



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT
TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
MAIN DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT,
LAND DIVISION, AND DESIGN REVIEW**

Items:	H1. A & B	Applications:	LD 09-3 and DM 09-59
Applicant:	Duncan McLeod, Rupel Geizler McLeod Architecture	Owners:	Elliott and Denise Main
Property Address:	1001 Smith Road, Mill Valley	Assessor's Parcels:	049-233-09, and -13
Hearing Date:	January 14, 2010	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 developed 1.84-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. Pursuant to Marin County Code Section 22.42.040, the project shall be subject to Design Review because the proposed driveway extension would be through a paper street. A proposal for a residence on Parcel B is not included in the submitted paper street design review. However, in early 2010, the applicant proposes to submit a Design Review application for the single-family residence to be proposed on Parcel B.

GENERAL INFORMATION:

Countywide Plan
Land Use Designation: SF5, Single Family, two units to four units per acre;
SF6, Single Family, four units to seven units per acre; and
Ridge and Upland Greenbelt Overlay
Community Plan: Tamalpais Area
Zoning: R1:B1, Residential Single-family, B1 Building District, 6,000 square feet

minimum lot area; and
A2:B2, Limited Agriculture, B2 Building District, 10,000 square feet
minimum lot area

Lot size: 1.84-acre

Adjacent Land Uses: Single-family residential and open space

Vegetation: Eucalyptus trees, oak trees, bay trees, and plum trees

Topography and Slope: The site slopes down from west to east. The western portion of the property has a slope of approximately 25% down to a terraced area with 14% slope where the existing residence is located. The slope increases to 70% in the eastern portion of the property.

Environmental Hazards: The upland property is approximately 5 miles to 15 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 no mitigation measures (refer to Attachment 16). 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 October 29, 2009 through November 17, 2009. Typographical errors in the Initial Study have been corrected with an Errata Sheet for Issues V.6.e, and V.12.c, and for Mandatory Finding VI.c.

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 300 feet of the subject property. Community Development Agency staff received one comment letter from Lanse Davis, an adjacent property owner on Marin Drive (refer to Attachment 7).

PLAN CONSISTENCY:

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Area Community Plan because it involves a Land Division and Design Review for a paper street to establish one additional building site for a single-family residence. The division of the existing 1.84-acre lot into two lots with 57,434 square feet and 22,891 square feet would be consistent with the density ranges of the land use designations and the zoning districts. The SF5 and SF6 Countywide Plan land use designations have density ranges of two units to seven units per acre. The overall density would be less than the low end of the density range with approximately 1.09 units per acre. The proposed density of Parcel A would be less than one unit per acre and the proposed density of Parcel B would be approximately two units per acre.

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 paper street Design Review, and future single-family residence are uses that would comply with development

standards, including those for access, water, sewer, fire, and visual resources. Future development proposed with a Design Review application for a new single-family residence on the proposed building site will be required to meet development standards including limits on height and floor area, the Single-family Residential Design Guidelines, Green Building Checklist, avoidance of visual effects, adequate setbacks from property lines, erosion and sediment control, and fire safety. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Area Community Plan. Please refer to the detailed findings in the recommended Resolution, Attachment 2.

PROJECT ANALYSIS:

Background

The subject 1.84-acre property was created in its current shape and form on October 12, 1983 with the recordation of a Record of Survey for an approved Lot Line Adjustment affecting three lots. The Lot Line Adjustment included the adjustment of the common lot line between Parcel 1 and Parcel 2 of the Greene Parcel Map (Book 14 at Page 38, Marin County Records) (refer to Attachment 6). This Lot Line Adjustment transferred 4,592 square feet of land from Parcel 1 to Parcel 2. The subject land unit consists of one legal lot of record that is identified as Assessor's Parcel Numbers 049-233-09 and -13.

The subject property is developed with a single-family residence and a detached second unit, a storage shed, and a swimming pool in the northeastern portion of the site. The proposed new building site (Parcel B) is in the southwestern vacant portion of the site.

The subject property is located at the T-intersection of Smith Road and Marin Drive where Smith Road terminates. Although the site address is 1001 Smith Road, the driveway access to the existing residence is provided from a common driveway that begins partially from Smith Road and continues predominately through the Marin Drive right-of-way. One additional residence, to the southwest and on the other side of Marin Drive at 1000 Marin Drive, obtains access from the common driveway. Access to the new building site would be from this common driveway that would be widened to 16 feet and extended approximately 100 feet to the front of the proposed lot where a fire truck turnaround is proposed pursuant the Southern Marin Fire Protection District standards.

As proposed and further conditioned, the driveway improvements would be designed to minimize effects to the environment through control of stormwater runoff and the use of mulch and native vegetation to prevent erosion. During the Building Permit review process, the construction of the driveway and future developments shall implement Best Management Practices and County of Marin standards to maintain slope stability and safely disperse runoff.

The future residence to be proposed on Parcel B would be subject to Design Review and Building Permit review, California Building Codes, and the development standards of the R1:B1 and A2:B2 conventional zoning districts. Staff recommends that the proposed design of the residence shall minimize any potential visual effects as viewed from the trail within the GGNRA with ample property line setbacks, native landscape screens, and relatively small and low height structures. Any Design Review of the residence and other site improvements would ensure that the improvements conform to the Single-family Residential Guidelines and the Tamalpais Area Community Plan policies to be compatible with the semi-rural neighborhood adjacent to the GGNRA.

Golden Gate National Recreation Area

The staff of the GGNRA have indicated a number of issues of concern regarding this project during preliminary review of the project (refer to Attachment 10). These issues pertain to the work proposed to the GGNRA Fire Road, potential impediments to access, relocation of the GGNRA gate, erosion control and subsidence, road drainage, vegetation management and viewshed, fire management, and dark night skies. Staff recommends Conditions of Approval 17 through 20 to address these issues regarding this project. As proposed, the project would not construct improvements on the GGNRA Fire Road and all work would be within the Marin Drive road right-of-way and the subject property. The common driveway and fire truck turnaround would not impede access into the GGNRA. The existing access gate would be moved 75 feet and the connection to the Fire Road would be paved with concrete or asphalt depending on the slope. The applicant proposes to relocate the existing gate beyond the common driveway portion and provide for continued access to the Fire Road and trail. The control of erosion, drainage, and potential for subsidence will be addressed through the review of construction permits, additional engineering reports and plans, site inspections, and adherence to Marin County development standards.

The applicant proposes a Vegetation Management Plan that includes the removal of 10 trees to establish a defensible space around a conceptual development area in the northwest (front) portion of the proposed lot. No vegetation management is proposed on land within the GGNRA as stipulated in the GGNRA letter. However, this stipulation will not allow for the provision of the full 50-foot defensible space west if the residence were to be constructed with a 25-foot front property line setback as allowed pursuant to the zoning. Additional fire resistant design features and materials will be required by the Southern Marin Fire Protection District to adequately protect the structure from fire. Staff also recommends that the applicant discuss the potential for additional vegetation management with the GGNRA staff to provide the 50-foot defensible space.

The viewshed from the GGNRA trail would not be adversely affected by construction of the common driveway and fire truck turnaround. However a future residence on the proposed lot (Parcel B) would be partially visible through the existing trees and proposed landscaping. The viewshed effects would not be substantial for a residence designed in conformance with the Single-family Residential Design Guidelines and the conventional zoning standards, and will be addressed through the Design Review for the residence. The view and lighting of the residence would likely be comparable to the views and lighting of other existing residences in the neighborhood adjacent to the GGNRA trail.

Fire Safety and Tree Removal

The southern portion of the project site contains approximately 30 eucalyptus trees adjacent to a large eucalyptus forest within the GGNRA. The site is within a High Hazard Zone of the Wildland-Urban Interface (WUI). As such, tree removal will be required for development of the property pursuant to mandated provisions of defensible space. A Vegetation Management Plan has been prepared for the site by the applicant that has been submitted to the Southern Marin Fire Protection District (Please refer to the comments from the Southern Marin Fire Protection District in Attachment 12). The proposed removal of 10 trees would reduce fire hazards on the site and in combination with the common driveway and fire truck turnaround improvements, provide better access to the area for fire suppression activities. At this time, the number of trees to be removed is based on a conceptual building footprint for Parcel B and may be modified when a design for the residence is proposed. The Vegetation Management Plan proposes a 100-foot defensible space downslope of the residence and a 50-foot defensible space upslope of the residence. The defensible space extends 75 feet into Parcel A, the developed Main property, and 30 feet into the land of GGNRA. Because the GGNRA will currently not allow vegetation management on their land for this project, the 30-foot defensible space required within

the GGNRA will not be provided and alternative fire safety provisions shall be implemented on the proposed lot. However, the GGNRA has recently completed some thinning of smaller trees in the vicinity to reduce fire hazards and additional vegetation management may be completed. Staff recommends Condition of Approval 7a to improve the fire safety of the residence in the WUI with more fire resistant designs and construction materials. Additional fire resistant construction techniques and materials may be mandated by the Fire Marshal during the review of the future Design Review and Building Permit applications for the single-family residence.

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 probability of Northern Spotted Owls is very low (0 to 0.1) and the nearest known nest site is 1.2-mile to the north. The site consists of a mix of native and non-native plant species. The southern portion of the site contains a mature eucalyptus forest with a few small plum, bay, and madrone trees. The removal of 6 eucalyptus trees, 2 plum trees, and one 14-inch DBH bay tree to provide a development area, and a defensible space around the proposed development areas, would be required. A landscape plan proposes one coastal live oak, 5 toyons, and 2 hazel trees. Additional rhododendrons and iris plants are proposed along the retaining walls for the fire truck turnaround area. The amount of tree removal and habitat modification is relatively small and will not have adverse biological effects.

Paper Street Design Review

This project is subject to Design Review because access to the proposed new building site would be across a portion of the Marin Drive right-of-way that is currently unimproved. A Design Review application for a residence on the proposed lot will be submitted in early 2010. The proposed lot would have access from the road right-of-way near its terminus adjacent to the GGNRA. The access improvements include widening an existing driveway to meet current standards for a common driveway with a 16-foot width, and for a fire truck turnaround area in the front portion of the lot and partly in the road right-of-way. To provide compliance with the driveway and turnaround slope standards, the driveway design proposes 156 cubic yards of excavation and 134 cubic yards of fill. The 22 cubic yards of excess cut material would be maintained on the lot for fill to be used for the future residential development. The maximum slope of the common driveway would be approximately 20%. Retaining walls that range from 1-foot to 4 feet tall are proposed to set the hammerhead turnaround into the hill. Retaining walls that range from 2.5 feet to 4.5 feet tall are proposed to support the turnaround on the downslope side. A 6-foot tall retaining is proposed on the upslope side and south of the hammerhead to provide a turnaround area for the vehicles parked at the future residence.

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. As this project would add 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 current fee currently is \$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. Staff recommends Condition of Approval 4 to implement this requirement.

Public Comments

On October 29, 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 Lanse Davis, a neighbor on the opposite side of Marin Drive that shares the common driveway with the Mains. These comments are attached to this report and staff responses are provided below (please refer to Attachment 7).

The comments primarily pertain to the following issue:

- Potential fire safety impacts due to emergency vehicles being blocked by the parking of vehicles along the edge of the common driveway. Because the driveway leads to the trailhead into the GGNRA, users of the trail may park on the widened driveway.

