



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR CASALNUOVO LAND DIVISION

Item No:	4	Project ID:	10-0327
Applicant:	Joseph Casalnuovo	Owners:	Joseph and Lorraine Casalnuovo
Property Address:	125 Tarry Road, San Anselmo	Assessor's Parcel:	176-251-27
Hearing Date:	May 12, 2011	Planner:	Kristina Tierney

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	10 working days to the Planning Commission
LAST DATE FOR ACTION:	June 21, 2011

PROJECT DESCRIPTION:

The applicant, Joseph Casalnuovo, is proposing to subdivide a 2.18 acre lot into two legal lots of record. The existing property ascends from Estate Drive in a generally northerly direction and would be divided into an eastern property, Parcel 1 containing 48,640 square feet, and a western property, Parcel 2 containing 46,524 square feet. Parcel 1 is accessed via Tarry Road and the lower portion is currently developed with an existing single-family residence, a pool, and a shed. Parcel 2 is vacant and would take access from Sulphur Spa and have a designated building envelope to contain a future residence. No development is proposed with this application.

GENERAL INFORMATION

Countywide Plan:	SF4 (1-2 units/acre)
Zoning:	R1-BD (Residential, Single Family, Sleepy Hollow)
Lot size:	2.18 acres
Adjacent Land Uses:	Single-family residential
Vegetation:	Non-native grassland and fruit trees
Topography and Slope:	Approximately 20 percent slope
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15315, Class 15 of the

CEQA Guidelines because it entails a land division on a conventionally zoned property with a building envelope having a slope of less than 20 percent. Further, a preliminary grading plan indicates that grading and retaining walls associated with construction of the residence would be minimal and no tree removal is required.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

PLAN CONSISTENCY:

The project would be consistent with the goals and policies of the Marin Countywide Plan because it involves a Land Division to establish one additional building site for a single-family residence. The division of the existing 2.18-acre lot into two lots containing 48,640 square feet and 46,524 square feet would be consistent with the 1-2 units per acre density range of the SF4 land use designation and the 1 acre minimum lot size of the R1:BD zoning district.

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 would comply with development standards, including those for access, water, sewer, fire, and visual resources. Future development proposed 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, Green Building Checklist, 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. Please refer to the detailed findings in the recommended Resolution.

PROJECT ANALYSIS:

Background

The 2.18-acre property is located in the unincorporated Sleepy Hollow community of San Anselmo and is currently accessed by Tarry Road. The project site ascends from Estate Drive in a generally northerly direction and would be divided into an eastern property, labeled as Parcel 1 and containing 48,640 square feet, and a western property labeled as Parcel 2 containing 46,524 square feet. It is currently developed with an existing single-family residence and garage on the lower portion of the property, near the cul-de-sac at the terminus of Tarry Road. The property is bounded to the north by open space and to the east, west and south by low density, single-family residential development.

As mentioned above, the topography of the property ascends towards the north with an average slope of approximately 34 percent and on-site elevations ranging from 260 feet to 430 feet. Vegetation on the site is largely ruderal vegetation and non-native fruit trees.

Biological Resources

No special status plant or animal species were identified in a biologist report as potentially occurring on the subject property based on site inspections and review of the Natural Diversity Database. The site is dominated by non-native grasses and fruit trees and no tree removal is proposed at this time.

Access

Access to Parcel 2 would be provided via the terminus of Sulphur Spa and an access easement over the neighboring property, further identified as APN 176-251-26. The access easement was created by document 2005-00644 which identifies a “non-exclusive easement for roadway, ingress, egress, drainage and any and all utilities purposes, over, in, under and upon” APN 176-251-26 for the benefit of APN 176-251-27. The Marin County Department of Public Works has reviewed this access easement and its creation documents and determined that it is sufficient to provide access to Parcel 2. The neighbors owning APN 176-251-26 claim that the existing easement would be overburdened by the proposed project and have submitted comments to that effect. They recommend that access be provide via Tarry Road rather than Sulphur Spa. In response to this recommendation, staff requested that the applicant investigate this alternative and submit an alternative access analysis. This analysis demonstrates that utilizing Tarry Road for access would require a substantial amount of grading and excavation, new impervious surface, tree removal, and expanses of retaining walls compared to using Sulphur Spa (see Table 1).

Table 1. Access Improvement Comparison

	Proposed Sulphur Spa Access	Alternative Tarry Road Access
Excavation	30 cubic yards	360 cubic yards
Fill	40 cubic yards	200 cubic yards
Retaining walls	263 square feet	1,875 square feet
Additional paving	440 square feet	4,940 square feet
Tree removal	3	25

As a result of the alternative access analysis and information provided from the Marin County Department of Public Works, the proposed access for Parcel 2 is determined to be adequate and appropriate to serve the new lot. Further, it is the position of Marin County that any dispute between neighbors regarding the interpretation of the intent of the language in the recorded document is a private matter between neighbors.

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 0.2 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 0.2 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 \$46,400, based on 0.2 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 April 25, 2011, a public notice was circulated for public review and comment. No comments were received.

CONCLUSION:

Staff finds that the proposed Land Division, as modified by conditions of approval, would comply with codes and policies to adequately protect the surrounding community environment, including the woodland resources. The building envelope would have moderate 18.6% slope and would result in minor grading, limited potential for erosion, and minor visual effects upon construction of a new residence. Subsequent grading and building permits will be required for the construction of a residence and for driveway improvements, including construction of retaining walls and access driveway to the residence. The development of the proposed lot would be compatible with the neighborhood.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Casalnuovo Land Division based on the findings and subject to the conditions contained therein.

- Attachments:**
1. Proposed Resolution recommending approval of the Casalnuovo Land Division application
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Marin County Department of Public Works Memo, 4/15/11
 7. Ross Valley Fire Department Memo, 11/01/10
 8. Marin Municipal Water District Memo, 11/23/10
 9. Ross Valley Sanitary District Memo, 11/23/10

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-XXX

A RESOLUTION APPROVING THE CASALNUOVO LAND DIVISION
125 TARRY LANE, SAN ANSELMO
ASSESSOR'S PARCEL 176-251-27

SECTION 1: FINDINGS

- I. WHEREAS, Joseph and Lorraine Casalnuovo submitted the Casalnuovo Land Division application to divide their property into two lots. The project is a proposal to divide a developed 2.18-acre lot into two lots, with Parcel 1 containing 48,640 square feet and Parcel 2 containing 46,524 square feet. Parcel 1, which is currently developed with an existing single family residence and garage would continue to take access from Tarry Road while Parcel 2, which is vacant, would be accessed by a new driveway from Sulfur Spa. No development is planned at this time. The property is located at 125 Tarry Lane, San Anselmo, and is further identified as Assessor's Parcel 176-251-27.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 12, 2011, 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 finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15315, Class 15 because it entails a land division on a conventionally zoned property with a building envelope having a slope of less than 20 percent. The project site does not contain sensitive biological resources and would require minimal grading and tree removal, and result in no potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed two-lot land division is consistent with the goals and policies of the Marin Countywide Plan (CWP) as discussed below:
 - A. The two-lot land division complies with the CWP SF4 (1-2 units/acre) land use designation as it would allow two residentially developed parcels. (*CWP Policy CD-8.6*).
 - B. The Marin Municipal Water District has confirmed, subject to District regulations, that adequate water is available to service two residentially developed parcels proposed by the two-lot land division.
 - C. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would entail no removal of native trees.

- D. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of plants or animals.
- E. No wetlands or stream conservation areas would be affected by the proposed project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
- F. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
- G. Future residential development would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- H. Conditions of approval and standard County practices would ensure that future residential development would provide adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around future structures (*CWP Policy EH-4.h*).
- I. The designated building envelope on Parcel 2 assures that future residential development would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- J. The project entails a modest two-lot land division in the City-Centered Corridor. The project is in keeping with the existing neighborhood character where the surrounding lots largely comprise approximately 0.5 to 1 acre of land. Further, no sensitive habitat is located on the property, the property is not designated Ridge and Upland Greenbelt, and the property utilizes the existing public water and sewer systems (*CWP Policy CD-1.1 and Program CD-1.a*).

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 to allow the future construction of one single-family residence, which is a principally permitted use on the property consistent with the Marin Countywide 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 and zoning standards because the two proposed residential lots on 2.18 acres would result in an overall density of one unit per acre. The Land Use Designations allows for a maximum of 1 to 2 units per acre, and the zoning requires a minimum lot size of 45,000 square feet for parcels with an average slope greater than 15 percent.
2. The 2.18-acre site is suitable for division into two building sites with 48,640 square feet, and 46,524 square of land, 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 and those for the R1:BD zoning district as well.
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 Subdivision Map Act.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Casalnuovo Land Division 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 2.185.-acre property into two lots with Parcel 1 containing 48,640 square feet and Parcel 2 containing 46,524 square feet. The subject property is located at 125 Tarry Lane, San Anselmo and is further identified as Assessor's Parcels 176-251-27.
2. Except as modified herein, plans submitted for a Tentative Parcel Map 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 1 sheets prepared by White and Prescott. The approved building envelope shall be included on a supplementary sheet to the Parcel Map.
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. 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 1	125 Tarry Lane, San Anselmo
Parcel 2	20 Sulphur Spa, San Anselmo

7. 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 prior to recordation. 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, building envelopes,

access, and easements. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code.

8. The Casalnuovo 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.
9. 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 Casalnuovo Land Division, 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.
10. 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.
11. 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.
12. 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.
13. 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.
 14. 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.

Department of Public Works, Land Use and Water Resources

BEFORE ISSUANCE OF A BUILDING PERMIT:

15. Parcel Map shall be recorded prior to issuance of any building permit for a dwelling on proposed Parcel 2 while existing dwelling at 125 Tarry remains.

BEFORE RECORDATION OF THE PARCEL MAP:

16. Expand Note 8 to specifically address Parcel 2.
17. Prior to recordation of a Parcel Map, submit a Parcel Map to DPW for review and approval. The Parcel Map shall be prepared in accordance with the Subdivision Map Act and MCC Title 22.

Ross Valley Sanitary District

18. Prior to any sanitary sewer work, the applicant will need to contact the District to provide drawings for review and provide verification of any needed easements in order to obtain the necessary permits required prior to installing any sanitary sewers.

Marin Municipal Water District

19. Water service can be activated upon the request and the fulfillment of the following requirements:
 - a. Completion of a High Pressure Water Service Application;
 - b. Submittal of a copy of the building permit and payment of required fees;
 - c. Completion of the structure's foundation within 120 days of the date of application;

- d. Compliance with the District's rules and regulations in effect at the time service is requested; and
- e. Compliance with the District's landscape requirements (Ordinance 385) through submittal of working drawings for all planting and irrigation systems to the District prior to provision of water service for new landscape areas, or improved or modified landscape areas.
- f. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Casalnuovo Land Division by filing a Parcel Map before May 12, 2014, 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 May 26, 2011.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of May 2011.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary