



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

MEMORANDUM

TO: Jeremy Tejirian, DZA Hearing Officer
FROM: Neal Osborne, Planner
RE: Ferrari Land Division Tentative Map (LD 07-5) and Precise Development Plan (DP 07-4)
August 27, 2009 DZA Hearing, Continued Items H1.A and H1.B
DATE: August 21, 2009

The following supplemental staff report memorandum, including two revised resolutions, an errata sheet, and a revised Department of Public Works memorandum have been prepared pursuant to your directions provided during the public hearing on July 30, 2009. Staff consulted with Tim Haddad, Environmental Coordinator and determined that the mitigation measure for the implementation of a Vegetation Management Plan to provide defensible space should be modified to provide equivalent or more effective mitigation in light of the new information presented at the hearing that Northern Spotted Owl habitat exists on the subject property. Staff prepared an errata sheet for attachment to the Mitigated Negative Declaration that provides the modified mitigation measure 9(e)-1 consistent with CEQA Guidelines Section 15074.1, and also provides corrections to typographical errors in the Initial Study (see DZA Attachment 3). The modified mitigation measure is equivalent or more effective in regard to the fuels management required for defensible space because it still requires a Vegetation Management Plan as approved by the County Fire Marshal and will also provide protection to owl habitat. The final Vegetation Management Plan shall be prepared in consultation with a qualified Wildlife Biologist. No more adverse effects would be created by the modifications to the mitigation measure because it establishes additional provisions for owl protection in combination with fuels management that would be equivalent or more effective than the original mitigation. Tree removal, brush clearing, and pruning for fuels management would be restricted to a safe distance from any identified owl nest pursuant to a survey of the site by a Biologist and would also be restricted to times of the year outside of the breeding season.

The following modified Mitigation Measure 9(e)-1 is included as Condition of Approval 3 in the recommended Resolution (Attachment 2).

BEFORE ANY CONSTRUCTION ACTIVITY FOR THE COMMON DRIVEWAY INCLUDING ANY TREE REMOVAL OR BRUSH CLEARING PURSUANT TO THE VEGETATION MANAGEMENT PLAN, AND/OR BEFORE EACH DESIGN REVIEW APPLICATION FOR EACH RESIDENCE IS DETERMINED TO BE COMPLETE, a qualified wildlife biologist shall complete a site survey and prepare a report that determines the presence of Northern Spotted Owls (*Strix occidentalis caurina*) and whether any nests are present in the vicinity. The report shall propose appropriate measures to protect the owls and the nesting activity, including but not limited to modifications to the Vegetation Management Plan and limiting work to times outside of the breeding season of February 15th through July 15th. If owls or a nest are found, no work at the site may commence without approval of the Community Development Agency staff. All future work and development of the site must be consistent with the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. The project shall be constructed in a manner to avoid increased fire hazards. The Vegetation Management Plan shall include additional details based upon the actual development proposal with the required Design Review for each residence and accessory structures pursuant to the County Vegetation Management

Plan standard, as determined by the Marin County Fire Marshal. These standards include implementation of an approved Vegetation Management Plan, automatic fire protection sprinklers in new residences, stucco or hardiplank siding, tile roofs, sealed eave vents, on-site water storage for fire flow, spark arrestors on all fireplace chimneys, Class A non-combustible roof, and a Vegetation Management Plan including non-pyrophytic landscaping and hardscape near the residences.

Additional modifications to the resolutions include the following:

- Identifying the Negative Declaration as a Mitigated Negative Declaration
- Improved findings regarding the Land Division and the Precise Development Plan
- Findings for Lot Line Adjustment
- Modification to Condition of Approval 9 to allow for an alternative to tree replacement on site or contribution to the Tree Replacement Fund for the implementation of a long-term forest ecosystem management plan that provides defensible space and enhances the forest ecosystem
- Modification to Condition of Approval 10 to only require Design Review and not establish particular development standards because they can be fully addressed during the subsequent Design Reviews
- Modify Conditions of Approval 15, and 17 through 21 to use the language in our current standard conditions
- Delete Condition of Approval 22
- Provide corrected conditions of approval from the Department of Public Works regarding stormwater management and consummating the Lot Line Adjustment (see Attachment 4).

- Attachments:
1. Revised Proposed Resolution Granting a Mitigated Negative Declaration of Environmental Impact for the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan
 2. Revised Proposed Resolution recommending conditional approval of the Ferrari Land Division, Lot Line Adjustment, and Precise Development Plan
 3. Errata Sheet to Mitigated Negative Declaration and Initial Study
 4. Department of Public Works memorandum, 8/19/09
 5. DZA Minutes, 7/30/09

C: Joyce Evans, DZA Secretary
Irving L. Schwartz, ILS Associates, Inc.
Paul Ferrari
Pat McDonnell

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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION GRANTING
A **MITIGATED** 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

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 with the implementation of mitigation measures as conditions of project approval, 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 Mitigated 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 Mitigated 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 Mitigated 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 Mitigated 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 Mitigated 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 Mitigated 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 Mitigated Negative Declaration were given the opportunity to address the Marin County Deputy Zoning Administrator.
3. The Mitigated 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 Mitigated 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 Mitigated 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 Mitigated 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 ~~27th~~ day of ~~August~~ July 2009.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

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

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 Mitigated 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 Mitigated 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.
 2. The site is physically suitable for residential development at the proposed density because of suitable access capabilities, identified building areas with reasonable slopes and geologic base materials with physical qualities that would support development, adequate water supply, and areas that meet the standards for septic systems.
 3. The design of the project would not result in substantial environmental damage, injure fish or wildlife, or damage habitat with the implementation of conditions of approval and a mitigation measure to provide a Vegetation Management Plan that includes protection of Northern Spotted Owl habitat.
 4. The design of the project would not cause serious public health or safety problems with the required Vegetation Management Plan for fire safety and adherence to County standards as enforced by the Environmental Health Services Division, the Department of Public Works, and the Planning Division.
 5. The design of the project would not conflict with public easements for access through the property because no such easements currently exist and within the terms of the Conservation Easement granted to the Department of Parks and Open Space, additional public trail access easements may be obtained in the future.
 6. The design of the project would be consistent with all applicable provisions of the Development Code, Marin County Code, and the Map Act because access can safely be provided to the proposed lots, geologic conditions can support development, water supply is available from wells, septic systems would meet code, and the overall density would meet standards.
- 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.

K. The project would result in the construction of residences pursuant to the Residential Development Standards proposed with the project pursuant to Exhibit C in the Planning Division file. The development standards specify that residential structures would be located within the Building Envelopes shown on the Parcel Map. The maximum height of the primary residence would be 30 feet above grade and the maximum height of accessory buildings would be 15 feet above grade. The maximum building areas would be 10,000 square feet. The building materials and colors would blend into the natural environment unobtrusively. The exterior design and materials shall provide adequate fire resistance as approved by the Marin County Fire Department. Exterior lights shall be directed downward and shielded to prevent glare on nearby properties. Utility lines shall be underground and any water storage tanks and antennas shall be placed or screened from neighbors' and common driveway vantage points. Driveways shall comply with Marin County Code Title 24, II Driveway, and the requirements of the Marin County Fire Department.

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VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Lot Line Adjustment (Marin County Code Section 22.90.040) because:

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A. Proposed lot line adjustment is limited to four or fewer existing adjoining lots.

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The proposed lot line adjustment involves two adjoining lots.

B. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.

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Each of the affected lots is a separate legal lot of record created with the Van Der Reis Division of Land and recorded with Parcel Map in Book 14 at Page 35 of Marin County Records.

C. The proposed lot line adjustment would not result in the creation of additional parcels or additional building sites.

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The number of parcels would not be affected by the lot line adjustment.

D. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).

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The project would comply with policies in the Countywide Plan and the Nicasio Community Plan as stated in Findings IV and V above.

E. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22, and 24 of the Marin County Code, including but not limited to those which address minimum lot size, lot design and configuration, street frontage, and building setbacks from all property lines.

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The project would comply with zoning, development, and relevant subdivisions of Marin County Code with no change in area to Parcel 2 with 23.8 acres, Parcel A would result in 128.1 acres, and Parcel B would result in 8.8 acres in conformance with the ARP-50 density standards. The lot line adjustment would not appreciably modify the lot design and configuration, and would not change the street frontage, and building setbacks from property lines.

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 ANY CONSTRUCTION ACTIVITY FOR THE COMMON DRIVEWAY INCLUDING ANY TREE REMOVAL OR BRUSH CLEARING PURSUANT TO THE VEGETATION MANAGEMENT PLAN, AND/OR BEFORE EACH DESIGN REVIEW APPLICATION FOR EACH RESIDENCE IS DETERMINED TO BE COMPLETE, a qualified wildlife biologist shall complete a site survey and prepare a report that determines the presence of Northern Spotted Owls (*Strix occidentalis caurina*) and whether any nests are present in the vicinity. The report shall propose appropriate measures to protect the owls and the nesting activity, including but not limited to modifications to the Vegetation Management Plan and limiting work to times outside of the breeding season of February 15th through July 15th. If owls or a nest are found, no work at the site may commence without approval of the Community Development Agency staff. All future work and development of the site must be consistent with the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. The project shall be constructed in a manner to avoid increased fire hazards. The Vegetation Management Plan shall include additional details based upon the actual development proposal with the required Design Review for each residence and accessory structures pursuant to the County Vegetation Management Plan standard, as determined by the Marin County Fire Marshal. These standards include implementation of an approved Vegetation Management Plan, automatic fire protection sprinklers in new residences, stucco or hardiplank siding, tile roofs, sealed eave vents, on-site water storage for fire flow, spark arrestors on all fireplace chimneys, Class A non-combustible roof, and a

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Vegetation Management Plan including non-pyrophytic landscaping and hardscape near the residences. Mitigation Measure 9(e)-1

- ~~3.4.~~ 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.

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- ~~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.

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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 pursuant to Condition of Approval 25.

~~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 APPROVAL OF DESIGN REVIEW 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 or implement a forest ecosystem management plan that optimizes forest and wildlife quality for the long-term consistent with the defensible space requirements of the Vegetation Management Plan.

~~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(c)-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.~~

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

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

- 42.11. 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.

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- 43.12. 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.

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- 44.13. 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.

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- 45.14. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site

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~~must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code. 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.~~

46.15. 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.

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47. All construction activities shall comply with the following standards: 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. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times. 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.

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47.16. 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.

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~~18-17.~~ 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.

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~~19.~~ 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.

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~~20-18.~~ 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.

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~~21.~~ 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.

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~~22.~~

~~23-19.~~ Any new utilities proposed to serve the approved project shall be underground.

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~~24-20.~~ 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.

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Community Development Agency, Environmental Health Services Division

~~25-21.~~ BEFORE RECORDATION OF THE PARCEL MAP AND ISSUANCE OF WELL OPERATING PERMIT, the applicant shall submit or fulfill the following items:

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- 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.

~~26-22.~~ BEFORE DESIGN REVIEW OR BUILDING PERMIT APPROVAL, the applicant shall apply for an onsite sewage disposal permit from EHS.

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Department of Public Works, Land Use and Water Resources

~~27-23.~~ 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).

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~~24. In addition to the County requirements, a project may require coverage under the general construction activity stormwater permit issued by the State Water Resource Control Board. If so, then a Notice of Intent (NOI) must be filed with the Regional Water Quality Control Board for the San Francisco Bay Region for said coverage and a copy of the NOI and the concomitant stormwater pollution prevention plan must be submitted to DPW prior to issuance of a county permit for construction.~~

~~25. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall fulfill the following requirements:~~

~~a. Granting of all easements and lot line adjustment shall occur concurrently with recordation.~~

~~b. Since it appears that Assessor's Parcels 121-160-41 and 121-160-45 were combined in 2009. The Parcel Map should reflect the current Assessor Parcel Map number 121-160-52.~~

~~c. Parcel 2 (APN 121-160-44) shall be included as part of the subdivision. Parcel 2 should be renamed as Proposed Parcel C. Provide ultimate area for Parcel C.~~

~~d. The total subdivision area should be corrected to include Parcel 2.~~

~~e. Provide bearings and distance for all proposed easements and clearly provide their location.~~

~~f. A current (less than 6 months) Title Report shall be submitted for each individual parcel.~~

~~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.~~

~~29.26. 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).~~

~~30.27. Driveway shall conform to MCC §24.04.300 for surfacing.~~

~~31.28. 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.~~

~~33.29. 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. DPW requires its own separate permit application as well as a copy of a completed JARPA (if required).

34.30. BEFORE ISSUANCE OF A BUILDING, CREEK, OR GRADING PERMIT, the applicant shall fulfill the following requirements:

- a. The Parcel Map shall be recorded.
- b. A final Grading Plan must be reviewed and approved by DPW. 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).
- c. Driveway shall conform to MCC §24.04.300 for surfacing.
- d. Evaluate geotechnical and equipment access constraints, if any, for constructing the sewer line for Parcel-A through a sloped 20-foot wide easement.
- e. The project shall have a stormwater runoff pollution control plan that conforms to MCC §24.04.627.
- f. The project shall comply with Best Management Practices for New Developments and Redevelopments pursuant to MCC §23.18.093.
- g. 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. DPW requires its own separate permit application as well as a copy of a completed JARPA (if required).
- a-h. 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-i. 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).
- j. A separate building permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge). Include engineer's calculations showing a minimum of a 1.5 factor of safety for sliding and overturning. Also include cross section references on the site plan to the structural plans for retaining walls.

~~e.k. 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 these 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.~~

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~~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.~~

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~~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.~~

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~~f. Per Ordinance No. 3486 amending MCC 24.04.627, Storm Water Pollution Prevention Plan:~~

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~~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.~~

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~~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.~~

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~~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.~~

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~~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.~~

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~~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.~~

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~~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.~~

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~~35. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall fulfill the following requirements:~~

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~~a. Granting of all easements shall occur concurrently with recordation.~~

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~~36. The Lot Line Adjustment information between Parcel 2 and Parcel B shall be included on the Parcel Map.~~

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~~37. It is recommended that points be set at the new property corners.~~

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Marin County Fire Department

~~38.31. 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.~~

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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 ~~August 27~~~~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 ~~September 3~~~~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 ~~27~~~~30~~th day of ~~August~~~~July~~ 2009.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary