

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-121

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

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**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 48,650 square feet and Parcel 2 containing 46,514 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 48,650 square feet and Parcel 2 containing 46,514 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.

BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."

- a. All structures with roofs shall be constructed within the building envelope. Improvements such as driveways, utilities, fences, and low retaining walls shall be allowed outside the building envelope.
- b. The approved building envelope shall be included on a supplementary sheet to the Parcel Map and include Condition 2 a as note on the supplementary sheet.

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. The "Housing Impact Fee" normally charged at the Building Permit stage for residential development shall not apply to development on Parcel 2 of the Casalnuovo Parcel Map.
5. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Parks and Open Space Department, 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.
6. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.
7. 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

8. 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.
9. 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.

10. 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.

BEFORE ISSUANCE OF A BUILDING PERMIT:

11. Submit an arborist report clearly establishing Tree Protection Zones (TPZ) for the redwood trees located along the Sulphur Spa access easement and driveway extension. The arborist report shall also include recommendations for protecting the trees from driveway improvements, including construction of the associated retaining walls.
12. Proposed driveway improvements, including all retaining walls shall be designed in consultation with a qualified arborist to ensure protection of the redwood trees located along the Sulphur Spa easement and driveway extension. Any development within the established TPZ should avoid use of retaining walls and rely on drill pier footings. The location of the piers shall be placed in consultation with the arborist to minimize damage to tree roots.
13. 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.
14. 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.
15. 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.
16. 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.
  17. 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:

18. 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:

19. Expand Note 8 to specifically address Parcel 2.
20. 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

21. 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

22. 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 26, 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 12:00 p.m. on June 10, 2011.

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26<sup>th</sup> day of May 2011.

  
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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

  
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Joyce Evans  
Deputy Zoning Administrator Secretary