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

Staff discussed this issue with Dean Raffaini of the Southern Marin Fire Protection District to determine if a fire safety issue would result from widening and extending the common driveway. Mr. Raffaini determined that the risk of reduced emergency vehicle access, if vehicles are parked along the edge of the common driveway, would not be a problem. Mr. Raffaini considered, but did not require, the installation of "no parking" signs and painting the curbs red along the common driveway, because the risk of any access problems was determined to be low.

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 R1:B1 and A2:B2 zoning designations, and the Tamalpais Community Plan Development and Land Use Policies.

CONCLUSION:

Staff finds that the proposed Land Division and paper street Design Review, as modified by conditions of approval, would comply with codes and policies to adequately protect the surrounding community environment, including the forest and watershed resources. The location and design of the future residential structures and accessory buildings on the new lot proposed would be subject to Design Review. The building envelope would have moderate 25% slope and would result in minor grading, limited potential for erosion, and minor visual effects. Subsequent Design Review, Grading Permits,

and Building Permits will be required for the construction of a residence and for the common driveway improvements, including construction of retaining walls for the fire truck turnaround and access driveway to the residence. The development of the proposed lot and paper street improvements would be compatible with the neighborhood.

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 Main Land Division and Design Review based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution granting a Negative Declaration of Environmental Impact for the Main Land Division and Design Review
 2. Proposed Resolution recommending conditional approval of the Main Land Division and Design Review
 3. Location Map
 4. Assessor's Parcel Map
 5. Tentative Parcel Map
 6. Record of Survey (Lot Line Adjustment)
 7. Lanse Davis letter, 11/16/09
 8. Neal Osborne, CDA Planning letter, 11/16/09
 9. Duncan McLeod, Rupel, Geizler, McLeod Architecture, Inc. letters, 8/26/09, 4/6/09, and Vegetation Management Plan, 3/23/09
 10. Paul Batlan, GGNRA letters, 5/11/09 and 11/14/08; and Liz Varnhagen, GGNRA memorandum 11/14/08
 11. Mitra Moheb, DPW Land Use and Water Resources memorandum, 5/8/09
 12. Southern Marin Fire Protection District memorandum, 5/6/09 and e-mail, 1/5/10
 13. Tam Design Review Board minutes, 5/6/09
 14. Marin Municipal Water District letter, 11/4/08
 15. Denise Main letter, 10/15/08

The following attachment was 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.

16. Proposed Negative Declaration and Initial Study

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION GRANTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE MAIN LAND DIVISION AND DESIGN REVIEW

ASSESSOR'S PARCELS 049-233-09, and -13

1001 SMITH ROAD, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS Duncan McLeod submitted, on behalf of Elliot and Denise Main, the Main Land Division and Design Review application. The project is a proposal to divide a developed 1.84-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. The property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.
- 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 October 29, 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 November 17, 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 Main Land Division and Design Review 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 14th day of January 2010.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

**A RESOLUTION APPROVING
THE MAIN LAND DIVISION AND DESIGN REVIEW WITH CONDITIONS**

ASSESSOR'S PARCELS 049-233-09, and -13

1001 SMITH ROAD, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS, Duncan McLeod submitted, on behalf of Elliot and Denise Main, the Main Land Division and Design Review application to divide their property into two lots. The project is a proposal to divide a developed 1.84-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. Pursuant to Marin County Code Section 22.42.040, the project shall be subject to Design Review because the proposed driveway extension would be through a paper street. The property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 14, 2010, 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 two units to seven units per acre under the governing SF5 and SF6 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 Tamalpais Area Community Plan because:
- A. The proposed project involves a two-lot Land Division and paper street Design Review, and future construction of one single-family residence, which are principally permitted uses on the property consistent with the R1:B1 and A2:B2 zonings. The floor area ratio of the existing residence, second unit, and accessory structures on Parcel A would be approximately 10% where the standard allows a maximum of 30%.
 - 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 Smith Road and Marin Drive.
- 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 and paper street Design Review, and future construction of one single-family residence, which is a principally permitted use on the property consistent with the Marin Countywide Plan and the Tamalpais Area 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 would be consistent with the Marin Countywide Plan, the Tamalpais Area Community Plan, and zoning standards because the two proposed residential lots on 1.84-acre would result in an overall density of one unit per 0.8 acre (34,848 square feet). The Land Use Designations allows for a maximum of two to seven units per acre, and the zoning allows for minimum lot sizes of 6,000 square feet to 10,000 square feet.
2. The 1.84-acre site is suitable for division into two building sites with 57,434 square feet of land area and 22,891 square feet of land area, respectively. The proposed lot sizes would comply with the minimum lot sizes based on Lot Slope pursuant to the Subdivision Design standards in Table 6-1 of Marin County Code Section 22.82.050
3. The design of the land division and access improvements would not cause substantial environmental damage or injure fish, wildlife, or their habitat.
4. The design of the land division would not cause serious public health or safety problems.
5. The design of the land division and access improvements will not conflict with easements.
6. The land division is consistent with all applicable provisions of the Development Code, other County Codes, and the Map Act.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a paper street Design Review (Marin County Code Sections 22.42.040 and 22.42.060) because:

- A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would include retaining walls of 1-foot to 6 feet tall facing into the property with minimal effect to the surrounding community. The existing gate at the trailhead into GGNRA would be relocated or replaced in conformance with GGNRA standards.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area will be set down into the existing grade and will not eliminate light exposure, views, vistas, or privacy to adjacent properties. The project would not result in changes to light or glare, and would not adversely affect the Marin Drive right-of-way or access to the trail within the GGNRA.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would result in the removal of two trees and would be designed to comply with fire safety standards for width, slope, surfacing, and turnaround dimensions as verified by the Southern Marin Fire Protection District and the Department of Public Works.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would require 156 cubic yards of excavation and 134 cubic yards of fill to comply with the slope standards for a common driveway and fire truck turnaround area. The 1-foot to 6-foot tall retaining walls are the minimum height and extent to comply with the development standards for slope and dimensions.

- E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The design of the proposed common driveway improvements, paper street and fire truck turnaround area comply with the grading, road access, and retaining wall standards with minimal grading, common driveway improvements, access to the trail, and the height and orientation of retaining walls.

- F. The project is designed to conserve energy and natural resources by meeting the green building standards in Table 4-6 of the Marin County Code.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would not have floor area and therefore the green building standards in Table 4-6 are not applicable.

- G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would have appropriate scale and designs consistent with the single-family residential uses of the applicable land use designation and zoning districts, and will not be detrimental to the public interest, health, safety, and welfare of the County.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Main Land Division and paper street Design Review application subject to the following conditions:

1. Pursuant to Marin County Development Code Section 22.84.060, this Tentative Map for Land Division permits the division of the subject 1.84-acre property into two lots with 57,434 square feet (Parcel A) and 22,891 square feet (Parcel B) of land areas, respectively. The Design Review approval, pursuant to Marin County Code Sections 22.42.040 and 22.42.060, permits widening of the existing common driveway from Smith Road through the Marin Drive right-of-way to a 16-foot width, and construction of a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround to provide access to Parcel B. The approval permits the fire truck turnaround and driveway on

Parcel B with retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. The existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. The subject property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.

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 Parcel Map", consisting of one sheet prepared by Langford Land Surveying and four sheets prepared by Rupel Geizler McLeod Architecture.
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.
5. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.
6. The applicant shall submit a Design Review application for the development of Parcel B with a single-family residence.
7. The future residential designs for each lot shall include design elements that conform to, or exceed, 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, but not limited to:
 - a. Stucco siding or Hardiplank siding with solid underlayment/sheathing, tile roof, or similar fire resistant exterior materials.
 - b. Sealed vents under eaves.
 - c. Non-pyrophytic landscaping, and hardscape instead of decks or arbors.
8. 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	1001 Smith Road, Mill Valley
Parcel B	1005 Marin Drive, Mill Valley

9. 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. Approval of the Parcel Map is required from the Planning Division and from 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 map as approved. The required Parcel Map must be in substantial conformance with Exhibit A, including, but not necessarily limited to, the proposed lot lines and easements. The legal description for Parcel A shall be revised to indicate one parcel of land as was intended with the Smith and Bussin Lot Line Adjustment pursuant to the Record of Survey in Book 18 Page 76 and recorded October 12, 1983. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code.
10. The Main Land Division 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 Tentative Map approval may also be permitted pursuant to applicable State laws.
11. 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 Main Land Division and Design Review, 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.
12. 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 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.

13. All retaining walls, 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.
14. All construction activities shall comply with the following standards:
 - a. 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.
 - b. 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.
15. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be constructed underground from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
16. 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.
17. BEFORE ISSUANCE OF BUILDING PERMITS AND THE COMMENCEMENT OF GRADING ACTIVITIES, the applicant shall submit comprehensive geotechnical engineering reports for the common driveway and retaining walls, properly designed drainage improvements, and structurally engineered structures to provide stability for the site improvements and adjacent landforms.
18. BEFORE FOUNDATION INSPECTION, the applicant shall relocate the existing GGNRA swing gate and allow for continued access to the Fire Road and trail within the GGNRA to the satisfaction of GGNRA staff. The applicant shall submit a letter from GGNRA staff verifying satisfactory completion of the gate relocation.
19. The project shall not impede access to the Fire Road and trail within the GGNRA.
20. The applicant shall cooperate with GGNRA staff to address their concerns regarding the proposed fire access road, relocation of the swing gate, erosion control and subsidence, an integrated drainage plan, consistency with NPS landscaping guidelines, a fire management plan, and adherence to the NPS dark skies initiative.

Department of Public Works, Land Use and Water Resources

21. PRIOR TO ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, the applicant shall submit or comply with the following:
 - a. Provide a driveway profile starting at centerline of Smith Road through proposed hammer head to proposed garage. Also provide cross-slope information on proposed driveway and hammer head.
 - b. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
 - c. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
 - d. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
 - e. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
 - f. Provide a letter verifying GGNRA acknowledgment and agreement of existing gate relocation within Marin Drive road right of way.
 - g. A Recorded Notice of Acknowledgement would be required for any structures proposed within Marin Drive right of way.
 - h. Applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

Southern Marin Fire Protection District

22. Driveways off access roads serving dwelling units shall meet Marin County Slope Standards related to dimensions, surfacing and slope. Driveways shall not exceed a slope of 25% and be of an all-weather surface. Slope in excess of 18% shall be surfaced with ribbed concrete.
23. Vertical overhead clearance of 13 feet 6 inches shall be maintained free of obstructions above any road bed (trees, brush, etc.).
24. Prior to Framing, provide one fire department approved fire hydrant to be spaced at 350 feet intervals and capable of providing a flow at the site of 1,000 gallons per minute. Hydrant placement (including water main extension) shall be reviewed and approved by the Southern Marin Fire Protection District and the Marin Municipal Water District.
25. A fire sprinkler is required in all new construction.
26. The address shall be posted in accordance with the requirements of the California Fire Code.
27. Smoke detectors shall be installed in accordance with the California Building Code.

28. All new roofs shall be non-combustible Class A roof as defined in the California Building Code.
29. The applicant shall comply with the California Fire Code and Public Resources Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Main Design Review approval by obtaining a Building Permit and/or Grading Permit and substantially completing the approved work for the common driveway and fire truck turnaround before January 14, 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 the applicant must vest the Main Land Division by filing a Parcel Map before January 14, 2013, 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 January 29, 2010.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary