

Marin County Deputy Zoning Administrator
Regular Meeting
Thursday, November 29, 2012
9:00 a.m.

Agenda

1. LAND DIVISION (Project ID: 2012-0215): PACIFIC RESIDENTIAL LLC LAND DIVISION The subject property is located at 571 McClay Road, Novato, and is further identified as Assessor's Parcel 146-180-46.

Pacific Staff Report

In response to the Hearing Officer, staff stated that no additional correspondence has been received since the issuance of the staff report. Berenise Davidson, Department of Public Works, requested that Condition of Approval 23 be deleted because 2' shoulders are adequate and can be addressed at the time of the issuance of the Building Permit.

The Hearing Officer noted that an e-mail was received from Richard Sousa CSW/Stuber-Stroeh Engineering Group, dated Wednesday, November 28th.

The public testimony portion of the Hearing was opened.

Richard Sousa, CSW/Stuber-Stroeh Engineering Group, spoke regarding Condition of Approval 1. He stated that the Conforming Tentative Map will delay the process of the application and appears to be an extra step. He also questioned Conditions 3, 4, 5, and 14, in-lieu fees for parking and affordable housing. He asked to strike item 2; "and approval of the conforming map".

The Hearing Officer responded that the tentative map goes to the Department of Public Works Department and the conforming map serves as a print check copy of the parcel map prior to recordation. Discussion followed on conditions requiring submittals prior to parcel recordation. The Hearing Officer suggested that the owner wait until parcel map is ready to be submitted.

Dale White, representing the owner, spoke regarding the tentative map approval.

The Hearing Officer clarified that the Land Division describes the action and is not part of the name of the business entity.

David Ongaro, Rich Armusewicz, Dino Salvestrin and Frank McGovern, neighbors, expressed concerns regarding the easement that will service the parcel, questions whether the LLC for the Land Division was registered with the State, drainage, shade trees, and a sewer line allowing several additional homes to be built.

Discussion followed on the interpretation the extent of what the easement grants. Condition of Approval 21 shows that a grading permit shall be required, but may not be needed. In response to a question by the a neighbor, Berenice Davidson, Department of Public Works, stated that our code requires a 40 foot width for utilities and the Land Division is permissible based on the width of the easement.

COA # 21 - A grading permit does not appear to be needed, therefore this condition can be deleted.

Rich Armusewicz, neighbor, spoke regarding the easement, roadway and utilities. He asked about the right-of-way for access as a 30 foot instead of a 40 foot access. He asked about the urban Growth Boundary and if it is still in effect. Further questions followed on the Annexation. Berenice Davidson stated that our code requires a 40 foot width for utilities, and the Land Division is permissible based on the width of the easement. The Building Permit review will have a review of the placement of the utilities. It was noted that there is a natural water way that goes through the property and they should be aware of it.

The Public testimony portion of the Hearing was closed.

The Hearing Officer noted that there were no major issues to prevent approval, but further research is needed on access. Therefore, he continued the item until the December 13, 2012 hearing to provide an opportunity for review by County Council.

Berenice Davidson, Department of Public Works asked that easement documentation be submitted so she can review it with County Council for approval. She needs a document with highlighted language for review.

Staff stated that the applicant is in agreement for a continuance to December 13, 2012. Mr. [first speaker] will try to have documents in a week.

The maximum land density will be set with this approval, and drainage will be addressed to minimize runoff to downstream properties.

The Hearing Officer continued the hearing to the meeting of December 13, 2012. He noted the following that will need to be addressed for approval: Adequacy of the easement to serve single family lots; an adequate, available turnaround on Parcel #2; removal of Conditions of Approval #21 and #23; and keeping the conditions for a Conforming Tentative Map.

The meeting was adjourned at 10:48 AM.