



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT**  
**TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**  
**FERRARI DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT,**  
**LAND DIVISION, LOT LINE ADJUSTMENT, AND PRECISE DEVELOPMENT PLAN**

Items:	H1. A & B	Applications:	LD 07-5, LL 08-15, and DP 07-4
Applicant:	Paul Ferrari	Owner:	Paul Ferrari
Property Address:	1375 and 1401 Nicasio Valley Road, Nicasio	Assessor's Parcels:	121-160-22, -23, -25, -41, -44, and -45
Hearing Date:	July 30, 2009	Planner:	Neal Osborne

**RECOMMENDATION:** Grant a Negative Declaration of Environmental Impact and Approve with Conditions  
**APPEAL PERIOD:** 10 business days to the Planning Commission  
**LAST DATE FOR ACTION:** 50 days after the grant of Negative Declaration

**PROJECT DESCRIPTION:**

The project is a proposal to divide a 135.3-acre lot into two lots, adjust a lot boundary, request a waiver of the Master Plan requirement, and complete a Precise Development Plan. The subject property is Parcel One of the Van Der Reis Division of Land, recorded in Marin County Records on September 29, 1977 in Book 14 of Parcel Maps at page 35. The upper portion of this lot is located along the ridge that separates Nicasio Valley from San Geronimo Valley. A 114-acre Private Open Space Easement encumbered the upper portions of the parcel until it expired in August 2004. The Marin County Department of Parks and Open Space acquired a new 110-acre Open Space Easement for the ridge and upper portions of the property in 2008. The Land Division and Lot Line Adjustment would result in 127.1 acres for Parcel A and 8.8 acres for Parcel B. The Lot Line Adjustment with the adjacent property to the northeast (Parcel Two of the Van Der Reis Division of Land) would provide adequate areas for individual mound septic systems on each lot. A well on Parcel A would provide water supply to the proposed lots. Access would be from Nicasio Valley Road along an existing 4,200 lineal foot roughly graded common driveway that would be improved to a 12-foot wide asphalt common driveway with seven 18-foot wide turnouts, five retaining walls up to 6 feet tall, and would require 882 cubic yards of excavation and 625 cubic yards of fill.

**GENERAL INFORMATION:**

Countywide Plan

Land Use Designation: AG1, Agricultural, one unit per 31 acres to 60 acres

Zoning: ARP-50, Agricultural Residential Planned District, one unit per 50 acres maximum density

Lot size: 135.3 acres  
Adjacent Land Uses: Single-family residential, and open space  
Vegetation: Douglas Fir trees, Redwood trees, and mixed California Oak and Bay Woodland  
Topography and Slope: The site has steep 40% to 70% upslope generally towards the ridge between Nicasio Valley and San Geronimo Valley, with a small ridge spur that has 8% to 15% slope. Aspects are predominately north and east, with some to the southeast.  
Environmental Hazards: The upland property is approximately 9 miles to 20 miles from the San Andreas, Hayward, and Rodgers Creek Fault Zones, and would be subject to strong ground shaking during a proximate seismic event. The property is located within a High Fire Hazard Zone of the Wildland Urban Interface (WUI).

### **ENVIRONMENTAL REVIEW:**

An Initial Study was prepared pursuant to the requirements of the California Environmental Quality Act and the Environmental Coordinator of the County of Marin recommends the grant of a Negative Declaration of Environmental Impact with two mitigation measures regarding stormwater runoff and fire safety (refer to Attachment 22). Before making a decision on the proposed Negative Declaration, the Hearing Officer will consider all comments submitted on the Initial Study during the 20-day public review period from June 18, 2009 through July 7, 2009.

### **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Community Development Agency staff received comment letters from Cindy Catalano for Charles Armor of the California Department of Fish and Game, Nona Dennis of the Marin Conservation League, Sue Kline of the Nicasio Design Review Board, and neighbor Patrick McDonnell (refer to Attachments 7 through 10).

### **PLAN CONSISTENCY:**

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Nicasio Valley Community Plan because it involves the Land Division and Precise Development Plan of land to establish one additional building site for a single-family residence consistent with the density range of the land use designation and the zoning -- one unit per 31 to 60 acres, and unit per 50 acres maximum density respectively. No adverse impacts to natural resources have been identified. The project would be consistent with development and zoning codes (Marin County Code Title 22) because the Land Division and Precise Development Plan and future single-family residences are uses that comply with development standards, including for access, water, sewer, fire, and visual. Future development will be required to meet development standards with subsequent Design Review, including Single-family Residential Design Guidelines, Green Building Checklist, potential future visual effects, setbacks from property lines, erosion and sediment control, fire safety, and protection of the forest ecosystem. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan and the Nicasio Valley Community Plan. Please refer to the detailed findings in the recommended Resolution, Attachment 2.



## PROJECT ANALYSIS:

### *Background*

The subject property is Parcel One of the Van Der Reis Division of Land, recorded in Marin County Records on September 29, 1977 in Book 14 of Parcel Maps at page 35. The upper portion of this lot was one of the first open space easements recorded on private property in Marin County. However, the easement was not permanent and the 114-acre Private Open Space Easement that encumbered the upper portions of the parcel expired in August 2004.

Mr. Ferrari entered into a formal agreement with the Department of Parks and Open Space to re-establish an open space easement to protect natural resources and public access along the ridge between Nicasio Valley and San Geronimo Valley. On October 27, 2008, the Board of Supervisors approved a conservation easement for 110-acres of land on the upper portions of the lot (refer to Attachment 19).

Pursuant to the conditions of approval of the Van Der Reis Division of Land, a Watershed Protection Agreement has been recorded on the property to protect the Nicasio Creek Watershed and the Marin Municipal Water District's public water supply stored in Nicasio Reservoir (refer to Attachment 21).

### *Watershed Protection and Creek Setbacks*

The project design would locate all proposed structures and driveway improvements more than 200 feet from the intermittent creek located to the south of the property, in conformance with the 100-foot Stream Conservation Area (SCA).

As proposed and further conditioned, the driveway improvements and residential developments would be designed to minimize effects to the environment through control of stormwater runoff, onsite infiltration in bioswales or small detention areas, and the use of mulch and native vegetation to prevent erosion. The driveway and future developments shall utilize Best Management Practices.

### *Biological Resources*

No special status plant or animal species were identified as potentially occurring on the subject property based on site inspections and review of the Natural Diversity Database. The forest ecosystem is dominated by thick understory, dead wood, and thick tree canopy. Selective thinning for defensible space around the proposed development areas and along the common driveway will not have adverse biological effects and may contribute to increased habitat diversity.

### *Trails*

The 2007 CWP Trails Element (Map 2-19d) identifies the ridgeline at the top of the property as part of the existing trail network. With the applicant's generous, voluntary grant of the Conservation Easement for open space on the upper portions of the site, the natural resources and scenic qualities of the property will be protected. Public trail use is possible on the fire road at the top of the parcel, although final disposition has not been resolved at this time. Additional trails in the vicinity are being considered by the Department of Parks and Open Space and may be proposed in the future to connect Nicasio Valley trails with this ridge trail rather than following the ridgeline to Nicasio Valley Road at Roy's

Redwoods. A portion of this potential future trail may gain access to the ridge across the upper portion of the property. As proposed, the project would not affect the potential for future trail access.

### *Precise Development Plan*

This project is subject to a Precise Development Plan. Due to the large lot sizes, screening topography, and woodland setting, it has been determined that no adverse visual effects would result from residential development within the proposed Development Envelopes. The applicant has not submitted detailed development information for the individual residences. However, the building envelopes (and any subsequent development within) do not appear to be visible from any offsite vantage point. Adequate information has been provided (and evaluated in the Initial Study and this report) about other potential development effects. The Land Division and Precise Development Plan would have minor visual impacts associated with the construction of the common driveway and retaining walls over the roughly graded driveway. The future development three single-family residences (including a potential residence on an adjacent parcel not owned by the applicant) that could occur after construction of the common driveway improvements would be subject to Design Review. Conditions of Approval are proposed that set future development parameters (such as fire-resistive construction and drainage-related best management practices). The information provided and development parameters in the Conditions of Approval are adequate for Precise Development Plan approval. Additionally, as conditioned, the development standards of the ARP-50 planned district zoning and the Single-Family Residential Design Guidelines will be further implemented through the Design Review process to evaluate the detailed design merits of individual residences and any additional development that would be proposed in the future.

### *Fire Safety and Tree Removal*

The two parcels are both wooded and lie within a High Hazard Zone of the Wildland-Urban Interface (WUI). As such, tree removal is proposed for development of the property pursuant to mandated provision of defensible space. A Vegetation Management Plan has been prepared for the site by Ray Moritz, Fire Ecologist and Urban Forester. Proposed tree removal would reduce fire hazards on the site and in combination with the common driveway improvements, provide safer access to the area for fire suppression activities. The project's proposal to add one additional lot and an additional residential development area would not substantially modify the amount of tree removal required to provide adequate clearance along the common driveway and the water storage tanks. At this time, the number of trees to be removed is based on a conceptual building footprint for each lot and may be reduced if smaller residences are proposed with the Design Review proposals in the future. Provision of 110 acres of open space through a conservation easement on the upper portions of the site protects the integrity of the ecosystem. It would not be significantly affected by the proposed development on the lower portions of the site, where selective thinning of understory and trees would provide development sites and defensible space. The Vegetation Management Plan was evaluated by Kent Julin, County Forester in the Marin County Fire Department, and by Scott Alber, the County Fire Marshal. The site is currently in a high fire danger status due to the senescent trees in thick woodland with considerable dead wood and thick canopy. With the minor amount of relative tree removal and thinning along the driveway and around the development areas, the forest ecosystem could benefit from thinning and improved forest management in comparison to the current situation. A one for one replacement of trees on site would be adequate to compensate for tree removal. If this ratio is not feasible in the context of maintaining a defensible space, the applicant would be required to contribute to the Department of Parks and Open Space Tree Replacement Fund in lieu of planting the trees on site. Tree removal to prevent fire hazards is exempt from the provisions of the Tree Protection and Preservation requirements in Marin County Code Section 22.70.030.F.

### *Septic Systems*

The CDA Environmental Health Services Division granted preliminary approval for the septic system design concepts proposed for each lot with the Lot Line Adjustment required so that each septic system would be entirely on the lot that it serves. Pursuant to Marin County Health Code, easements for septic systems are not permitted to allow for a land division (refer to Attachment 18).

### *Water Supply*

The water supply for the two proposed residences would from an existing well on Parcel A. The CDA Environmental Health Services have reviewed the well test data and determined that the quantity and quality of the water from the well is adequate for two residences. (refer to Attachments 11 and 13)

### *Affordable Housing*

In-lieu affordable housing fees will be required pursuant to Marin County Code Sections 22.22.050 and 22.22.080. With the creation of one new building site, provision of affordable housing is based on 20% of the total number of parcels, or 0.4 inclusionary unit. In instances where less than one-half a residential unit is proposed, the Code allows for payment of a fee in-lieu of affordable housing provision. Owing to the creation of only one additional lot, and the relatively large lot sizes and remoteness of the parcels, staff recommends that an in-lieu fee be applied. The fee for 0.4 inclusionary unit would be determined at the time the applicant files the Parcel Map and collected before recordation of the Parcel Map. The fee currently would be \$92,800, based on 0.4 times the current \$232,000 in-lieu fee per unit. Staff recommends Condition of Approval 3 to implement this requirement.

### *Parkland Dedication*

The project will be required to contribute in-lieu parkland fees pursuant to Marin County Code Section 22.98.040 and the State Land Division and Precise Development Plan Map Act Sections 66477 et seq. (Quimby Act). The payment of in-lieu fees to the Community Development Agency for parks or recreational purposes with a new Land Division is required. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) that provide the formula for determining the in-lieu fee based upon the fair market value of land that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements. Credit may be given for the applicant's creation of private open space. Staff recommends Condition of Approval 4 to implement this requirement.

### *Public and Agency Comments*

On June 18, 2009, a public notice and Initial Study with a proposed Negative Declaration of Environmental Impact were circulated for public review and comment. Comments were received from the California Department of Fish and Game, a neighbor, Patrick McDonnell, the Marin Conservation League, and the Nicasio Design Review Board. These comments are attached to this report and staff responses are provided below (please refer to Attachments 7 through 10).

The substantive comments primarily pertain to the following:

- Potential erosion and water quality impacts to creeks and downstream properties as a result of potential increases to stormwater flows.
- Change in character of the rural setting with increased density.
- Potential impacts to groundwater depletion as a result of new development in an area where wells occasionally run dry in late Summer and Fall.
- Tree removal and replacement.
- Traffic impacts.
- Public access rights to the ridge trail.

*Responses to Comments received on the Initial Study and the proposed Negative Declaration*

The project would provide for ample setbacks from the creeks in the vicinity with the driveway more than 200 feet from the intermittent blue-line creek and the proposed Building Envelopes more than 300 feet from the creek. No creek crossings or bank modifications are proposed with the project.

The Department of Public Works staff reviewed the drainage modifications and determined that the amount of additional runoff generated by the project would be very minimal and the proposed improvements would safely convey and disperse runoff without damaging adjacent properties or creek resources. During the review of Grading Permits and Building Permits, including on-site inspections of work, all improvements will be required to include the latest design features to minimize erosion with the implementation of a Stormwater Pollution Prevention Plan that includes Best Management Practices (BMPs) such as runoff minimization with vegetated swales, surface dispersion, and detention facilities.

One additional residence within a 135.3-acre property would result in a density of one unit per 67.6 acres, and would not substantially increase density and affect the rural character of the community where the surrounding properties range in size from approximately 20 acres to 50 acres. The traffic effects of one additional residence would be minimal with 10 average daily trips anticipated based on the Institute of Traffic Engineers Trip Generation Manual. Including the potential for development of the adjacent property that could more likely occur as a result of the improvements to the common driveway, the combined increase in traffic generation would be approximately 20 average daily trips. This number of trips would not significantly affect the traffic and circulation on Nicasio Valley Road in the vicinity.

The potential for impacts to groundwater depletion from one additional residence is likely to be minimal in the context of the larger watershed and aquifers. The test well on the property has satisfied the legal requirements for a water supply to the project as verified by the Community Development Agency Environmental Health Services. The flow rates and quality of water meet the standards established in the Health Code.

As noted previously, some tree removal is proposed for development of the property and law pursuant to the Wildland Urban Interface Ordinance mandates for the provision of defensible space. The tree removal would reduce fire hazards on the site and in combination with the common driveway improvements, provide safer access to the area for fire suppression activities. The proposal to add one



additional lot and an additional residential development area would not substantially modify the amount of tree removal required to provide adequate clearance along the common driveway and the water storage tanks.

The common driveway to the lots is a private access and is not currently open to the public for access to the public trail along the ridge. Future trails and access right may be obtained in the future for access to the ridge trail, but this has not been proposed or required as part of this application.

The project would not result in any significant environmental impacts, visual obstruction or view degradation with design and location of the Land Division and future residential development. The project would be consistent with the applicable Countywide Plan land use designations and the development standards in Marin County Code. The design and density of development would be consistent with the Countywide Plan, the ARP-50 zoning, and the Nicasio Community Plan Development and Land Use Policies.

### **CONCLUSION:**

Staff finds that the proposed Land Division, Lot Line Adjustment, and Precise Development Plan, as modified by conditions of approval, would adequately protect the rural community environment, including the forest and watershed resources with the addition of one new building site. As proposed, all development would be outside the 100-foot SCA buffer area. The location and design of the proposed building envelopes for future residential structures and accessory buildings would be located within areas of the property that have the least slope and near the lower elevations of the site to minimize grading, potential erosion, and visual effects. Subsequent Grading Permit, Design Review, and Building Permits will be required for the construction of the common driveway improvements, and residential development, including construction of the individual access driveways, and construction of the septic systems on the lots.

### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record including all comments on the draft Negative Declaration, conduct a public hearing, and adopt the attached Resolutions granting a Negative Declaration of Environmental Impact and approving the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution granting a Negative Declaration of Environmental Impact for the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan
  2. Proposed Resolution recommending conditional approval of the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan
  3. Location Map
  4. Assessor's Parcel Map
  5. Tentative Map
  6. Irving L. Schwartz, ILS Associates, Inc. letters 7/14/09 through 12/18/06; and e-mail, 9/9/08
  7. Charles Armor, California Department of Fish and Game letter, 6/24/09
  8. Nona Dennis, Marin Conservation League e-mail, 7/7/09
  9. Sue Kline, Nicasio Design Review Board letters, 7/6/09, 5/5/08, 5/14/07
  10. Patrick McDonnell letter, 6/6/09

11. Scott Callow, CDA Environmental Health Services, Requirements for a Drinking Water Permit, 12/22/08
12. Dave Nicholson, DPW Land Use and Water Resources memorandum, 12/30/08
13. Scott Callow, CDA Environmental Health Services Interdepartmental Transmittal, 12/4/08; and e-mail 9/10/08
14. Scott Alber, Marin County Fire Department e-mails, 12/3/08, 5/13/08
15. Susan Kline e-mail, 12/3/08
16. Ray Moritz, Urban Forestry Associates memo, 9/19/08; and e-mail 9/26/08
17. Kent Julin, Marin County Fire Department e-mails, 9/26/08, 9/5/08
18. Steve Rosso, CDA Environmental Health Services Interdepartmental Transmittal, 7/1/08
19. James Raives, Department of Parks and Open Space Memorandum, 5/6/08
20. Gordon Bennett, Sierra Club Marin Group letter, 2/20/07
21. Eric McGuire, Marin Municipal Water District letter, 1/24/07

**The following attachments were provided to the Deputy Zoning Administrator only.** They are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Friday, 8:00 A.M. to 4:00 P.M.

22. Proposed Negative Declaration and Initial Study
23. Vegetation Management Plan, Moritz Arboricultural Consulting, 11/11/08

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION GRANTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
FOR THE FERRARI LAND DIVISION, LOT LINE ADJUSTMENT,  
AND PRECISE DEVELOPMENT PLAN**

**ASSESSOR'S PARCELS 121-160-22, -23, -25, -41, -44, and -45**

**1375 and 1401 NICASIO VALLEY ROAD, NICASIO**

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**SECTION 1: FINDINGS**

- I. WHEREAS Paul Ferrari submitted the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan application proposing to divide a 135.3-acre lot into two lots, adjust a lot boundary, request a waiver of the Master Plan requirement, and obtain Precise Development Plan approval. The subject property is Parcel One of the Van Der Reis Division of Land, recorded in Marin County Records on September 29, 1977 in Book 14 of Parcel Maps at page 35. The upper portion of this lot is located along the ridge that separates Nicasio Valley from San Geronimo Valley. A 114-acre Private Open Space Easement encumbered the upper portions of the parcel until it expired in August 2004. The Marin County Department of Parks and Open Space acquired a new 110-acre Open Space Easement for the ridge and upper portions of the property in 2008. The proposed lot areas would be 127.1 acres for Parcel A and 8.8 acres for Parcel B. The properties are located at 1375 and 1401 Nicasio Valley Road, Nicasio, and are further identified as Assessor's Parcels 121-160-22, -23, -25, -41, -44, and -45.
- II. WHEREAS the Marin County Community Development Agency prepared an Initial Study for the project that determined no significant effects would occur, and there is no evidence that the project may have a significant effect on the environment.
- III. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- IV. WHEREAS on June 18, 2009, an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 20-day public review period for review and comment on the Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- V. WHEREAS, after the close of the 20-day public review period on July 7, 2009, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the draft Negative Declaration, Initial Study, and comments and responses thereto.

**SECTION 2: ACTION**

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Deputy Zoning Administrator.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

LET IT BE FURTHER RESOLVED that the Marin County Deputy Zoning Administrator hereby grants the Negative Declaration of Environmental Impact for the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan application as an adequate and complete environmental document for purposes of approving the project and declares that the Negative Declaration has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

**SECTION 3: DECISION**

GRANTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 30th day of July 2009.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR**

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION APPROVING  
THE FERRARI LAND DIVISION, LOT LINE ADJUSTMENT,  
AND PRECISE DEVELOPMENT PLAN WITH CONDITIONS**

**ASSESSOR'S PARCELS 121-160-22, -23, -25, -41, -44, and -45**

**1375 and 1401 NICASIO VALLEY ROAD, NICASIO**

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**SECTION 1: FINDINGS**

- I. WHEREAS, Paul Ferrari submitted the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan application proposing to divide a 135.3-acre lot into two lots, adjust a lot boundary, request a waiver of the Master Plan requirement, and obtain Precise Development Plan approval. The subject property is Parcel One of the Van Der Reis Division of Land, recorded in Marin County Records on September 29, 1977 in Book 14 of Parcel Maps at page 35. The upper portion of this lot is located along the ridge that separates Nicasio Valley from San Geronimo Valley. A 114-acre Private Open Space Easement encumbered the upper portions of the parcel until it expired in August 2004. The Marin County Department of Parks and Open Space acquired a new 110-acre Open Space Easement for the ridge and upper portions of the property in 2008. The proposed lot areas would be 127.1 acres for Parcel A and 8.8 acres for Parcel B. The property is located at 1375 and 1401 Nicasio Valley Road, Nicasio, and is further identified as Assessor's Parcels 121-160-22, -23, -25, -41, -44, and -45.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 30, 2009, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and determined, subject to the conditions of project approval contained herein, that this project will not result in any potentially significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;

- B. The proposed project would result in the division of property into two lots consistent with the density range of one unit per 31 acres to 60 acres under the governing AG1 Countywide Plan land use designation;
  - C. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
  - D. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
  - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation, wetlands, and drainage courses.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Nicasio Valley Community Plan because:
- A. The proposed project involves a two-lot Land Division, Lot Line Adjustment, and Precise Development Plan and future construction of three single-family residences, which are principally permitted uses on the property consistent with the ARP-50 zoning.
  - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, habitats, or drainage.
  - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - D. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and access from Nicasio Valley Road.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Tentative Map (Marin County Code Section 22.84.060) because:
- A. The proposed project involves a two-lot Land Division, Lot Line Adjustment, and Precise Development Plan and future construction of three single-family residences, which are principally permitted uses on the property consistent with the Marin Countywide Plan and the Nicasio Valley Community Plan. No findings for denial in Subsection D can be made.
  - B. In the interest of the public health and safety, as a prerequisite to the orderly development of the surrounding area, the construction of road improvements are not required within a specified time frame.
  - C. The findings for waiver of Parcel Map are not applicable to this project.
  - D. The findings requiring denial cannot be made pursuant to State Subdivision Map Act Section 66474 as follows:

1. The proposed Land Division, Lot Line Adjustment, and Precise Development Plan would be consistent with the Marin Countywide Plan and the Nicasio Valley Community Plan with the two proposed residential lots on 135.3 acres resulting in a density of one unit per 67.6 acres where the Land Use Designation allows for a maximum of one unit per 31 to 60 acres, and the zoning allows for a maximum of one unit per 50 acres.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to waive the Master Plan and approve a Precise Development Plan (Marin County Code Section 22.44.040.B) because:

- A. The two-lot Land Division would comply with Table 4-7 because the residential project would consist of less than five residences.
- B. The project would be consistent with the Countywide Plan and the Nicasio Community Plan.
- C. The project is designed to minimize potential impacts and Design Review will be required before approval of residential development on the proposed lots to minimize impacts to drainage, erosion, grading, landscaping, tree and native plant protection, and circulation/transportation.
- D. The project would not involve Transfer of Development Rights.
- E. The project would be located outside any sensitive resources areas.
- F. Public safety personnel and equipment will be able to serve the project pursuant to the improvements to the common driveway, and as approved by the Marin County Fire Department.
- G. The project would exhaust the potential for future residual development, based upon the Countywide Plan and zoning district densities, and dedication of private open space.
- H. The project would be located to avoid areas that are impacted by noise, hazardous materials, and flooding.
- I. The project would contain adequate areas for physical development and related on-site circulation and parking, and would have minimal, if any, visual impacts from offsite.
- J. The project would not affect views of the nearest shoreline that is approximately seven miles to the southwest and on the opposite side of multiple ridges.

## **SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan application subject to the following conditions:

1. Pursuant to Marin County Development Code Section 22.84.060, this Tentative Map for Land Division, Lot Line Adjustment, and Precise Development Plan approval permits the division of the subject 135.3-acre lot into two lots. The subject property is Parcel One of the Van Der Reis Division of Land, recorded in Marin County Records on September 29, 1977 in Book 14 of Parcel Maps at page 35. The approval permits lot areas of 127.1 acres for Parcel A and 8.8 acres for

Parcel B. The approval permits water supply for the two lots from a shared well and individual water storage tanks. The approval permits a Lot Line Adjustment with the adjacent property to provide adequate areas on each of the proposed lots for individual septic systems. The Precise Development Plan approval permits the construction of a common driveway that would provide access to three lots (the two Land Division lots and one adjacent vacant lot), the construction of individual driveways to the two Land Division lots, Building Envelopes for all residential and accessory structures, seven fire truck turnouts, five retaining walls, and drainage improvements. The approval permits implementation of the Vegetation Management Plan to provide defensible spaces around the residences and accessory structures, common and individual driveways, and water storage tanks. The subject properties are located at 1375 and 1401 Nicasio Valley Road, Nicasio, and are further identified as Assessor's Parcels 121-160-22, -23, -25, -41, -44, and -45.

2. Except as modified herein, plans submitted for Parcel Map, Design Review, Grading Permit, and Building Permits for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Tentative Map and Precise Development Plan, 1375 and 1401 Nicasio Valley Road, Nicasio Marin County California", consisting of seven sheets prepared by ILS Associates, Inc.; Exhibit B, "Vegetation Management Plan" consisting of 37 sheets prepared by Moritz Arboricultural Consulting date stamped received November 17, 2009; and Exhibit C, "Residential Development Standards".
3. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, Planning Division an in-lieu participation fee for the construction of affordable housing. The fee shall be determined at the time the Parcel Map is filed in accordance with the provisions of Marin County Development Code Chapter 22.22 (Affordable Housing Regulations), which requires that proposed projects resulting in the development of two or more units or parcels shall provide 20 percent of the total number of units or parcels for the development of affordable housing.
4. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, a park fee in-lieu of land dedication for future park improvements. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) that provide the formula for determining the in-lieu fee based upon the fair market value of land that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements. Credit may be given for the applicant's creation of private open space.
5. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.
6. BEFORE RECORDATION OF THE PARCEL MAP, the following items must be submitted to the Community Development Agency, Planning Division:
  - a. Verification from the County of Marin Community Development Agency, Environmental Health Services Division, which confirms that all required legal, financial, and construction agreements have been applied for and completed to install new water distribution facilities to the approved lots.
  - b. Verification from the County of Marin Community Development Agency, Environmental Health Services Division, which confirms that all required legal, financial, easements, contracts, and/or construction agreements have been applied for and completed to install new septic systems to the approved lots.



- c. Verification from Pacific Gas and Electric, which confirms that all required legal, financial, easements, contracts, and construction agreements have been applied for and completed to provide underground power lines serving the approved lots.
7. BEFORE RECORDATION OF THE PARCEL MAP, the applicant should prepare a solar access study, completed by a qualified solar energy specialist, and submit the study to the Community Development Agency Planning Division for review and approval. The solar access study would determine appropriate building orientation and locations for solar collectors on each lot and propose solar access easements if necessary to protect solar access rights for the building envelopes on the lots of the Land Division and Precise Development Plan.
8. BEFORE ISSUANCE OF A GRADING PERMIT AND BUILDING PERMITS, the applicant shall follow Best Management Practices (BMP) by submitting a Stormwater Runoff Pollution Control Plan ("Plan") that addresses both interim (during construction) and final (post construction) stormwater pollution control measures. The Plan should follow guidelines as established in "Start at the Source," published by the Bay Area Stormwater Management Agencies Association. The Marin County Department of Public Works must approve such Plan prior to the issuance of a Grading Permit or Building Permit. This Plan must comply with construction guidelines of the Marin County Stormwater Pollution Prevention Program, which includes, but is not limited to: siltation fencing, hay bales, and other drainage erosion control measures; stabilization of graded soils; hydroseeding; protection of graded soils from precipitation and runoff; and limiting construction equipment access. Ground-disturbing activities should be conducted during the dry season (May through October) to reduce the potential of soil erosion. Mitigation Measure 3(b)-1.
9. The project shall be constructed in a manner that protects native trees consistent with the Vegetation Management Plan. If it is infeasible to plant replacement trees on site at a one for one ratio, the applicant shall contribute the appropriate fees into the Tree Replacement Fund pursuant to Marin County Code Section 22.27.100.
10. The future residential designs for each lot shall be subject to Design Review and should include:
  - a. Design elements that conform to Chapter 7A of the 2007 California Building Code for Materials and Construction Methods for Exterior Wildfire Exposure in a Wildland Urban Interface Fire Area including:
    - i. Stucco siding or Hardiplank siding with solid underlayment/sheathing, tile roof, or similar fire resistant exterior materials.
    - ii. Sealed vents under eaves.
    - iii. Non-pyrophytic landscaping and hardscape instead of decks or arbors (Mitigation 9[e]-1).
  - b. Design elements and building orientation to maximize passive space heating in winter and cooling in summer.
  - c. Renewable solar energy generation systems including solar thermal and photovoltaics.
  - d. Best management practices to minimize use of raw materials and energy.
  - e. Green Building measures that result in a Certified rating or better on the Green Building Checklist.

- f. Maximum combined building areas that are less than 7,000 square feet.
- g. Measures to exceed Title 24 Energy Standards by at least 15%.
- h. Water-saving best management practices wherever applicable including:
  - i. Energy and water efficient appliances
  - ii. Low flow fixtures
  - iii. High efficiency toilets
  - iv. Pre-plumb for greywater to landscaping
  - v. Native and drought tolerant landscaping
  - vi. Weather based irrigation controllers
  - vii. Rainwater catchment and reuse system.

11. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the approved lots shall be as follows:

Lot	Street Address
Parcel A	1401 Nicasio Valley Road, Nicasio
Parcel B	1375 Nicasio Valley Road, Nicasio

12. The applicant must submit Parcel Map Checking applications separately to the Community Development Agency Planning Division and to the Department of Public Works Land Use and Water Resources Division, and obtain approval of the Parcel Map separately from the Planning Division and Department of Public Works County Surveyor. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder to record the Land Division and Lot Line Adjustment and Precise Development Plan map approved herein. The required Parcel Map must be in substantial conformance with Exhibits A and B, including, but not necessarily limited to, the proposed lot lines and easements. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code.
13. The Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan Tentative Map approval must be vested with the filing of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. A timely filing is made when all parties having record title interest in the real property submit written consent, and a fully executed Mylar complying with all conditions of approval, including executed versions of all required agreements and paying all required fees, are submitted to the County Surveyor. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division, Lot Line Adjustment, and Precise Development Plan Tentative Map approval may also be permitted pursuant to applicable State laws.
14. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the applicant defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Ferrari Land

Division, Lot Line Adjustment, and Precise Development Plan, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the applicant of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

15. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. At the discretion of the Environmental Coordinator and consistent with CEQA, the Environmental Coordinator shall retain a Native American monitor to evaluate any cultural resource discovery for sacred values and propose protection measures appropriate to the Federated Indians of the Graton Rancheria Sacred Sites Protection Committee. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
16. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded, and the minimum light intensity necessary for safety.
17. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
18. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
19. All soil disturbed by development of the project shall be covered with mulch or other suitable cover and reseeded with native plants to control erosion.
20. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street/driveway so that pedestrians and vehicles can pass safely at all times.
21. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
22. No trees, except those approved for removal, shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property.

23. Any new utilities proposed to serve the approved project shall be underground.
24. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency, Planning Division staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Community Development Agency, Environmental Health Services Division

25. BEFORE RECORDATION OF THE PARCEL MAP AND ISSUANCE OF WELL OPERATING PERMIT, the applicant shall submit or fulfill the following items:
  - a. Submit applications and fees to operate a domestic water supply.
  - b. Bacteriological analyses.
  - c. Submit a treatment proposal and sketch describing disinfection system and other treatment components, as needed.
  - d. Submit an up to date detailed plot plan showing building envelopes, water sources, distribution lines, treatment/pump house, sewage systems and lines, animal enclosures, etc.
  - e. Recorded easements.
  - f. Recorded maintenance agreements.
  - g. Contact inspector to arrange a site inspection of the water source.
26. BEFORE DESIGN REVIEW OR BUILDING PERMIT APPROVAL, the applicant shall apply for an onsite sewage disposal permit from EHS.

Department of Public Works, Land Use and Water Resources

27. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department (as per email-letter by Scott Alber dated May 13, 2008).
28. Improvement plans shall be prepared in accordance with Marin County Code (MCC) Title 22, Subdivisions, and must conform to MCC, Title 24, Development Standards or as approved by the Department of Public Works.
29. A final grading plan must be provided on conjunction with the Precise Development Plan application. The plan must show existing and proposed grades, the extent of cut and fill, and the slope angle of all banks (Zoning/Development Application Submittal Checklist, page-9, Item 17).
30. Driveway shall conform to MCC §24.04.300 for surfacing.
31. Evaluate geotechnical and equipment access constraints, if any, for constructing the sewer line for Parcel-A through a sloped 20-foot wide easement.

32. Where required by the nature and extent of a proposed project and where deemed appropriate by the agency, a project shall have a surface runoff pollution control plan which addresses both interim (during construction) and final (post construction) control measures hereinafter referred to as best management practices (BMPs). The specific interim and final BMPs to be utilized shall be subject to the review and approval of the agency and shall be in general accordance with the current baseline urban runoff control plan for the cities and county of Marin. See items 9 through 12 below.
33. All work within a natural watercourse for culverts at driveway crossings and any other work within or along the bank of a natural watercourse shall require a Creek Permit from DPW and may require permits from California Department of Fish and Game (CDFG), U.S. Army Corps of Engineers (ACOE), and California Regional Water Quality Control Board (RWQCB). If permitting is required from any of above agencies, the applicant may use the Joint Aquatic Resources Permit Application (JARPA) as an aid to submitting the permit applications to each agency. The JARPA application can be downloaded from the MCSTOPPP web site at [www.mcstoppp.org](http://www.mcstoppp.org). DPW requires its own separate permit application as well as a copy of a completed JARPA (if required).
34. BEFORE ISSUANCE OF A BUILDING, CREEK, OR GRADING PERMIT, the applicant shall fulfill the following requirements:
  - a. A final "Stability Report" for subsurface exploration must be submitted (as per December 8, 2006 Miller Pacific Report, page 10-Supplemental Services), prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of placing a building/structure on the site, the suitability of excavating for the retaining walls, and identify any drainage or soils problems that the design of the project must accommodate.
  - b. A refined slope stabilization plan and setback distances should be developed a part of the design level geotechnical investigation for slope stability near ravines. (as per December 8, 2006 Miller Pacific Report, page 7, Paragraph-K).
  - c. Per MCC 24.10.005(a), prior to the commencement of any work on improvements covered by this title and before filing any required final subdivision map or parcel map, complete plans for all of those improvements shall be submitted to and approved by the director. In addition, landscape and irrigation plans and other plans required by the community development agency shall be approved by the community development agency director.
  - d. Per MCC 24.10.005(b) and (c), improvement plans shall be prepared by a registered civil engineer unless this requirement is waived by the director. Plans shall be legible and clearly drawn. They shall be of such a scale, size and detail as to be acceptable to the agency. All elevations referred to shall be based on the National Geodetic Vertical Datum except that an assumed datum may be used if the entire project is above an elevation of twenty-five feet N.G.V.D. Accompanying the plans shall be such engineering data and computations as deemed necessary by the agency to check the adequacy of the proposed improvements and accuracy of the plans.
  - e. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm

drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code Sections 24.04.625 and 24.04.627.

- f. Per Ordinance No. 3486 amending MCC 24.04.627, Storm Water Pollution Prevention Plan:
  - i. In addition to the county requirements, a project may require coverage under the general construction activity stormwater permit issued by the State Water Resources Control Board (SWRCB). If required, then a notice of intent (NOI) must be filed with the SWRCB for said coverage and a copy of the NOI and the SWPPP must be submitted to DPW prior to issuance of a county permit for construction.
  - ii. Construction-phase temporary BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded slopes, the use of hydro-seed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on-site and proper location of and maintenance of worker sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.
  - iii. Financial security may be required to insure that temporary measures to control stormwater pollution prevention are implemented and maintained during construction and after construction for a period determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency.
  - iv. Where required by the nature and extent of a proposed project and where deemed appropriate by the agency, a project shall include a stormwater control plan section within the SWPPP. The stormwater control plan shall address permanent BMPs that control pollutant sources, treat runoff, and control the rate and duration of runoff that meet the criteria in the most recent version of the Guidance Manual (as defined in Section 23.18.030) and the applicable development runoff requirements of Chapter 23.18. Permanent BMPs may include but are not limited to, site and drainage design features that route runoff from roofs and paved surfaces to landscaped areas, engineered bioretention facilities, roofs over areas where vehicles are washed or repaired, and facilities for cleaning equipment such as mats used in restaurant kitchens. The Guidance Manual contains specific guidance applicable to the project category.
  - v. Where required by the nature and extent of a proposed project and where deemed appropriate by the agency, the project shall have a stormwater facilities operation and maintenance plan describing the maintenance responsibilities, practices, and schedules as required in Chapter 23.18 and in the Guidance Manual.

- vi. If a project applicant is required to include permanent BMPs (including Structural or Treatment control BMPs) in project plans, the applicant shall provide verification of maintenance provisions through such means as may be appropriate, including, but not limited to, legal agreements, covenants, and project conditions of approval, as determined by the agency.
35. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall fulfill the following requirements:
- a. Granting of all easements shall occur concurrently with recordation.
36. The Lot Line Adjustment information between Parcel 2 and Parcel B shall be included on the Parcel Map.
37. It is recommended that points be set at the new property corners.

Marin County Fire Department

38. A more detailed Vegetation Management Plan (VMP) shall be required for the future residential developments during the Design Review phase. The next iteration of the VMP will need to include a Marin County Fire Department Permit Application and associated fee, a Hazard Assessment Matrix for each structure, a list of plants proposed to be planted, and a site plan showing the proposed structures with grade lines, pursuant to the VMP standards. Mitigation Measure 9(e)-1.

**SECTION 3: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Ferrari Land Division and Lot Line Adjustment Tentative Map and Precise Development Plan approval by recording a Parcel Map before July 30, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Agency Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on August 13, 2009.

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 30<sup>th</sup> day of July 2009.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary