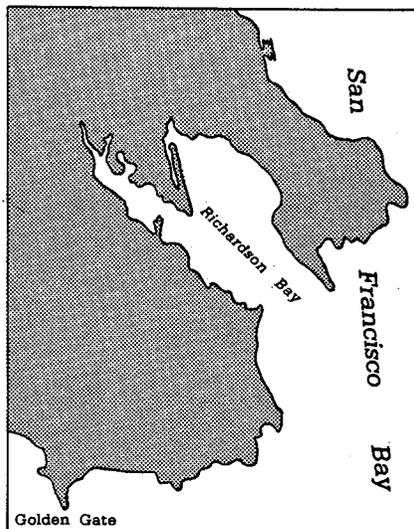


**STATUS OF SHORELINE AND WATER  
USES OF RICHARDSON BAY**



**by  
San Francisco Bay Conservation and Development  
Commission Staff**

**Prepared for the  
Richardson Bay Special Area Plan Study**

**September 1983**

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PREPARING A RICHARDSON BAY SPECIAL AREA PLAN

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Richardson Bay, part of the San Francisco Bay system, is situated in southern Marin County. Five local governments have jurisdiction over the water body and its shoreline: Marin County and the cities of Sausalito, Mill Valley, Tiburon, and Belvedere, as does the San Francisco Bay Conservation and Development Commission. Richardson Bay is experiencing an increased demand for pleasure boat marina and houseboat marina use. In addition, numerous vessels used as residences are anchoring out in the Bay. On the shoreline, most of the remaining developable land has been proposed for development. Recognizing the need for a unified set of planning policies and regulatory control by the local governments and the Bay Commission over Richardson Bay and its shoreline, the agencies agreed that they should jointly prepare a Richardson Bay Special Area Plan which would recommend such unified policies and regulatory controls for adoption by each agency. This report, prepared by the Bay Commission staff, is the first in a series of planning background reports that will be used by the Richardson Bay Steering Committee, composed of representatives of each of the local governments and the Bay Commission, in preparing a recommended Richardson Bay Special Area Plan.

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## INTRODUCTION

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Richardson Bay is the visual center of southern Marin County and the dominant and single most important natural resource. In no other area of San Francisco Bay do so many people live either on or in such close proximity to the water. Richardson Bay is a prime Bay Area recreation resource offering activities ranging from sailing its protected waters and walking or bicycling its shoreline paths to dining in one of the many shoreline restaurants which offer magnificent views of the open Bay waters, passing boats, and distant wooded shoreline.

Five local governments have planning and regulatory control over the waters of Richardson Bay and its shoreline: Marin County and the cities of Sausalito, Mill Valley, Tiburon and Belvedere. State and federal agencies also exercise various levels of planning and regulatory control over Richardson Bay and its shoreline: San Francisco Bay Conservation and Development Commission, the Regional Water Quality Control Board, and the U. S. Army Corps of Engineers. These agencies set the pattern for the types of uses that occur or will be developed either in the water or on the shoreline. Their plans, policies and regulations are the rules for both the conservation and development of Richardson Bay and its shoreline.

This report examines the uses and character of Richardson Bay: uses of the shoreline, uses of the water. Further, it examines the plans, policies, and regulations of the local, state, and federal agencies with planning and regulatory jurisdiction over Richardson Bay and its shoreline.

Chapter I describes the existing shoreline and water uses of Richardson Bay. Chapter II describes and maps (see Appendices A and B) the plans, policies, and regulations of the various local, state, and federal agencies. The major projects either recently permitted or proposed for development are identified in Chapter III. Finally, Chapter IV identifies Richardson Bay and the tidelands and submerged lands which are publicly owned and those which are subject to the public trust.

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## CHAPTER I. EXISTING SHORELINE AND WATER USE

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Richardson Bay is a community of communities: four cities - Sausalito, Mill Valley, Tiburon, and Belvedere; and Marin County. Each share jurisdiction over a portion of its waters and shoreline. It is also a stable community, with a limited amount of land remaining to be developed. It is a community that provides a number of shoreline public parks, restored tidal marshes, and a wildlife sanctuary. But Richardson Bay is also a community experiencing change as the few remaining undeveloped shoreline sites are becoming developed, new recreation marinas are permitted, and increasing numbers of houseboats and other live-aboard vessels congregate along the shoreline or anchor in the middle of Richardson Bay.

This chapter will describe the existing character of the shoreline and water uses of the Richardson Bay community.

### Shoreline Uses

1. Sausalito. Sausalito extends from Fort Baker, part of the Golden Gate National Recreation Area, almost to the Richardson Bay Bridge. Sausalito is the most varied of the Richardson Bay communities with an active commercial and sport fishing fleet and industry and the largest number of pleasure boat marinas in San Francisco Bay. Houseboat communities are also found in Sausalito on the northern waterfront. Sausalito is both an established settled community like its Richardson Bay neighboring cities, and a city undergoing waterfront land use change.

From Fort Baker north, Sausalito's shoreline is predominantly residential. The downtown waterfront commercial development with its shops restaurants, and public walkways affords magnificent views of San Francisco Bay and Richardson Bay and the San Francisco skyline. The Sausalito waterfront is a major Richardson Bay tourist attraction. Further on up the shoreline are the recreational boating marinas with inland commercial development. Walkways have been developed along the waterfront in this area offering views of the berthed boats, the water, and the Belvedere shoreline beyond. At the northern end of the City is the Marinship area, site of World War II ship construction yards, which today is a mix of uses: warehouses, offices, boat supply, commercial fishing facilities, and moored houseboats.

2. Mill Valley. To the north of Sausalito and situated at the upper end of Richardson Bay, the City of Mill Valley encompasses the upper reach of Richardson Bay extending north from Tamalpais High School on the west side around to the Richardson Bay Bridge on the east side. The character of the shoreline is accented by restored marshlands and open land proposed for park development. Commercial and residential development are concentrated on the east side of the Bay close to Highway 101. Richardson Bay is very shallow in this section, with extensive mudflats exposed at low tide.

3. Tiburon. Tiburon is situated on the east side of Richardson Bay. Tiburon is a low-density residential community with most of its shoreline devoted to public park and recreation use. The major exception to shoreline park use is a cluster of single-family homes on a rocky point near the Audubon Society's property, a residence at the junction of Tiburon Boulevard and San Rafael Avenue, and the developed downtown area which includes the Corinthian Yacht Club, shops, restaurants, and small scale offices. Tiburon's

commercial center, like the Sausalito waterfront commercial area, is a major tourist attraction. Public access to the waterfront in the downtown area is provided by a public boardwalk over the Bay behind two of the restaurants.

4. Belvedere. Belvedere, also on the east side of Richardson Bay, is situated at the southwestern tip of the Tiburon Peninsula adjacent to the Town of Tiburon. This primarily residential community is almost completely developed and little future development of its shoreline can be expected. The existing shoreline use includes a delightful public parkway along the edge of Richardson Bay paralleling San Rafael Avenue, three view easements from Westshore Road, and six open space and view easements of the San Francisco skyline and Belvedere Cove from Beach Road. The remainder of the Belvedere shoreline is devoted to large-lot, single-family residential use except for a section of the Belvedere Cove shoreline where the San Francisco Yacht Club and a few multiple-family residential structures are located along Beach Road.

5. Marin County. Marin County's jurisdiction is interspersed between the cities around Richardson Bay. Between the Golden Gate Bridge and Sausalito, is Fort Baker, part of the Golden Gate National Recreation Area. This area is a major visual open space on Richardson Bay.

The next shoreline area of County jurisdiction is between Sausalito and Mill Valley. This area of Richardson Bay, is partially developed and is undergoing land use change. Along this shoreline are located most of the houseboat marinas and communities in Richardson Bay. The area also contains a heliport and craft shops. Developments have recently been permitted or are proposed for the remaining vacant land in this area. At Tamalpais Junction a

commercial development including a restaurant, cabinet shop, and automobile repair facility is located behind the Bothin Marsh.

On the east side of Richardson Bay, on the Strawberry Peninsula, residential development predominates, however, some large, only partially developed open areas, notably De Silva Island, the Golden Gate Baptist Theological Seminary, and Strawberry Spit are proposed for additional development.

### Water Uses

Within San Francisco Bay, Richardson Bay is home to the largest number of recreational boat marinas, houseboat marinas, and vessels used for residences. The reasons for the popularity of Richardson Bay for recreational boating and floating residences is both geographic and historic. Central San Francisco Bay, roughly from the Richmond-San Rafael Bridge on the north to the San Francisco-San Mateo County line on the south, is by far the most active recreational sail boating area of the Bay. This is the area of deep water and strong on-shore winds coming through the Golden Gate off the Pacific Ocean. Richardson Bay is protected from the strong winds, has deep water along portions of the Sausalito, Tiburon, and Belvedere shoreline, and is immediately adjacent to the optimum central Bay sailing areas. Thus, Richardson Bay is an excellent site for recreational boating marinas.

Richardson Bay, specifically the northwest Sausalito shoreline and adjacent area of County jurisdiction, has accommodated residential vessels since the early 1900's. The extensive use of the water area for residential use commenced after World War II when salvaged barges and other floating

structures left over from the wartime ship building activity in the Marinship Yards were converted to houseboats. In recent years the Sausalito-Marin County waterfront has witnessed an increase in the numbers, sizes, designs and shapes of houseboats locating in the area. In 1971 and 1973, as a step toward improving water quality in Richardson Bay, permits were issued by Marin County, BCDC, the Regional Water Quality Control Board, and the U. S. Army Corps of Engineers to establish houseboat marinas at four sites within the jurisdiction of the County of Marin. All boats were to be connected to sewers and public access to the shoreline was to be provided.

1. Recreational Boating Marinas. Berths for 2,082 recreation boats exist or have been authorized at eight marinas in Richardson Bay (see Figure 1). By far the majority of the berths are located in Sausalito - - 1,656 berths. The Sausalito marinas include: (a) Sausalito Yacht Harbor, 616 berths; (b) Pelican Yacht Harbor, 90 berths; (c) Clipper Yacht Harbor, 750 berths; (d) Deak Harbor, 100 berths authorized, but not constructed; and (e) Jerry's Yacht Harbor, 100 berths.

In Marin County, 60 berths exist at the Kappas Yacht Harbor, but 220 berths are authorized.

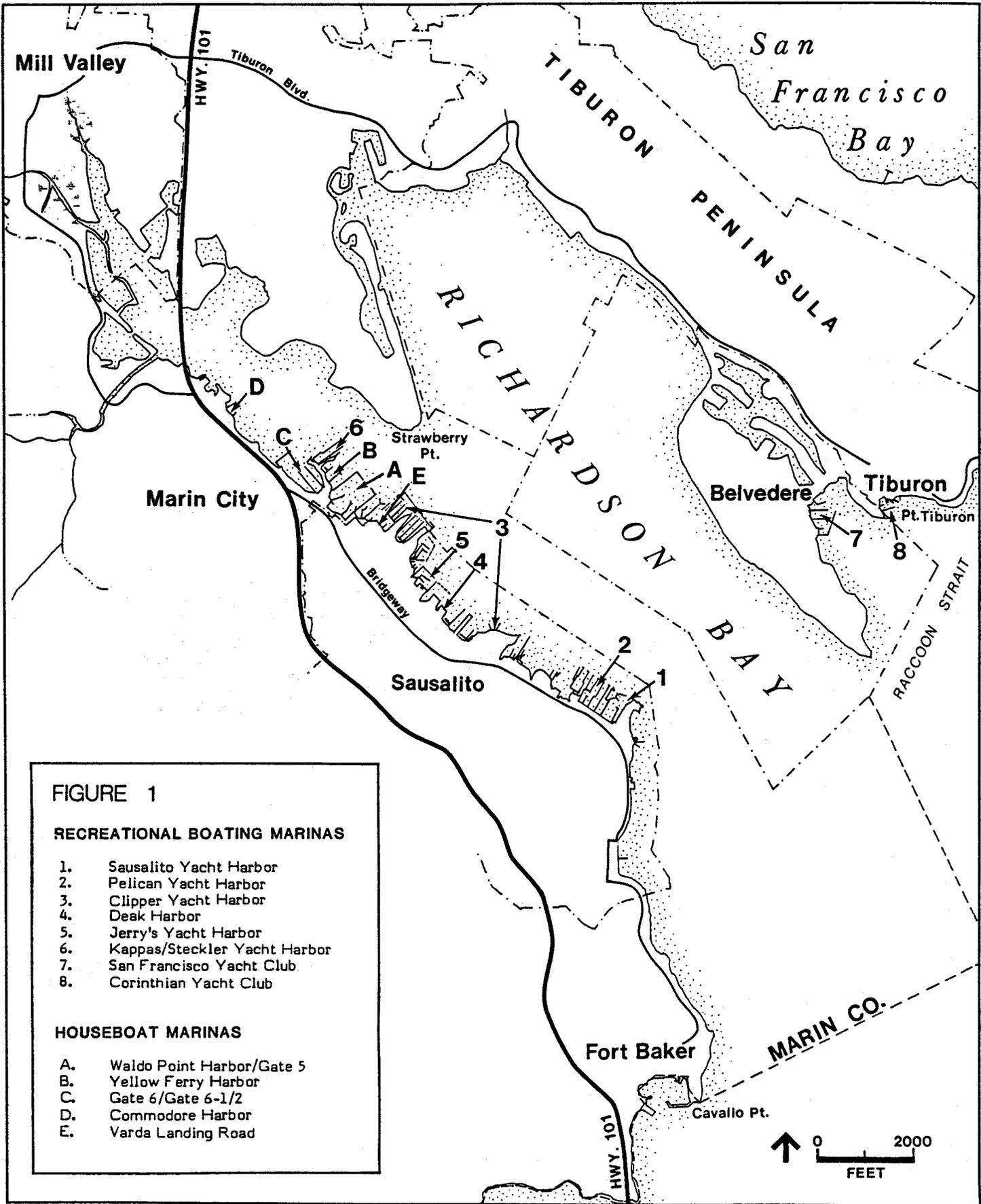
The remaining two marinas are the San Francisco Yacht Club in Belvedere, 181 berths, and the Corinthian Yacht Club in Tiburon and partially in Belvedere, 85 berths.

In addition to the eight marinas described above, three more marinas are proposed in Sausalito at the Zakessian Property, the Ducorp Property, and Schoonmaker Point. Those proposed projects are discussed in Chapter III.

2. Houseboat Marinas. Houseboats and other vessels used as permanent residences are very much a part of Richardson Bay life. These floating homes are located in permitted houseboat marinas, grouped together in unauthorized sites along the Sausalito/Marin County shore, and anchored out individually in the middle of Richardson Bay. In addition, a number of recreational boats berthed in recreational boat marinas are used as residences as well as pleasure craft.

Historically, houseboats have not been connected to sewers, and wastes have been discharged directly into the Bay. To rectify this situation, permits were issued to the then existing houseboat communities in 1971 and 1973 to legalize their existence and require them to hook up to a shoreline sewage treatment system. Today four houseboat marinas are permitted in Richardson Bay, all within the jurisdiction of Marin County (see Figure 1). These marinas include: (a) Waldo Point Harbor/Gate 5, 245 houseboat berths; (b) Yellow Ferry Harbor, 22 houseboat berths; (c) Gate 6/Gate 6-1/2, 117 houseboat berths; and (d) the Commodore Harbor, 11 houseboat berths. All of the houseboat marinas except the Commodore Harbor were permitted in 1971, the Commodore Harbor was permitted in 1973. These permitted berths were to accommodate houseboats that existed at the sites or were within Richardson Bay at the time the permits were issued. Since that time, numerous other houseboats have located, unauthorized in this area of Richardson Bay.

In 1976, as part of Sausalito Yacht Harbor's expansion to accommodate new recreational boats, the nine houseboats that existed in the harbor at that time were permitted, conditioned on hooking up to the City of Sausalito's sanitary sewage treatment system. In 1978, as part of the



**FIGURE 1**

**RECREATIONAL BOATING MARINAS**

- 1. Sausalito Yacht Harbor
- 2. Pelican Yacht Harbor
- 3. Clipper Yacht Harbor
- 4. Deak Harbor
- 5. Jerry's Yacht Harbor
- 6. Kappas/Steckler Yacht Harbor
- 7. San Francisco Yacht Club
- 8. Corinthian Yacht Club

**HOUSEBOAT MARINAS**

- A. Waldo Point Harbor/Gate 5
- B. Yellow Ferry Harbor
- C. Gate 6/Gate 6-1/2
- D. Commodore Harbor
- E. Varda Landing Road



Sausalito General Plan Waterfront Amendment Study, a small existing houseboat community was legalized by Sausalito by creation of a houseboat district adjacent to the Waldo Point houseboat marina.

3. Houseboat Communities and Anchor Outs. Many unauthorized houseboats and vessels used as a permanent residences are distributed along the Sausalito/Marin County shoreline or anchored out in Richardson Bay. These boats and vessels are not a permitted use, and as will be seen in Chapter II, the use is in violation of Sausalito and Marin County plans, policies, and regulations. Almost all these vessels discharge their wastes directly into the Bay, although some boatowners assert they utilize alternative on-board systems for treating some wastes.

Two organizations of houseboat residents, the Gates Cooperative representing approximately 115 unauthorized houseboats and the Galilee Harbor Community Association representing approximately 36 unauthorized residential vessels, are seeking to be legally accommodated as houseboat marinas. The Gates Cooperative is located at Waldo Point/Gate 5 north of the Sausalito city limits, and the Galilee Harbor Community Association is located at the city owned Napa Street Pier north of Dunphy Park in Sausalito. The Gates Cooperative is currently working with Marin County to develop an authorized houseboat marina. The Galilee Harbor Community Association is negotiating with the City of Sausalito and private property owners in an attempt to develop relocation options either as a community or on an individual basis.

Anchor-out residences are moored in the central part of Richardson Bay and are different from the houseboat marinas and communities in that they

are not connected to land and are not serviced by such normal utilities as water, gas, and electricity, or sewage services. Most of these vessels are within the jurisdiction of Marin County although some drift into the jurisdiction of Belvedere and Sausalito. The number of anchor-outs in Richardson Bay is difficult to determine because the vessels often move and their numbers change dramatically with the seasons. During the good weather months there are far more anchor-outs in the Bay than during the foul weather season when many of the boats are relocated, moored close to shore, or pulled up on shore. An inventory of the anchor-outs is being undertaken as part of the Richardson Bay Special Area Plan study and will soon be completed.

Another class of anchor-outs are the fishing boats that either anchor off Sausalito's central and southern waterfront or tie up along the privately owned South Pier during the fishing season. These anchor-outs are primarily seasonal. Visiting yachts also anchor-out in the Bay or tie up at yacht clubs and marinas.

4. Live-aboards Vessels at Recreational Boat Marinas. Many recreational boats are used as residences in Richardson Bay. These live-aboards are not permitted uses in the recreational boating marinas. Most, if not all of these live-aboards, are not connected to sewage treatment facilities and waste from the boats is discharged directly into the Bay. It is very difficult to determine the number of live-aboard boats that are in recreational marinas, but Sausalito Art Zone (an organization of Sausalito waterfront residents) estimates in its 1981 survey of the Sausalito waterfront that approximately 10 percent of the permitted 1,500 berths in recreational marinas in Sausalito are occupied by live-aboards.

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CHAPTER II. SUMMARY OF PLANS, POLICIES, AND REGULATIONS  
OVER LAND AND WATER AREAS

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State and federal, as well as local, agencies exercise land and water use planning and regulatory control over Richardson Bay and its shoreline. The local governments responsible for planning and regulation are the cities of Sausalito, Mill Valley, Tiburon, and Belvedere and Marin County. Overlying each local jurisdiction are the state and federal planning and regulatory agencies: the state San Francisco Bay Conservation and Development Commission (BCDC) and Regional Water Quality Control Board (Regional Board), and the federal U. S. Army Corps of Engineers and U. S. Coast Guard.

This chapter will summarize the plans and policies of each of these governmental agencies and their regulatory authority over use and development of the waters and shoreline of Richardson Bay. These plans, policies, and regulations are important, for they are the basic rules by which development may legally occur in Richardson Bay.

Local Agencies

The General Plan policies and map designations and zoning district designations of Sausalito, Mill Valley, Tiburon, Belvedere, and Marin County are discussed in this section. Appendix A contains maps indicating the General Plan map designations of each local government and Appendix B contains maps identifying the zoning districts of each local government.

1. Sausalito

a. Sausalito General Plan. For the purpose of this study, Sausalito's waterfront can be divided into three areas: the southern area from the south city limits up to the central commercial area (see Appendix Map A-1); the middle area from the central commercial area through the central waterfront area to Napa Street (see Appendix Map A-2); and the northern area from Napa Street north to the city limits.

The southern area is designated by the General Plan for medium high intensity residential use with some neighborhood commercial use. The middle area is designated for downtown commercial and recreational harbor use. The northern area is designated commercial industrial and water-oriented uses.

Open space exists along much of the shoreline: at Valley Street, from Main Street to Princess Street, at Gahuelson Park, at Dunphy Park, and at Marinship Park. All of these areas are on the water with the exception of Marinship Park which is behind the Army Corps of Engineers disposal site.

Water areas designated as waterfront use are intended for boat harbor development while the undesignated water areas are for navigation use and boat access to marinas and boat harbors. Open space designations on the shoreline are intended for park use and public access.

Areas designated for waterfront commercial use are intended for marine-related uses such as boats, boat services and repair, and commercial fishing facilities.

Industrial designated areas lying inland of waterfront designated areas would include low-intensity clean industries, offices, and arts and crafts workshops.

The plan policies also provide that public access for pedestrians and bicyclists should be provided along most of the waterfront.

b. Zoning. Corresponding to the General Plan, the Sausalito Municipa; zode zones the southern part of the shoreline for two-family and multiple family use and a small portion for neighborhood commercial use. The water area is designated an Open Area (OA) District. The purpose of the OA District is to ensure retention of water and shoreline areas in water-oriented activities. Boating, fishing, swimming, park, and other such uses are permitted in these Districts.

The shoreline north of the downtown area is zoned for Waterfront Commercial (CW) District, Waterfront (W) District, Industrial (I) District, and Houseboat (H) District.

The Waterfront Commercial District permits commercial uses oriented to the water. Such uses include restaurants, boat sales and repair, commercial fishing facilities, and offices. Marine-oriented uses are permitted within the Waterfront District and include such uses as boat building and sales, marine supply and sales, and commerical and sport fishing

facilities. The Industrial District, designed for clean low-intensity industrial uses and offices, also allows marine uses such as boat sales and commercial fishing facilities.

The Houseboat District is intended to provide a suitable environment for a low density houseboat community. This is the only district in Sausalito in which houseboats are allowed. All approved houseboats are required to be provided with a city-approved sewer connection.

The Sausalito Municipal Code also prohibits the berthing or mooring of any boat in waters owned by the City for more than 48 hours without written consent of the City.

## 2. Mill Valley

a. Mill Valley General Plan. The Mill Valley General Plan designates the City's western shoreline as open space lands (see Appendix Map A-3). An exception is a "multi-family area" on Miller Avenue and Camino Alto. The open space lands designation continues up the west side and around the upper end of Richardson Bay and down the east side of the Bay encompassing approximately half the city's shoreline. The remainder of the shoreline is divided between multi-family area and commercial use designations.

b. Zoning. Following its General Plan designations, Mill Valley has zoned the western shoreline and upper end of Richardson Bay as an Open Area (OA) District in which park and open space uses are allowed (see Appendix Map A-3). A Multi-Family Residential (RM) District is designated at Miller Avenue and Camino Alto. The zoning departs from the General Plan open space

designation at the upper end of Richardson Bay where a Commercial-Recreation (CR) District, which would allow a small craft harbor, restaurant, hotel, park, and public utility structure, is designated for in a tidal marsh.

The zoning for the remainder of Mill Valley's shoreline follows the General Plan designations: Multiple-Family (RM) District and General Commercial-Planned Development (GC-PD) District are designated for the eastern shoreline northwest of the Richardson Bay Bridge.

The Mill Valley Code also prohibits the construction or mooring of houseboats in the waters of the City for more than 24 hours without written permission of the City Council.

### 3. Tiburon

a. Tiburon General Plan. The Land Use Element of Tiburon's General Plan has designated most of the City's shoreline and water area for park and open space use (see Appendix Maps A-4 and A-5). Single-family residential use is designated for the shoreline between the Audubon Society property and Blackie's Pasture as well as the area at the intersection of Tiburon Boulevard and San Rafael Avenue. The only other non-park and open space designation in the plan is the downtown area for which the City has prepared a specific "Tiburon Downtown Plan."

With regard to its shoreline, Tiburon's General Plan policies "encourage both public and private water-oriented park and recreational

facilities as a means of providing maximum public access to the waterfront" and seek to protect and retain open its remaining undeveloped Bay frontage both in the downtown area and along the Richardson Bay Lineal Park lands.

The Downtown Plan recognizes the important relationship and interdependence of the Bay and commercial development of the Tiburon downtown area with unobstructed public access to the waterfront including pedestrian promenades, observation points, fishing, boating facilities, and a park. The waterfront policies of the Downtown Plan call for the entire waterfront from the developed downtown area on the northeastern edge of the Richardson Bay Special Area Plan study area "remaining open and without development for a distance of a least 200 feet inland from the water." Further, the General Plan provides that public pedestrian promenades be provided on the Bay side of existing buildings on the downtown area shoreline.

The Plan also calls for a limited-time public docking facility, or port-of-call, for visitors who come to Tiburon by private boat.

b. Zoning. Corresponding to the General Plan, Tiburon has zoned the majority of the Tiburon shoreline as Parks, Open Space and Recreation (P) District (see Appendix Maps B-4 and B-5). The residential lots between the Audubon Society property and Blackies Pasture are zoned Single Family Residential (R-1) District as is the residential parcel at the intersection of Tiburon Boulevard and San Rafael Avenue. The downtown shoreline is zoned as a Planned Development zone.

The Parks, Open Space and Recreation District, which includes the water area in front of the downtown, allows wildlife refuges, public or

private parks, outdoor recreation facilities, and up to six boat moorages provided that no boat or houseboat is used as a residence for periods in excess of ten days unless accessory to the Corinthian Yacht Club.

4. Belvedere

a. Belvedere General Plan. The Belvedere General Plan designates the entire shoreline of Belvedere for single-family residential use except for the frontage along San Rafael Avenue which is designated for recreation open space use and the shoreline of Belvedere Cove which is partially designated for multiple-family use.

The General Plan policies call for the open water surrounding Belvedere to be retained open in perpetuity and for the provision of pedestrian access to beach and water areas.

b. Zoning. Belvedere has zoned its shoreline for single-family use, except for parts of the Belvedere Cove shoreline which is zoned for open space and apartment use. The water area of Belvedere is zoned for open space recreation use, however, the City Code also contains regulations governing the operation of watercraft, houseboats, and piers and moorings within water areas of the City. The code makes it unlawful to tie up or anchor a vessel in a manner that obstructs channels, or prevents or obstructs passing of vessels, or negligently allows the sinking of a vessel. Further, the code requires that houseboats (defined as any watercraft or structure, floating or nonfloating, designated or fitted for habitation and not principally used for transportation and used as a place of habitation for more than seven

consecutive days in any thirty day period) conform to the following rules: (a) the houseboat must be moored to a slip, wharf, or pier having a right of access from a public road; (b) the houseboat owner must own two off-street parking places with the right of access to a public street and the parking spaces must abut the moorage; (c) each houseboat must be connected to the City sanitary sewer system; and (d) houseboats are not permitted in areas where they are not authorized by the zoning ordinance.

Residential vessels anchored in Belvedere waters are considered houseboats by the City. Houseboats or live-aboards must obtain a city permit if they are to be allowed to remain in City waters in excess of seven days. Discharging untreated sewage or discarding garbage into any City waters or waterways is prohibited. The City has authority to board and inspect any houseboat or vessel in its jurisdiction. Convicted violators are deemed guilty of an infraction, punishable by a fine not to exceed \$250, and the vessel in question is declared a public nuisance and is subject to abatement.

#### 5. Marin County

Marin County guides and controls development within its jurisdiction pursuant to the policies and provisions of the Marin Countywide Plan and the Marin County Code. In addition to the Countywide Plan, the County has developed special community plans to provide more specific development policies for certain geographic areas of the County. For the Richardson Bay area these specific plans include: the Marin City Community Plan, the Tamalpais Planning Area Community Plan, and the Strawberry

Community Plan. In addition to the Community Plans, the County has adopted two additional specific plans for parts of Richardson Bay: the Richardson Bay Planning Study and the Waldo Point Small Boat Marina Study.

a. The Marin Countywide Plan. The countywide Plan contains general policies applicable throughout the County and policies applicable to specific geographic areas of the County (see Appendix Maps A-2, A-4, and A-5). Important to Richardson Bay are the Bayfront Conservation Zone policies. The Bayfront Conservation Zone includes all of Richardson Bay and the shoreline within the County's jurisdiction. The Zone is composed of three subzones: (a) the Tidelands Subzone, which includes tidal waters to the point of highest tide, tidal marshes, and an adjacent flexible 100-foot shoreline buffer area; (2) the Diked Bay Marshlands and Agricultural Subzone, which includes all diked historic marshlands where the continuation of agricultural use is feasible or the restoration of the unfilled area to wetland wildlife habitat is possible if agricultural use becomes infeasible, and a flexible 100-foot buffer landward on undeveloped lands; and (3) the Shoreline Subzone, which extends from main public thoroughfares which follow the shoreline, such as Highway 101 and Seminary Drive, and affords visual access to the Bay to the tidelands Subzone.

With the applicable zoning provisions of the County Code, the Bayfront Conservation Zone policies identify the uses and conditions under which development can take place on lands within the Bayfront zone. For Richardson Bay the most applicable Bayfront Conservation Zone policies concern Habitat Protection and Restoration, Protection of Environmental Quality, Public Access and Bayfront Recreation, and Aesthetic and Scenic Quality.

- (1) Habitat Protection. The policies provide that the diversity of aquatic and wildlife habitats should be preserved and enhanced and that development should not encroach into sensitive fish habitat. Further, the policies prohibit diking, filling, or dredging in tidal areas unless the area is small (less than one-half acre), isolated, or limited in productivity. In tidal areas only water-dependent uses are permitted consistent with federal, state, and regional policy (i.e. ports, water-related industry and utilities, wildlife refuges, water-oriented recreation, and public assembly).
  
- (2) Protection of Environmental Quality. The policies require that development minimize earth disturbance, erosion, and water pollution within the Conservation Zone. In tidal areas, fill for jetties, piers, or outfalls should not alter tides and currents to the point that adverse impacts, such as increased sedimentation or shoreline erosion occur, and waste discharge may not be allowed if such discharge contaminates water resources or adversely affects the Bay environment.
  
- (3) Public Access and Bayfront Recreation. The policies require that public access to the Bay be provided as part of an approved development. Also, provision should be made for recreational development and access to the

shoreline marshes for recreational activities and nature observation and education.

- (4) Aesthetic and Scenic Quality. Under these Plan policies, visual access to the bayfront and scenic vistas of the Bay and distant shorelines are to be protected. The Plan calls for the identification of specific locations with opportunities for Bay and shoreline views and vistas, and the protection and enhancement of those sites. Development on the shoreline should be designed to permit views of the Bay and shoreline from public roads and access areas.

b. Marin County Code. The Bayfront Conservation Zone policies of the Countywide Plan are carried out through the Bayfront Conservation (BFC) District of the County zoning code. The Bayfront Conservation District is a combining district and is combined with the base districts designated for Richardson Bay. The County zoning maps designate areas around Richardson Bay for a variety of uses: single and multiple-family residential, resort and commercial recreation, commercial, residential and floating home marinas, limited agriculture, and open area (see Appendix B-2, B-4, and B-5). These base districts set the specific use that may occur, but any development must also conform to the requirements of the Bayfront Conservation District.

The single-family district is located at the edge of the Bothin Marsh adjacent to Mill Valley, and the multiple-family residential district on De Silva Island and the Strawberry Peninsula including the

southern part of Strawberry Spit. The residential/commercial district is located at Tamalpais Junction near Mill Valley, and the commercial district west and east of the Richardson Bay Bridge on the south shoreline.

Most of the water area in Richardson Bay is zoned by the County either as Limited Agricultural with specific building set backs (A2 B2) District, Resort and Commercial Recreation (RCR) District, or Floating Home Marina (R-F) District.

The Limited Agricultural District permits general agricultural uses including associated use such as horse stables and dog kennels. The Resort and Commercial Recreation District would permit, subject to an approved master plan, resort facilities with emphasis on public access to recreational areas in or adjacent to the site. Floating home marinas are specifically not allowed within this zoning district. The Floating Home Marina District, located just north of the Sausalito City boundary, permits floating residences and accessory uses such as management offices, laundry and recreational facilities, and car washing facilities. In addition, the County has adopted an ordinance regulating anchor outs in Richardson Bay, however, the Ordinance will not be in effect until the County adopts development standards and application processing procedures.

c. Special Community Plans and Studies

- (1) Tamalpais Planning Area Community Plan (1975). The Tamalpais Planning Area Community Plan is an expression of how the Marin Countywide Plan can be carried out in

the Tamalpais Planning Area. The Tamalpais Planning Area Community Plan endorses the Countywide Plan policies, however, the Tamalpais Plan recommends that additional land in the Bothin Marsh area at Tamalpais Junction be acquired for open space rather than be developed. The Plan recommends that an open space preserve between Miller Avenue and Shoreline Highway and the Bay edge along Bothin Marsh be created and that an additional opening along the Northwestern Pacific Railroad right-of-way be created to increase tidal action into Bothin Marsh.

Further, the General Parks and Recreation Master Plan for the Community of Tamalpais Valley supports the acquisition of the remaining undeveloped land on the periphery of the Bothin Marsh at Tamalpais Junction for addition to the T.A.M. Bayfront Preserve, part of the Bothin Marsh.

- (2) Strawberry Community Plan (1973, as amended). The Strawberry Planning Area includes Strawberry Point and Strawberry Spit in Richardson Bay. The Strawberry Plan focuses on the amount and location of future development in the planning area. The Plan recommends that no further residential construction be allowed to extend into Richardson Bay and that no fill or dredging be allowed for residential development. Further, Strawberry

Spit is recommended to be conserved as open space but if development on the spit does occur, the Plan recommends that it should be of low density and at the southern most end of the spit. The Plan also recommends that a shoreline perimeter park and public access system be developed from the Richardson Bay Bridge along De Silva Island and the edges of Belloc Lagoon around Strawberry Cove to Brickyard Park and around Strawberry Point to Strawberry Spit.

- (3) Marin City Community Plan (1973, as amended). Marin City is an unincorporated community west of Highway 101 and northeast of Sausalito. The primarily residential area is outside the Richardson Bay Special Area Plan study area, but is connected to the Bay by a flood retention basin that empties into the Bay. The flood retention basin, once part of the Bay, functions as both a freshwater flood retention basin and as a sediment and pollutant trap. At present the basin and surrounding upland area provide limited aquatic and wildlife habitat. However, the existing habitat could be favorably improved if the site were managed as a wetland as well as a flood control basin. Toward that end, a policy of the Community Plan is to remove the existing tide gate and restore full tidal action to the basin and allow the site to revegetate naturally as tidal marsh.

(4) Richardson Bay Planning Study (1977). This study was prepared and adopted by Marin County to establish standards for use and design of the shoreline of Richardson Bay between the Sausalito City Limits and the Richardson Bay Bridge. The guidelines are based on the adopted policies of the County, Sausalito, and BCDC. Under the guidelines, the primary uses allowed are water-related uses (defined as uses which require or clearly benefit from a location near the water) and visitor-serving uses. Within a larger project, secondary uses, such as offices, are also acceptable. However, other types of uses, specifically residential, retail, commercial, and recreational vehicle campgrounds would not be permitted.

Multiple or mixed-use projects, e.g. restaurant and offices, are encouraged to provide use and activity during the day and evening and during the work week and weekend. In addition, the Study recommends that all new development should provide public access to the shoreline unless: (a) adequate access exists nearby; (b) the development is too small to include access; and (c) shoreline resources are too fragile to accommodate general use.

(5) Waldo Point Small Boat Marina Study (1981). The recently completed Waldo Point Small Boat Marina Study was

initiated by Marin County to assist the Board of Supervisors in determining whether new berths should be permitted at the existing Waldo Point houseboat marina to accommodate existing unauthorized houseboats and if so, what should be done. The Board of Supervisors adopted a small boat harbor plan that would permit berths for 78 houseboats, preserve view corridors, maintain a maximum amount of open water, provide sanitary facilities, and increase public access. Marin County is currently working with the unauthorized houseboat community, the Gates Cooperative, on a precise houseboat harbor program and design.

#### State Agencies

Two state agencies, the San Francisco Bay Conservation and Development Commission and the Regional Water Quality Control Board, have regulatory authority in Richardson Bay. In addition, the State Lands Commission has special state responsibility for administering state tidelands and submerged lands and monitoring the legislative grants to local governments of state tidelands and submerged lands. The Department of Fish and Game also plays an important role in the state regulatory process by commenting to BCDC and the Regional Board on the fish and wildlife aspects of proposed projects seeking the approval of those agencies.

1. San Francisco Bay Conservation and Development Commission

Under its enabling law, the McAteer-Petris Act, and its San Francisco Bay Plan, the BCDC regulates filling, dredging, and changes of use within Richardson Bay and along its shoreline. The Commission's "Bay" or water jurisdiction extends to the point of highest tide, including marshes. On the shoreline the jurisdiction is a band of land extending 100-feet inland and parallel to the shoreline. Work within the Commission's jurisdiction requires a BCDC permit and any proposed project must be consistent with the McAteer-Petris Act and the Bay Plan policies.

a. The McAteer-Petris Act. Under the McAteer-Petris Act, the Commission may permit fill<sup>1/</sup> in the Bay only for certain "water-oriented" uses specified in the law or "minor" amounts of fill to improve shoreline appearance or public access to the Bay. The water-oriented uses permitted include water-related industry, ports, water-oriented recreation and public assembly, airports, bridges, wildlife refuges, and intake and discharge lines to power or plants desalinization plants.

In addition to limiting the uses for which fill may be approved, the McAteer-Petris Act requires the Commission to find, among other things, that:

- there is no alternate upland location for any fill authorized;

<sup>1/</sup> "Fill" includes earth or any other solid material including pilings; any water coverage whether on pilings or by cantilever; and floating structures, such as houseboats and floating docks, moored for an extended period of time.

- the fill is the minimum necessary;
- the nature, location, and extent of any fill will minimize harmful effects to the Bay;
- the fill is constructed in accord with sound safety standards;
- the fill, to the maximum extent feasible, will establish a permanent shoreline; and
- the person proposing the fill has sufficient title to the property to develop the proposed project.

Moreover, the law requires that for every project the Commission approves, maximum feasible public access consistent with the proposed project must be provided and public benefits must outweigh any detriments to the Bay.

b. The San Francisco Bay Plan. The Bay Plan designates certain shoreline areas around the Bay as water-oriented priority use areas which are reserved for water-oriented uses of region-wide significance, such as ports, water-related industry, and wildlife areas. The only priority use designation in Richardson Bay is the wildlife area at the Audubon Society in Tiburon. In non-priority use areas, the Commission's jurisdiction is limited to matters affecting public access only.

The Commission evaluates all projects based on the effect on the Bay as a public resource. The Bay Plan policies on Fish and Wildlife, Water Pollution, Water Area Surface, and Mudflats were adopted by the Commission to assure that a level of water quality in the Bay was sufficiently high to permit water contact sports and to require all projects to conform to the requirements and standards of the Regional Water Quality Control Board. Further, these policies state that water volume and surface area of the Bay should be maintained to the greatest extent feasible and that filling and diking should be permitted only for purposes providing substantial public benefits and only if there is no reasonable alternative. Moreover, they provide that wildlife habitats necessary to maintain or increase wildlife species should be protected and that whenever possible former marshes should be restored.

Within the constraints of the McAteer-Petris Act, the Bay Plan specifies the uses and conditions for which fill may be permitted in the Bay. With regards to Richardson Bay, the most applicable policies concern dredging, Bay-related recreation, public access, appearance and design, accessory structures, and housing and houseboats.

- (1) Dredging. The Plan policies on dredging provide that to prevent sedimentation from dredge projects, dredge spoils should be either placed on dryland, in an approved fill project, barged to an approved site at sea, or if no other site is feasible, at an Army Corps of Engineers designated spoiling site in the Bay. The nearest designated Corps site to Richardson Bay is off Alcatraz Island. However, studies

are currently being conducted at Raccoon Strait to determine whether this site would also be acceptable as a Bay spoiling site. The studies are being conducted in conjunction with permit applications to the Corps, BCDC, and the Regional Water Quality Control Board for the Corinthian and San Francisco Yacht Clubs. According to the Corps, maximum disposal will be limited to 50,000 cubic yards per year and the site will not be available to other parties for at least three years after spoiling occurs. The Corps would rather see prospective applicants use the Alcatraz Island disposal site rather than count on being given permission to spoil in Raccoon Strait. If Raccoon Strait were to be designated as a spoiling site the cost of spoil disposal for projects in Richardson Bay would be greatly reduced.

- (2) Recreation. The Bay Plan policies on water-related recreation encourage the construction of marinas at suitable sites but not at sites that fill up rapidly with sediment, have insufficient upland, or contain valuable marshes or mudflats.
- (3) Public Access. The Plan policies on public access, as well as the provisions of the McAteer-Petris Act, require that any permitted project built on fill in the Bay or in the shoreline provide maximum public access to and along the waterfront. In addition, the policies specify that public agencies should cooperate to provide new access and to link existing public shoreline parks and access areas.

- (4) Appearance, Design, and Scenic Views. The policies encourage design of projects using the Bay as a design asset and focal point and the preservation and enhancement of views of the Bay from and through projects, from public access areas, from the Bay itself, and from the opposite shore.
- (5) Accessory Structures. Under the Bay Plan policies, accessory structures such as boat docks and portions of a principal structure may extend on piles over the water in order to enable actual use of the water, or to use the Bay as an asset in the design of the structure.
- (6) Housing and Houseboats. The Plan policies provide that when the shoreline is used for housing, high densities and clustering should be encouraged to provide larger numbers of people the advantages of waterfront housing.

The policies on houseboats provide that houseboats "may be permitted in some areas of the Bay provided the boats:

- (1) would not adversely affect the ecology of the Bay; (2) would not cause a harmful amount of sedimentation; (3) would either be connected to a shoreline sewage treatment system or have on-board treatment facilities acceptable to public health and water quality control agencies; (4) would require no fill except for a pedestrian walk on pilings; and (5) would be acceptable to local governments having jurisdiction over the areas in question."

The houseboat policies were adopted by the Commission prior to the 1969 amendments to the McAteer-Petris Act by the Legislature and the Legislature did not include houseboats as a water-oriented use for which the Commission may permit fill. The Commission has undertaken a study of houseboats to define further under what, if any, circumstances it may have the legal authority to permit houseboats. That study, applicable to all of San Francisco Bay, will be included in the Richardson Bay Special Area Plan planning background report series.

c. The Public Trust. In addition to consistency with the McAteer-Petris Act and Bay Plan policies, fill projects proposed in the Bay must be consistent with the common law Public Trust doctrine. Within BCDC's jurisdiction, public trust powers are shared by BCDC and the State Lands Commission and with the state's legislative trust grantees. In Richardson Bay those legislative grantees are Marin County and the cities of Sausalito and Mill Valley (see Chapter IV Ownership of Underwater Lands). Briefly, the public trust doctrine maintains that the State of California holds the tide and submerged lands in trust for the people of California for trust uses which include commerce, navigation, fishing, and recreation. Only those uses may be permitted on trust lands. The trust, particularly as it relates to houseboats in Richardson Bay, will be discussed in greater depth in BCDC's houseboat report.

## 2. Regional Water Quality Control Board

The Regional Water Quality Control Board, along with its parent agency, the State Water Resources Control Board, exercises water quality

review and permit authority under federal law, the Clean Water Act, and state law, the Porter-Cologne Water Quality Control Act.

Under Section 401 of the Clean Water Act, applicants for federal permits for activities which may lead to discharges into navigable waters must receive certification from the State Board which grants or waives certification, generally on recommendation from the Regional Board.

Under Section 402 of the Clean Water Act, which established the National Pollution Discharge Elimination System (NPDES) to regulate the discharge of pollutants from point sources into navigable waters, the Regional Board administers a waste discharge requirement permit system for solid waste, sewage, munitions, chemical waste, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural waste discharged into navigable water.

In addition to the NPDES program, the Regional Board administers the state Porter-Cologne Act which establishes a permit system covering all waste discharges which may affect water quality including sewage. The state permit program is a companion to the federal NPDES program and is carried out by the Regional Board in accord with the State Board regulations, the policies of the Porter-Cologne Act, and the Regional Board's San Francisco Bay Basin Water Quality Control Plan.

Because of the importance of water quality in Richardson Bay, a report on water quality will be prepared as part of the Richardson Bay Special Area Plan planning reports.

### 3. State Lands Commission

The State of California holds much of the tide and submerged lands in Richardson Bay in trust for the people of the state for commerce, navigation, fisheries, and recreation (see Figure 3). Most recently, court cases have extended trust uses to include commercial navigation, harbor development, hunting, fishing, and preservation of open space.

Certain state lands have been legislatively granted to counties and cities for uses, consistent with general trust uses, specifically enumerated in their grants. In Richardson Bay, legislative grant lands are held by Marin County, Sausalito, and Mill Valley. These lands are indicated on Figure 3.

The State Lands Commission has jurisdiction over all ungranted tide and submerged lands in Richardson Bay and manages those lands consistent with the public trust. On granted lands, the State Lands Commission is responsible for reviewing the trustee's administration of its grant.

The extent of the public trust and importance of the trust to Richardson Bay planning will be discussed in greater depth in BCDC's soon to be published report on houseboats.

### 4. Department of Fish and Game

The Department of Fish and Game has the state responsibility for protection of fish and wildlife resources and habitat in California. The Department reviews and comments on Corps of Engineers, BCDC, and Regional

Board permit applications as well as project environmental documents circulated pursuant to federal and state law. As a general rule, the Department opposes development in tidal or wetland areas unless a proposed project is dependent upon a waterfront site, no less damaging alternatives exist, and any loss of existing or potential fish and wildlife habitat is offset by restoration of an area of comparable size and value.

### Federal Agencies

The U. S. Army Corps of Engineers is the federal agency with regulatory powers over use and development in Richardson Bay. Two other federal agencies, the U. S. Fish and Wildlife Agency and the National Marine Fisheries Service, play an important role in the Corps' permit process by commenting on the fisheries and wildlife impacts of proposed projects.

#### 1. U. S. Army Corps of Engineers

The Corps of Engineers exercises jurisdiction over Richardson Bay pursuant to two federal laws, Section 10 of the River and Harbor Act of March 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1977 (33 U.S.C. 1344).

Under Section 10 of the River and Harbor Act, all work and/or structures extending bayward of the line on shore reached by the mean of the high water (MHW) in "navigable waters of the United States," including all work in unfilled portions of the interior of diked areas below former MHW, must be authorized by the Department of the Army, Corps of Engineers.

The term "navigable waters of the United States," as defined in 33 C.F.R. 322.2(b) "means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the MHW mark and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce." 33 C.F.R. 329.4 further states that a determination of navigability, once made, applies laterally over the entire surface of the water body, and is not extinguished by later actions or events which impede or destroy navigable capacity.

Under Section 404, the Corps, subject to the federal Environmental Protection Agency (EPA) guidelines, regulates the discharge of dredged or fill materials into the waters of the United States.

"Waters of the United States" as defined in 33 C.F.R. 323.2.(a) means: all waters which meet the definition of navigable waters; all interstate waters including interstate wetlands; and all other waters including intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs...or natural ponds, the use or degradation or destruction of which could affect interstate or foreign commerce. Wetlands adjacent to waters of the United States are also regulated under this regulation.

The Corps uses two test in determining whether or not to issue a permit under its Rivers and Harbors Act jurisdiction. The first is a "public interest review" to determine whether the benefits of the proposed project outweigh the damage to the water or wetland resource. The critieria used to determine the public interest include such considerations as economics, general environmental concerns, fish and wildlife values, and water quality.

The second test is whether the proposed project is dependent on being located in or in close proximity to the water environment and whether feasible alternate sites are available.

In addition to the above criteria, Section 404 requires that the Corps permits issued under that authority be subject to criteria established by EPA regulations. Those regulations require the Corps to determine whether or not there is a "practicable alternative" to the discharge or fill material being placed into water or wetland areas. Unless the proposed discharge or fill is water-dependent, under the regulations it is presumed that an alternate does exist and it is up to a permit applicant to show that alternate sites are not available.

Both the Corps and EPA regulations require the Corps to consult with certain federal and state agencies in its permit processing procedure. These agencies include the U. S. Fish and Wildlife Service, National Marine Fisheries, California Department of Fish and Game, Regional Water Quality Control Board, and the San Francisco Bay Conservation and Development Commission. The Corps is required to consider these comments and give great weight to the conservation of fish and wildlife resources and to official state agency policy.

2. U. S. Coast Guard

The Coast Guard has the authority to designate anchorages in Richardson Bay and to regulate vessel marine sanitation devices.

The purpose of an anchorage is to provide an area where vessels (including pleasure boats, houseboats, and anchor outs) may be moored without interfering or presenting a safety hazard to navigation in San Francisco Bay. Except for fairways, boats may moor within general or special anchorages without limitation on specific location or length of stay. Richardson Bay is designated as a special anchorage because of its distance from San Francisco Bay fairways and because it is not an area of general San Francisco Bay navigation. The Coast Guard may include notes in its regulation concerning local or state rules affecting mooring of vessels in designated anchorages. However, these local rule are not enforced by the Coast Guard, the state or local government is responsible for enforcing its own rules. In Richardson Bay, the Coast Guard's regulations include a note that the City of Sausalito forbids mooring at Dunphy Park, pursuant to City ordinance, without written city approval.

The Coast Guard is also responsible for certifying acceptable marine sanitation devices for use on vessels and assuring that vessels with heads have approved devices. Federal law preempts state or local government from adopting and enforcing their own rules regarding the design, manufacture or installation of marine sanitation devices. However, federal law relates to sewage only, not graywater (galley, sink, and shower wastewater) devices.

The Coast Guard may board and inspect boats and fine owners if boats are not equipped with Coast Guard approved marine sanitation devices.

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### CHAPTER III. RECENTLY PERMITTED AND PROPOSED DEVELOPMENT

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Although much of the shoreline of Richardson Bay has been developed for a variety of uses, a significant amount of the shoreline still remains undeveloped. However, development permits for much of this undeveloped land have already been issued by the appropriate agencies and specific developments have been proposed for almost all the remaining developable shoreline. These recently permitted projects, where construction has not begun or the project is only partially completed, range from residential and office development to private marinas and public parks. Most of this development will occur on the west side of Richardson Bay - in Sausalito, Mill Valley, and Marin County. These projects are described in the remainder of this chapter and are located on Figure 2.

#### Sausalito

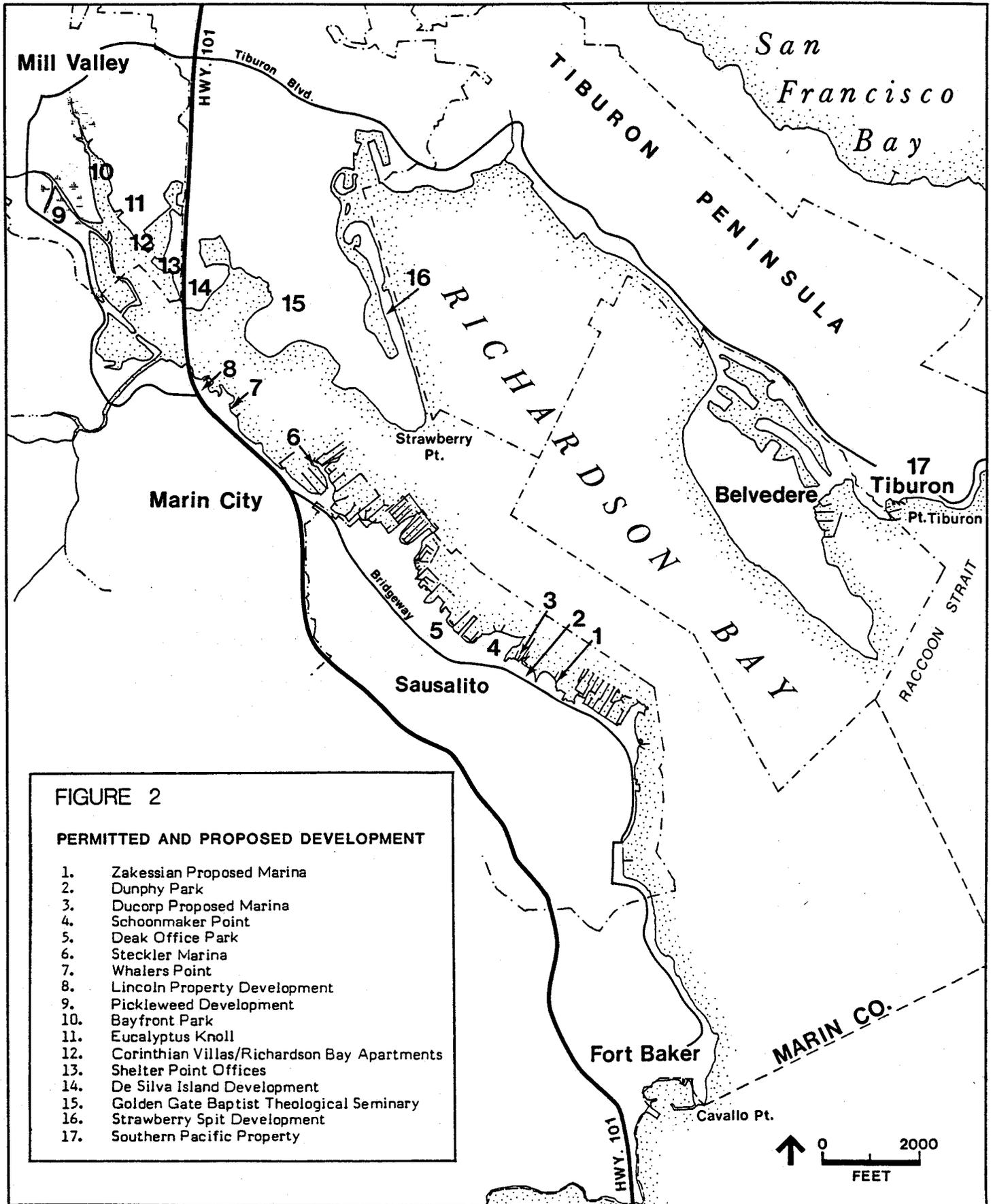
The remaining developable shoreline in Sausalito is along the central and northern waterfront. This area is planned for marina and waterfront commercial use. Marina and office development is taking place in this area and all permitted and proposed projects will provide access to the shoreline, as well as daytime public access along main piers and in the case of the City's Dunphy Park project, restoration of tidal marsh along the shoreline.

Between the waterfront and Bridgeway Boulevard is an area zoned for light industrial uses and uses compatible with an industrial area.

1. Schoonmaker Point. This project is a 25.5 acre site in which only 4.25 acres have been developed. Substantial redevelopment in the future has been proposed for this industrial and waterfront zoned property. The development that has occurred is the remodeling of an existing building for a fish processing plant and construction of a pier for mooring and repairing fishing boats. Proposed development includes 118,000 square feet of office space, 105,000 square feet of industrial space, a fishing terminal, 16,000 square feet of waterfront use, a 142-berth pleasure craft marina, a 40-berth commercial fishing marina, five sport fishing berths, and over four acres of public access including 400 square feet of beach, and a restored marsh.

2. Deak Office Park. This large commercial office center, to consist of three office buildings, a yacht club, 100-berth marina, dry boat storage, parking, and shoreline public access has not been completed. When completed, the project will include an eight-foot wide public access pathway along the shoreline, a .25 acre mini-park, and a 200 square foot public fishing pier. In addition, the developer will modify a portion of the shoreline creating a tidal marsh and wildlife area.

3. Dunphy Park. The City of Sausalito has received a \$29,000 grant from the Coastal Conservancy to assist the City in restoring tidal marsh in a small lagoon, develop a shoreline wetland habitat, and develop a bird sanctuary island just off-shore of the City's Dunphy Park. Other proposed work includes new landscaped parking areas, and replacement of the dilapidated Napa Street Pier.





4. Zakessian Property Proposed Marina. A 397 berth marina is anticipated to be proposed on the Zakessian property adjacent to Zack's Restaurant and the Sausalito Marineways owned by Mr. Zakessian. The Zakessian property borders Dunphy Park on the south side of the park. The proposed marina is only at a very preliminary proposal stage, but the owner does envision shoreline public access along the waterfront connecting to Dunphy Park.

5. Ducorp Property Proposed Marina. The Ducorp Property is on the north side of Dunphy Park and this property is also proposed for development as a marina with a yacht club, yacht brokerage and chandlery. This project is also in a very preliminary proposal status.

#### Mill Valley

Mill Valley's shoreline is nearing a state of complete development, either for private residential and commercial use or for public park and wildlife use. Permits have been issued for projects on all the remaining undeveloped shoreline sites and if all the projects are completed, Mill Valley's shoreline will be "built-out."

1. Pickleweed Development. Construction of this six-acre medium density residential development began over two years ago but has since stopped. The 92 dwelling unit project includes 60 townhouses and six apartment buildings. In addition to these residential uses, a six-foot wide paved shoreline public access path connecting to the Marin County Bikepath along the former Northwestern Pacific Railroad right-of-way and the

neighboring Redwoods senior citizen facility pathway would be part of the development. No work on this project has taken place for over one year and it is uncertain when construction will recommence.

2. Eucalyptus Knoll. This 128 unit condominium townhouse residential development is situated on a steep bluff overlooking Richardson Bay. The first phase of development of the 15-acre project is completed and the condominiums are now for sale. A number of public access improvements will be constructed as part of future phases of the development: a 450-square foot pile-supported boardwalk over the Bay at the base of the bluff, a paved public pathway through the development to an overlook area at the top of the bluff, and an eight-to-ten foot public pathway along the entire bay side of the property connecting the Mill Valley Bayfront Park and Hamilton Drive with two other bluff top overlook areas.

3. Richardson Bay Apartments. This 66 residential unit condominium development is authorized for construction on a 8.5 acre peninsula adjacent to Eucalyptus Knoll. No construction has begun at the site and it is not certain whether or not the project will be built. If it is, it will provide a nine-foot wide public path along the shoreline connecting to the Eucalyptus Knoll public pathway and Hamilton Drive. The path will connect five public waterfront view sites on the development totaling over 1.5 acres of shoreline public access area.

4. Shelter Point Office Center. This project, which is under construction, is a commercial-office development on a five-acre site on the eastern side of upper Richardson Bay. The development will include an 1,000

square foot public fishing pier and small boat launching ramp. In addition, an eight-foot wide public pedestrian/bicycle path will be constructed along the entire shoreline and will connect into the existing public path at the adjacent Shelter Bay office development.

5. Bayfront Park. Bayfront Park is the City of Mill Valley's 64-acre public park at the head of Richardson Bay. The park includes tidal water, tidal marsh, and 28-acre land area. The park, which is in its first phase of construction, will be a low intensity development with extensive open landscaped areas for passive recreation use. A small boat dock and launching area will be developed as will a fishing pier. A pedestrian/bicycle path will be developed linked to the public pathway at Eucalyptus Knoll and the Marin County Bikepath.

### Tiburon

Tiburon's last remaining private undeveloped parcel within the Richardson Bay Special Area Plan study area is the Southern Pacific Railroad Transportation Company's property east of the downtown. The other undeveloped major parcel on Richardson Bay is the City owned "Blackie's Pasture" which will be developed as a public park in the future, however, no plan has been developed for the site.

1. Southern Pacific Property. Southern Pacific's 38 acre Tiburon property fronts on Raccoon Strait and is the site of former railroad yard. Permits have been issued to the company to develop a combined residential and commercial project featuring three salt water lagoons which would be excavated

from the inland portion of the project. Permits have been issued to the Company to develop a combined residential and commercial project featuring a freshwater lagoon which would be excavated from the inland portion of the project. On the 1,720 foot long waterfront, Paradise Drive would be relocated inland allowing for the development of a linear landscaped shoreline public park by the developer totaling approximately two acres in size. A bicycle lane would be constructed on the Bay side of relocated Paradise Drive and an eight foot wide public pathway would be constructed along the entire shoreline within the shoreline park. Development of the project has not begun and it has been reported that a firm of investors/developers has expressed interest in buying the site from Southern Pacific. At this point it is uncertain whether such a sale will take place, and if it does, how the sale will affect the permitted development.

#### Marin County

Considerable development has either recently been permitted in Marin County's jurisdiction or is being proposed for development. These projects range from permitted marinas to residential and proposed hotel use. The permitted and proposed projects include most of the undeveloped Richardson Bay shoreline property within the jurisdiction of the County.

1. Kappas Yacht Harbor. The Kappas Yacht Harbor is an existing 160 berth recreational boat marina. Permits have recently been granted to renovate and expand the marina by 60 berths for a total of 220 authorized recreational boat berths. In addition to the new berths, a harbormaster's building and service yard supported on piles is authorized. Public access

will be provided on the "Kappas spit," an old fill extending out into Richardson Bay, and a channel will be dredged at the base of the spit, thus turning the spit into a "public access island" connected to land by a pedestrian bridge.

2. Lincoln Property Development. This recently permitted project is an office development with a restaurant or retail facility located adjacent to and south of the Richardson Bay Bridge. Some of the parking for the development will be located under the Bridge. The developer will provide a public pathway through the project, contribute \$75,000 to Marin County to enable the County to purchase and improve part of the nearby Northwestern Pacific Railroad right-of-way for the Marin County Bicycle Path, and improve and restore a degraded marsh adjacent to the project site.

3. Whalers Point. This proposed hotel development would be situated on a 2.2 acre site immediately southeast of the Lincoln Property permitted development. The proposed project has gone through a number of revisions after the original master plan application was denied by Marin County. The present proposal is for a four-story, 150 room hotel which would include a restaurant, coffee shop, and conference meeting room.

4. De Silva Island Development. This proposed residential development would be located on the northeast side of the Richardson Bay Bridge on a promontory point overlooking Richardson Bay. The development application to Marin County has been withdrawn by the prospective developer, however it could be activated in the future. The proposed project included 61 clustered

residential units, a limited number of docks for small boats, and a pedestrian/bicycle path around the perimeter of the site which would link to an existing public access path around Belloc's Lagoon.

5. Golden Gate Baptist Theological Seminary. The Golden Gate Baptist Theological Seminary campus is located on a 149-acre site on Strawberry Point. The Seminary proposes to construct six new academic and administration buildings, 94 new student and faculty housing units, subdivide a portion of the property to create 24 lots for single-family home construction, and develop 36 condominiums. All of the development would be upland of Seminary Drive except for four residential lots that would be created between Seminary Drive and the Richardson Bay Shoreline. The shoreline of the property is proposed to remain as open space, although no public access pathways are proposed along the waters edge, possibly because of the steepness of the shoreline.

6. Strawberry Spit Residential Development. Strawberry Spit is an approximately 38-acre peninsula that parallels the eastern shoreline of Strawberry Peninsula owned by American Savings and Loan Association. The project involves developing the southerly 27 acres of the Spit as a 62-lot, single-family residential subdivision. Approximately 3.8 acres would be devoted to shoreline public access. The northerly 11 acres of the Spit, which includes the area now used by harbor seals as haul-out ground, will be set aside for open space and wildlife purposes. A 100-foot wide navigable channel would be excavated south of the haul-out ground to act as a water barrier between the seals and the proposed development. The channel will also provide boats with an alternative route between Strawberry Lagoon and San Francisco so that boats will no longer have to pass bayward of the haul-out grounds.

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## CHAPTER IV. OWNERSHIP OF UNDERWATER LANDS

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Much of the tidelands and submerged lands<sup>2/</sup> in Richardson Bay are either owned by public agencies or have been granted by the State of California to local government to administer in trust for the people of the state pursuant to the general requirements of the public trust (e.g. commerce, navigation and fisheries; recreation; and the preservation of these lands in their natural state) and specific conditions of the legislative grant to the local agency. The remaining underwater lands are privately owned. It should be noted, however, that title to privately claimed tide and submerged lands must be carefully examined because some private land patents were made in error at the time of sale and title may be defective. Conveyance of tidelands and submerged lands to private parties not made for furtherance of navigation or commerce did not pass title free of the trust. The trust applies to private as well as public lands. The trust will be discussed in detail in the forthcoming Richardson Bay planning report on governmental powers. The public, private, granted, and state lands in Richardson Bay are shown on Figure 3.

Mill Valley and the Marin County Open Space District have acquired much of the upper end of Richardson Bay. Part of the acquired lands had formerly been part of the Bay but had been diked off from tidal action. The City and

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<sup>2/</sup> Tidelands are those lands lying between mean high tide and mean low tide; submerged lands are those lands lying below mean low tide.

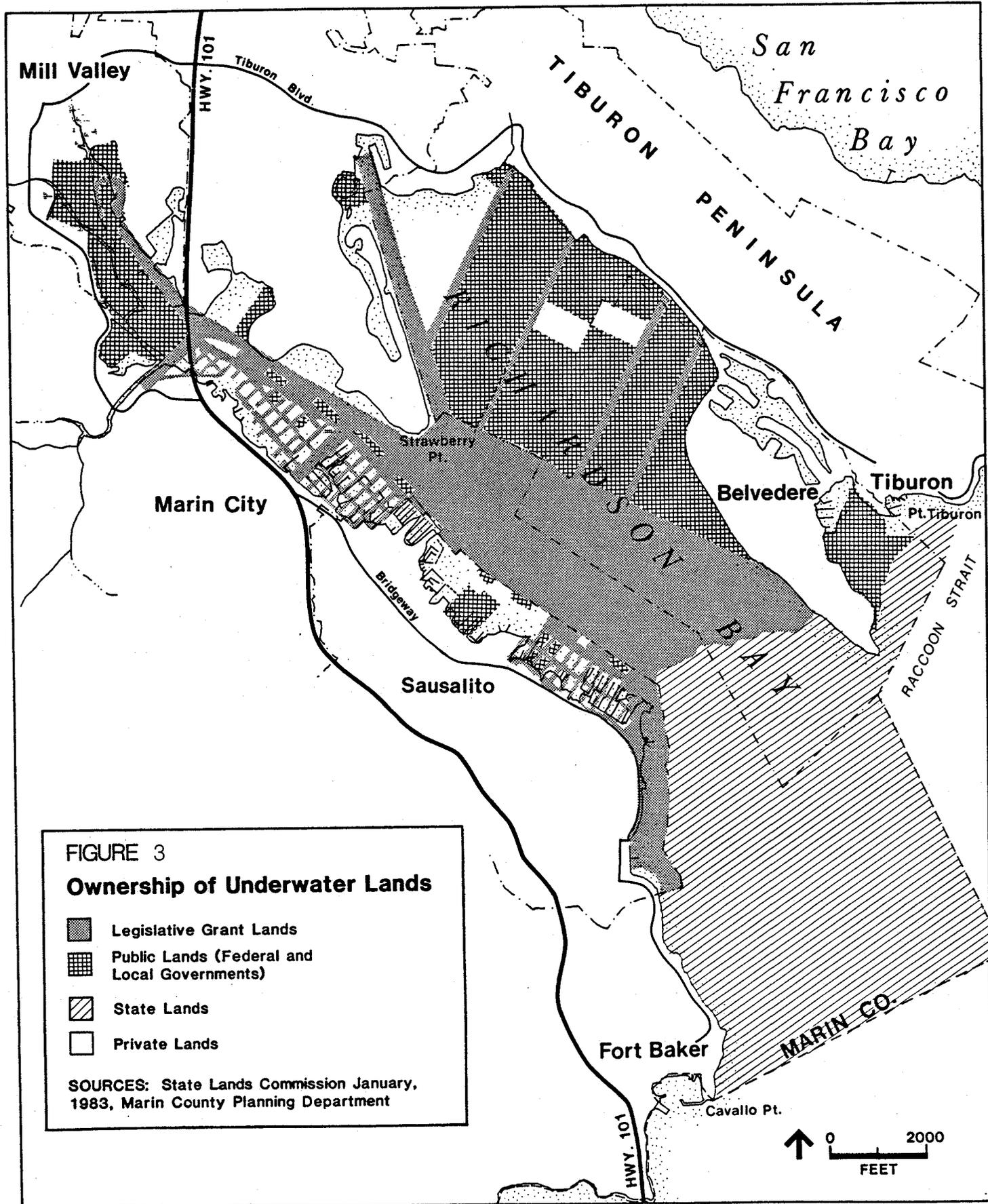
District restored these lands to tidal action. Mill Valley will develop the land portion of the upper part of the property as its Bayfront Park and preserve the tidal and marsh areas.

Sausalito has acquired a large number of underwater parcels for open space preservation along its southern shoreline and outboard of Dunphy Park in the central waterfront. In addition, the U. S. Army Corps of Engineers facility includes a large underwater parcel and turning basin. The remaining grid of underwater streets in Sausalito and Marin County is another important component of publicly owned underwater lands in Richardson Bay.

Marin County, Tiburon, and Belvedere own a large number of underwater parcels off the Tiburon Peninsula shoreline, and it is the policy of these agencies to preserve these tide and submerged lands as open water area.

Particularly important are the legislatively granted lands. On these lands uses may only be allowed if they are consistent with the specific conditions of the trust grant to the local agencies as well as general trust principles. The Cities of Mill Valley and Sausalito and Marin County administer legislatively granted trust lands in Richardson Bay.

The authorized use of Mill Valley's granted lands includes the development, improvement, and use of a harbor and airport and other facilities and structures for the promotion of water and air commerce and navigation.





In addition to harbor and airport uses, Sausalito's grant includes the development and use of public buildings, public assembly and meeting places, and public recreation facilities.

Marin County, in addition to the above uses, is authorized to construct and maintain highways, streets, and parking facilities on its granted lands as well as use the lands for wildlife habitat and aesthetic and research purposes.

The particular importance of the legislatively granted trust lands, as compared to the other private and public lands that also carry public trust responsibilities, will be explained in a subsequent report by BCDC on houseboats.

Most of the privately claimed lands in Richardson Bay are along the west shoreline in Sausalito and Marin County. This is the area where many of the recreational and houseboat marinas are located. On the east side of Richardson Bay much of the privately claimed lands are owned by the Audubon Society as part of its wildlife refuge.



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## CONCLUSIONS

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1. The shoreline of Richardson Bay contains many uses: residential, commercial, industrial, and public park and open space. Local Governments with jurisdiction over Richardson Bay: Marin County and the cities of Sausalito, Mill Valley, Tiburon, and Belvedere and the San Francisco Bay Conservation and Development Commission require that new developments provide public access to the shoreline of the Bay. The shoreline of Richardson Bay presents an opportunity for the development of a unified public access system linking public parks and accessways along the shoreline. Planning for Richardson Bay should include specific recommendations on the development of a unified public access system around the Richardson Bay shoreline.

Public access includes visual as well as physical access to Richardson Bay. As part of a recommended public access system, scenic assets of Richardson Bay should be identified and guidelines for the protection of the specific views and vistas should be developed.

2. Local government and the Bay Commission plans and policies provide for the protection and restoration of wetlands around Richardson Bay. Diked areas in Mill Valley and Marin County have been acquired by the City and the County and restored as tidal wetlands. In preparing the Richardson Bay Special Area Plan, it should be determined whether there is opportunity to restore additional areas around Richardson Bay to tidal

wetland status or enhance existing wetland areas. If such opportunity exists, guidelines for the restoration or enhancement of specific areas should be recommended.

3. Houseboats, anchor-out residential vessels and liveaboard recreational boats are located in the waters of Marin County and Sausalito. Sausalito and Marin County have designated in their General Plans and zoning specific locations where houseboats are permitted. In other water areas of Sausalito and Marin County, houseboats, anchor-outs and permanent residence liveaboards are not permitted uses. Further, many of the water areas on which houseboats and anchor-outs are located are legislative trust lands granted to Marin County and Sausalito to administer for navigation, fisheries, commerce, and recreation. Residential uses are not trust uses.

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SELECTED REFERENCES

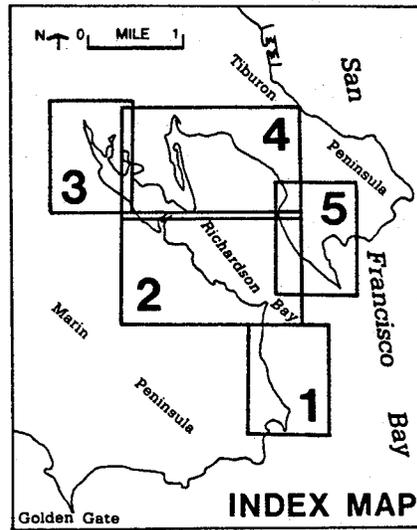
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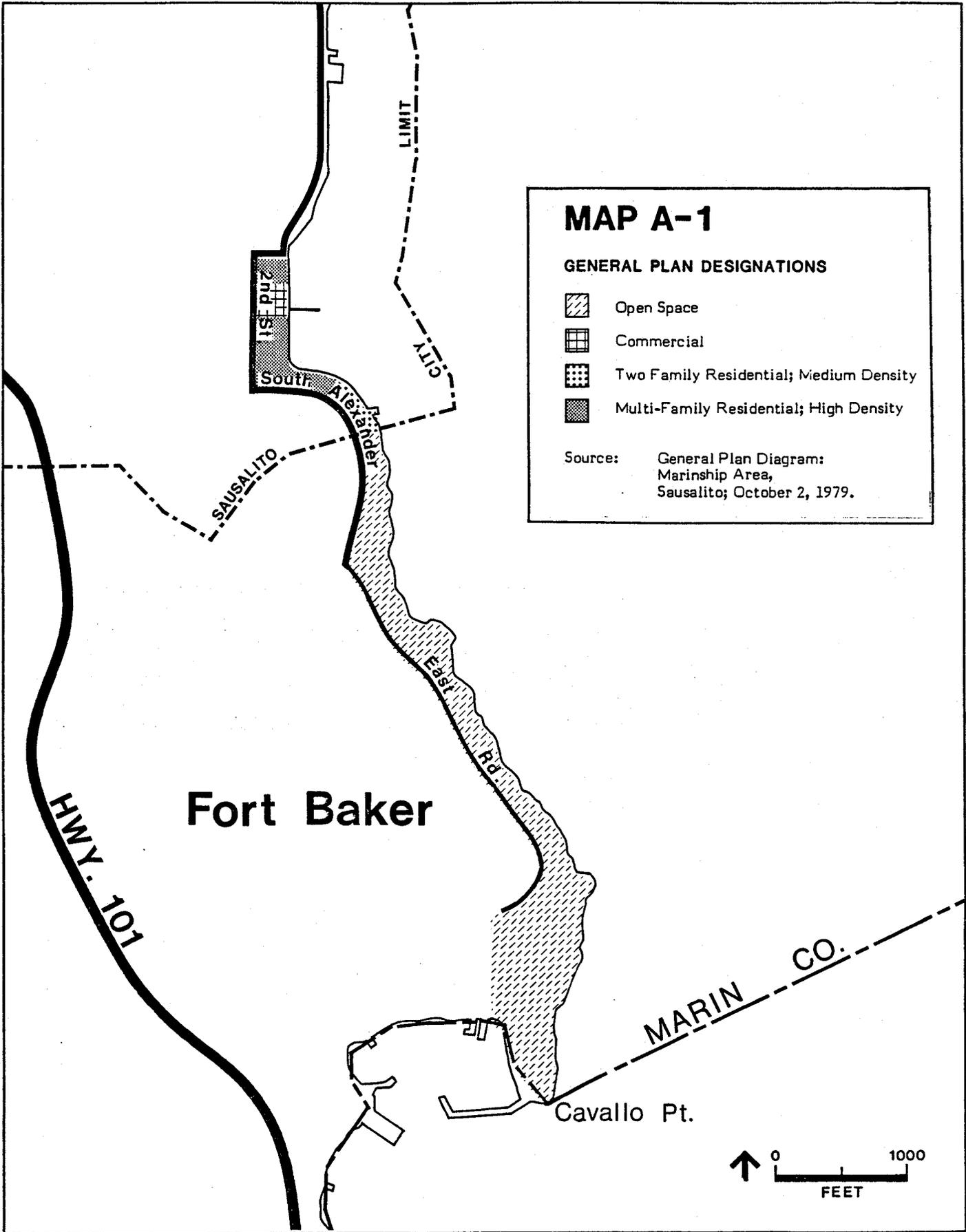
1. Belyvedere General Plan (1975).
2. Gonzales, Daniel M., et. al. (1979). Marin City Community Plan; prepared for the Marin County Comprehensive Planning Department.
3. Guthrie, Matthew G. (1981). Waldo Point Small Boat Marina Study; prepared for Marin County Planning Department.
4. HKS Associates (1977). Bayfront Park, Prepared for the City of Mill Valley.
5. Marin County Planning Department (1973, as amended). The Marin Countywide Plan.
6. Marin County Planning Department (1973, as amended). The Strawberry Community Plan.
7. Marin County Planning Department (1977). Richardson Bay Planning Study.
8. McAteer-Petris Act (Title 7.2, California Government Code).
9. Rose, Annette (1981). Residential Survey of the Sausalito Waterfront; Sponsored by Art Zone.
10. Sausalito (1970, as amended). General Plan.
11. Sausalito Waterfront Planning Committee (1981). The Sausalito Waterfront Planning Committee Report.
12. San Francisco Bay Conservation and Development Commission (1969, as amended) San Francisco Plan Bay.
13. San Francisco Bay Conservation and Development Commission (1982). Recreational Boating Facilities.
14. Sedway/Cooke (1975, as amended). Mill Valley General Plan; prepared for the City of Mill Valley.
15. Shute, E. Clement, Jr. and Mihaly, Marc B. (1982) Analysis of Powers Exercised by Regulatory Agencies Over Diked Historic Baylands; a report prepared for the San Francisco Bay Conservation and Development Commission.
16. Tamalpais Planning Area Community Plan (1975).
17. Tiburon Department of Community Development (1976). Land Use Element City of Tiburon.

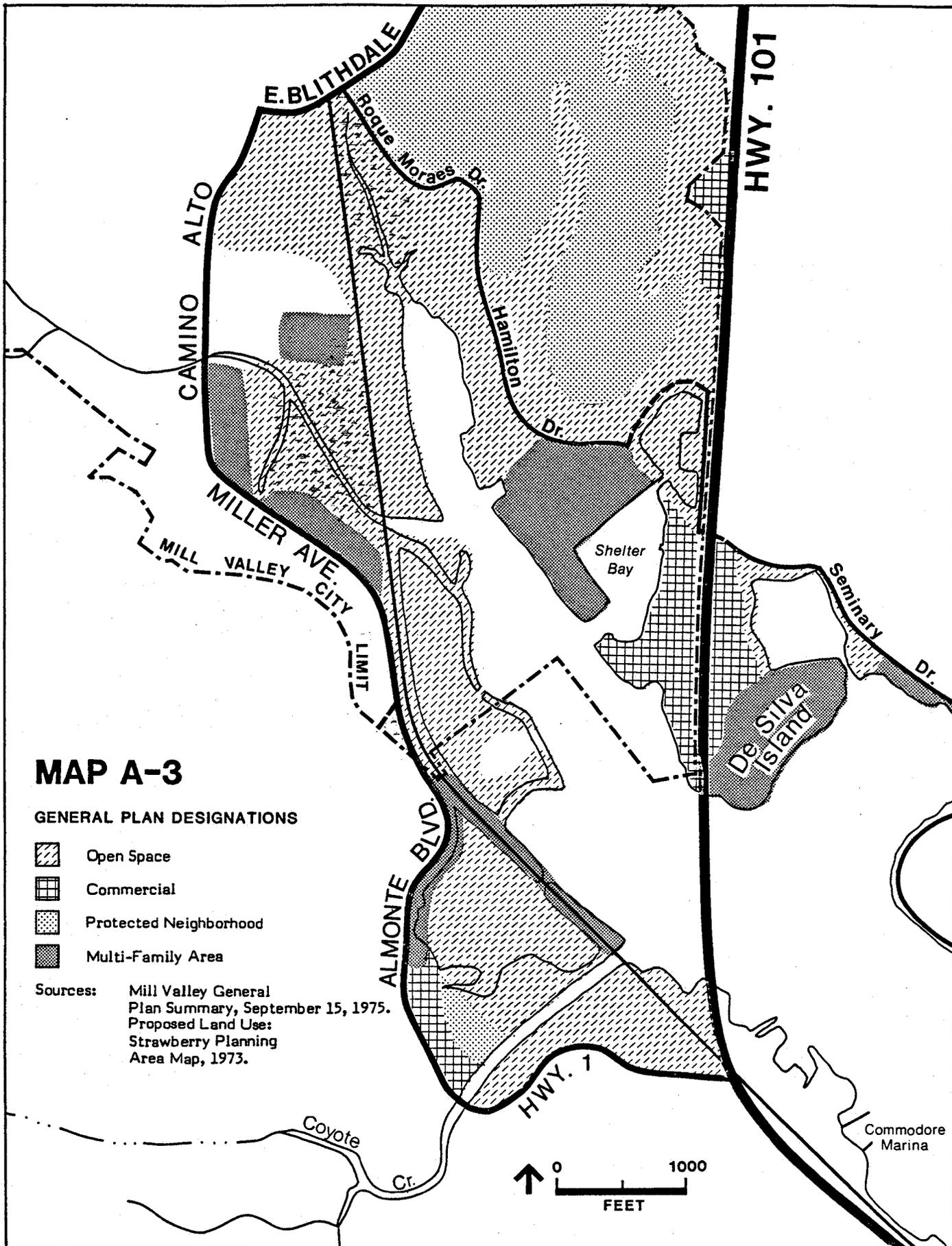
18. Tiburon Downtown Plan (1975).
19. City of Tiburon Zoning Ordinance.
20. Title 11, Belvedere Municipal Code.
21. Title 22, Marin County Code.
22. Title 10, Sausalito Municipal Code.

# APPENDIX A

## GENERAL PLAN DESIGNATIONS





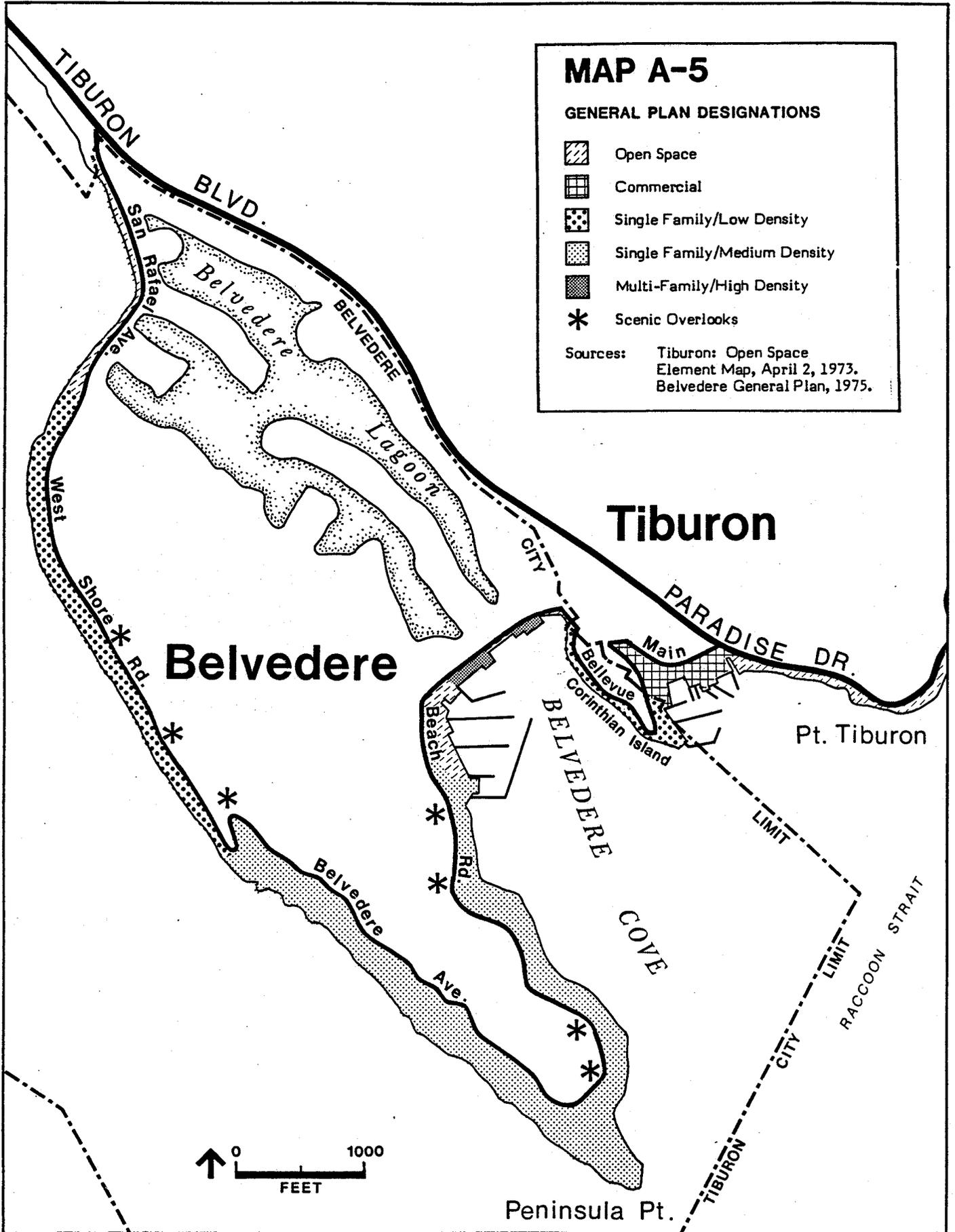


# MAP A-5

## GENERAL PLAN DESIGNATIONS

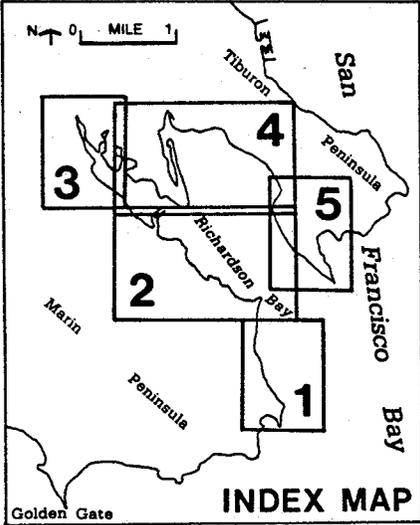
-  Open Space
-  Commercial
-  Single Family/Low Density
-  Single Family/Medium Density
-  Multi-Family/High Density
-  Scenic Overlooks

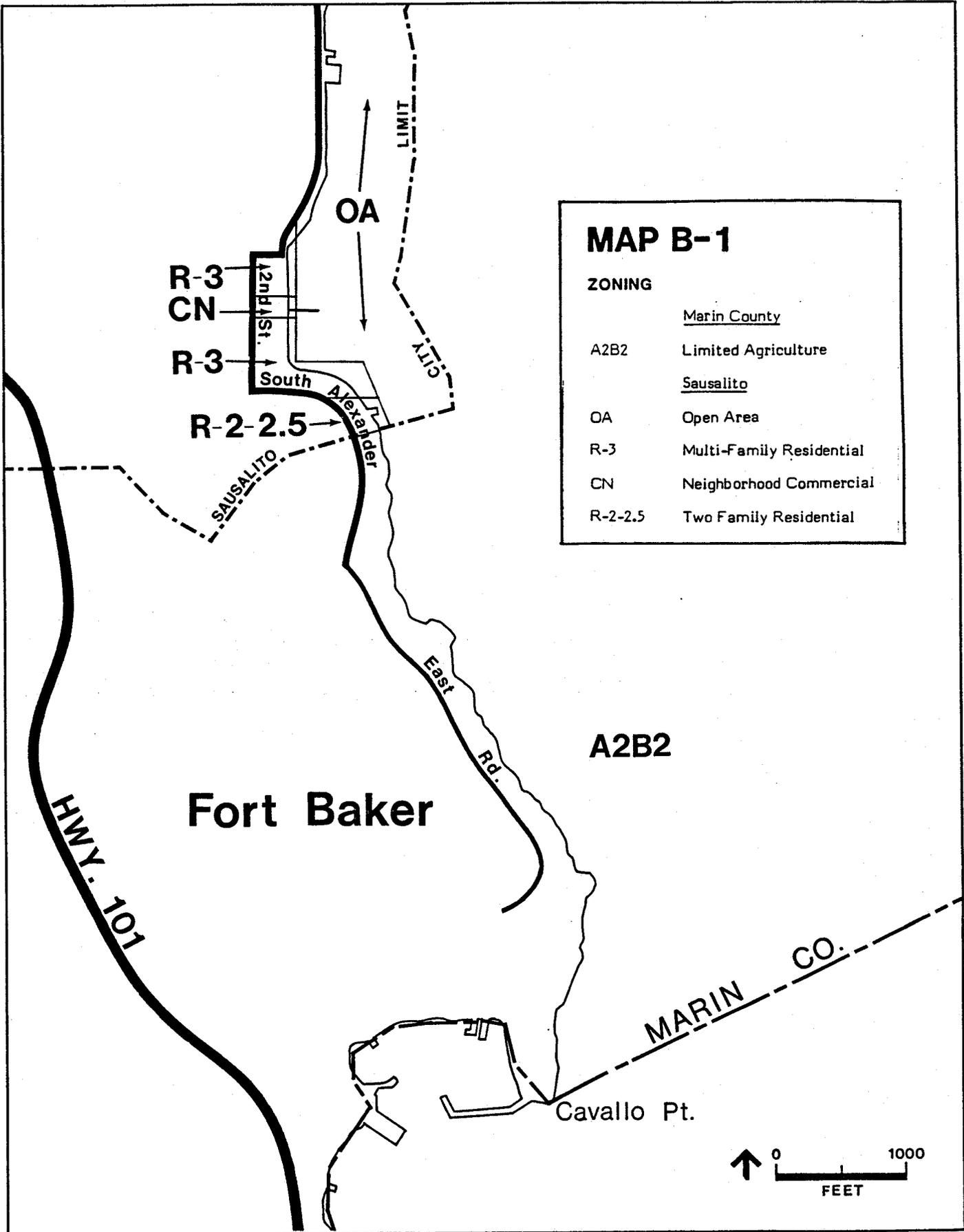
Sources: Tiburon: Open Space  
Element Map, April 2, 1973.  
Belvedere General Plan, 1975.



# APPENDIX B

## ZONING DISTRICTS



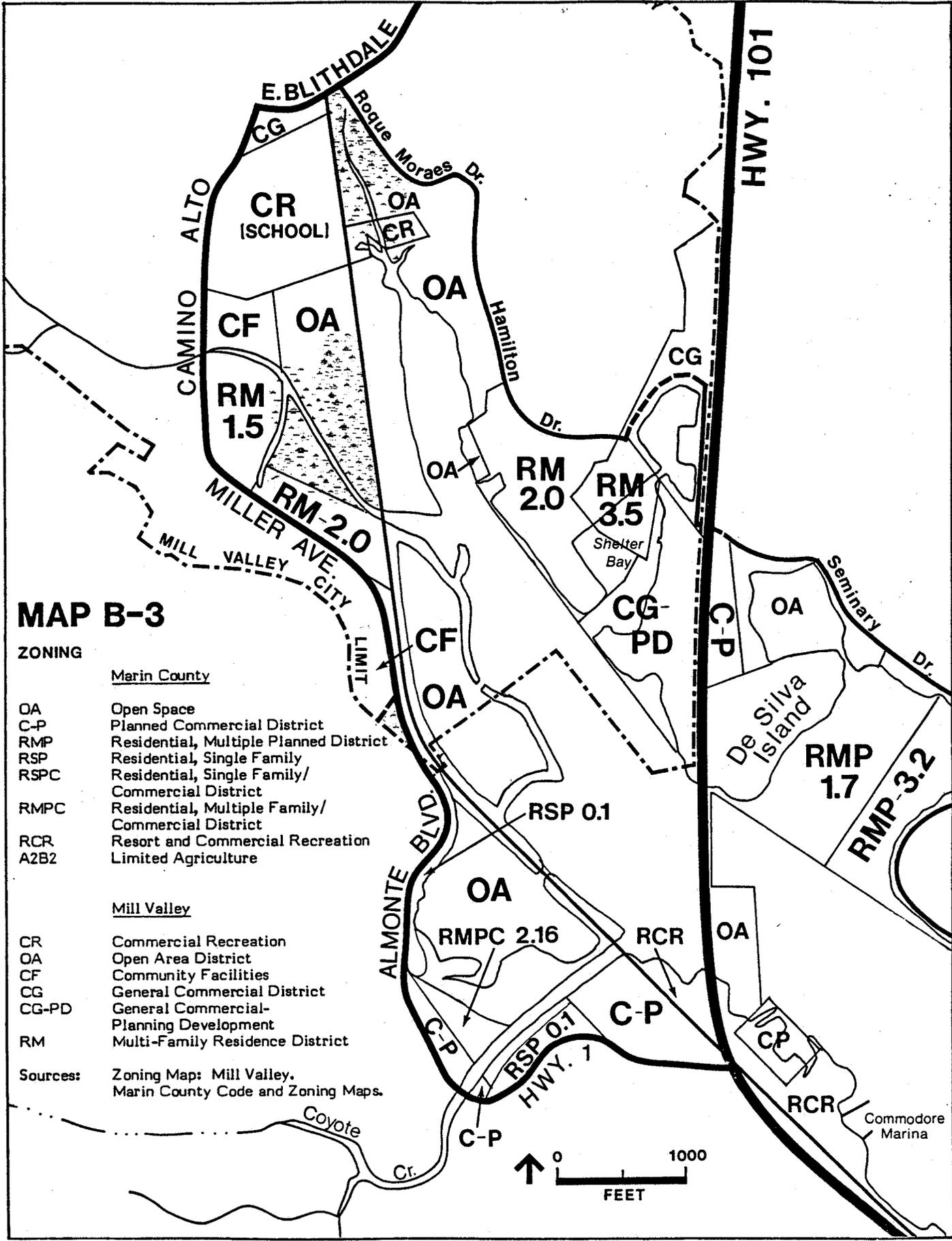


### MAP B-1

**ZONING**

	<u>Marin County</u>
A2B2	Limited Agriculture
	<u>Sausalito</u>
OA	Open Area
R-3	Multi-Family Residential
CN	Neighborhood Commercial
R-2-2.5	Two Family Residential





# MAP B-3

## ZONING

### Marin County

- OA Open Space
- C-P Planned Commercial District
- RMP Residential, Multiple Planned District
- RSP Residential, Single Family
- RSPC Residential, Single Family/Commercial District
- RMPC Residential, Multiple Family/Commercial District
- RCR Resort and Commercial Recreation
- A2B2 Limited Agriculture

### Mill Valley

- CR Commercial Recreation
- OA Open Area District
- CF Community Facilities
- CG General Commercial District
- CG-PD General Commercial-Planning Development
- RM Multi-Family Residence District

Sources: Zoning Map: Mill Valley.  
Marin County Code and Zoning Maps.

# MAP B-5

## ZONING

<u>Tiburon</u>	
R-1	Single Family Residential
P	Parks, Open Space & Recreation
PD	Planned Development
<u>Belvedere</u>	
R	Open Space/Recreation
R-1	Single Family: 7,500 sq. ft. Lots
R-3C	Special Apartment
R-15	Single Family: 15,000 sq. ft. Lots

