

MARIN COUNTY PLANNING COMMISSION MINUTES
JULY 14, 2003
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland
Ross Herbertson
Don Dickenson
Jo Julin
Hank Barner
Steve Thompson

Commissioners Absent: Ray Buddie

Staff Present: Alex Hinds, Agency Director
Brian C. Crawford, Deputy Director of Planning Services
Tom Lai, Principal Planner
Barbara Collins, Affordable Housing Strategist
Jeremy Tejirian, Planner
Alexandra Morales, Planning Commission Secretary

Minutes Approved on: **July 28, 2003 (5A & 5B – Fireside Apartments)**
September 8, 2003 (1-4 and 6-10)

Convened at 1:00 p.m.
Adjourned at 5:00 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/s Julin/Barner, and passed unanimously of those present, to incorporate Staff Report into Minutes. Motion passed 6/0 (Commissioner Buddie not present).
- b. Continuances: None.

2. COMMUNICATIONS

The Commission acknowledged additional correspondence regarding the Fireside Apartments Master Plan/Rezoning/Precise Development Plan and Negative Declaration of Environmental Impact.

Commissioner Berland reported on his site visit to the Fireside Apartments site.

3. DIRECTOR'S ORAL REPORT

- a. Report on Progress of General Plan Updates
- b. Report on On-Going Development Projects

4. TIME FOR PUBLIC EXPRESSION ON ITEMS NOT ON TODAY'S AGENDA

- 5A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: CITIZENS HOUSING CORPORATION (FIRESIDE APARTMENTS) MASTER PLAN, REZONING, PRECISE DEVELOPMENT PLAN
- 5B. MASTER PLAN, REZONING, PRECISE DEVELOPMENT PLAN: CITIZENS HOUSING CORPORATION (FIRESIDE APARTMENTS)

Hearing to consider and make a recommendation to the Board of Supervisors on the merits of the proposed Citizens Housing Corporation (Fireside Apartments) Master Plan, Rezoning, and Precise Development Plan application for construction of 50 affordable housing units for families and seniors together with the adaptive reuse of the existing Fireside Inn as a community building, office and one residential unit. The existing motel structure south of the Fireside Inn building would be demolished to make room for 49 units. The property is adjacent to Shoreline Highway (Highway 1) near the southbound on-ramp to State Highway 101. Building A, proposed for the area of the site southeast of the Fireside Inn, would provide a mix of two-bedroom flats and two-bedroom townhouses, in a two level walk-up design. Southwest of the Fireside Inn, Buildings B and C would be three stories high providing a mix of studio and one-bedroom flats on a podium covering 53 ground level parking spaces. Buildings B and C would be served by a single elevator. Funding for the project will come from a variety of sources, including the Marin County Housing Trust Fund and the U.S. Department of Housing and Urban Development. The subject property is located at **115 Shoreline Highway, Mill Valley**, and is further identified as **Assessor's Parcels 052-182-03 and -04**.

Prior to making a recommendation on the merits of the project, the Planning Commission will consider the proposed Negative Declaration of Environmental Impact.

Tom Lai, project planner, summarized the merits of the proposed project as set forth in the staff report. He concluded his presentation by responding to Commissioners' questions by providing details of the proposed closure of the local access road in front of the property, exterior building materials, potential trail access, pedestrian access from the site to the Manzanita Transit Center, funding for installation of the two-way-left-turn lane, storm drainage improvements, the rainwater retention garden, evaluation of a potential spring on the property, and alignment of the new access driveway.

The hearing was opened to public testimony.

Jim Buckley, Citizens Housing Corporation, presented background information on the non-profit corporation, commented on the planning review process, and briefly expanded on the merits and benefits of the proposed project.

John Leonard, Jana Haehl (Marin Conservation League), William Cullen (Tam Design Review Board Chair), John Levinson (Marin Association of Realtors), Dave Coury (Marin Consortium for Workforce Housing), Noble Rocky Birdsey (Marin Center for Independent Living), Elizabeth Moody (Mill Valley Interfaith Housing Committee), Dorothy Hughes (resident), Steve Boyer (St. Vincent de Paul Society), and Patsy White (League of Women Voters) spoke in favor of the proposed project. General comments in support were as follows:

- The need for affordable rental housing in Marin County is huge and this proposal would provide affordable and below market rate housing for both families and senior citizens close to public transportation and residential services.
- The proposal entails redevelopment of an already developed property.
- The proposal emphasizes sustainable development and building methods, and will target some units for residents with special needs.
- Changing the current commercial motel use to residential use will reduce traffic trips.
- 150 local residents signed a petition in support of the development with the Marin Association of Realtors

Linda Johnson (Enterprise HOA), Neal Engler (Enterprise HOA), Sharon Rushton (resident), Peter Korican (resident), Sandra Glading (Marinview HOA), Margaret K. Zegart (resident), Warren Weagant (local business owner), David Schonbrunn (TransDef and resident) expressed the following concerns regarding the proposed project:

- The site is not suited for affordable housing because of traffic, flooding, and parking problems.
- The proposed pedestrian path to the Manzanita Center is unusable most of the time due to flooding. A more direct pedestrian crossing should have been explored. The timing for the pedestrian crosswalk is not long enough to accommodate senior citizens.
- The proposed median lane is unsafe.
- It is unclear whether Marin County residents will be the recipients of the affordable housing units. The project is too expensive. Locating an affordable housing project in one of the most expensive areas of Marin is a misuse of tax dollars.
- The project does not provide sufficient information about future and on-going maintenance needs.
- Caltrans has not completed their review of the project.
- The archaeological report was not conducted according to standards.
- Stormwater run-off may adversely affect Bothin Marsh.
- Larger three-bedroom units should be provided along with an outdoor children's recreation area.
- A Negative Declaration should not be granted since mitigations addressing all issues and concerns raised were not provided.
- The project does not address increased impervious surface runoff.
- The housing units are being counted twice as fair share allocation by the City of Mill Valley and the County of Marin.
- The project is inconsistent with the Community Plan's recommendation to develop three travel lanes in this portion of Shoreline Highway. A roundabout at the Manzanita intersection should be considered.
- The project does not include a conservation easement for the hillside portion of the property.

The hearing was closed to public testimony.

In addition to the information contained in the Staff Report and Supplemental Memorandum to the Planning Commission, Planning and Public Works staff provided the following responses to the issues raised:

- The proposed project includes proposed improvements that would address concerns about the traffic, flooding, and parking problems. These have been reviewed and found accepted by the Traffic Division staff, and no objections have been raised by Caltrans during previous consultation regarding the design of the traffic and circulation improvements.
- The proposed density is in the middle of the density range set forth by the Marin Countywide Plan, which allows a maximum density of up to 80 units on this site. Recent amendments to the Zoning Code may eliminate the need for the Rezoning since the project consists of a 100% affordable housing development.
- Adequate on-site parking will be available for the project.
- The development costs are evaluated and underwritten by all the funding sources and the costs are reasonable for an infill site. Fireside rents will be deed restricted for affordability for 55 years or longer, which is not true in the open market where rents are based on the economy.
- The applicant is required by the public funding sources to factor in on-going maintenance costs for the lifespan of the development.
- Tidal flooding occurs infrequently in the area (between four to six times per year). These occurrences are predictable through review of tide charts and implementation of a program that can be provided to the management of the affordable housing development so that alternative means of transportation could be provided in advance of these flood events. Additionally, long-term flood improvement projects that would be implemented jointly by the County and Caltrans should eliminate the flooding problem in the area.
- An alternative pedestrian crossing (across the southern leg for the Manzanita intersection) was evaluated and found to be less desirable due to the increased traffic delays that would result.
- All protocols and procedures required by applicable State and Federal law were followed in the preparation of the archaeological study for the project.
- Stormwater run-off will not increase as a result of the project; therefore no impacts to the marsh would result.
- The traffic engineer evaluated a longer pedestrian crosswalk phase and found that it would operate satisfactorily. Caltrans will make the final decision on the adequacy of the pedestrian crosswalk design and phasing plan as part of its review of the Encroachment Permit, which will occur only following confirmation that the County has approved the project.
- The site design provides secured outdoor living spaces for the residents.
- The Marin County Housing Element recently adopted by the Board of Supervisors does not identify a need for three bedroom units. It is anticipated that single head of household persons will occupy the family units, which is a high priority in the Housing Element. Three bedroom units would dramatically reduce the total number of units and add significantly to the parking requirement.
- The Negative Declaration is adequate for the project, and no new information has been presented that would require additional environmental review.
- The project is not inconsistent with the Community Plan's recommendation as long as the proposed improvements further the intent of the recommendation without creating an impediment to its attainment.
- A recommended condition of approval requires an open space agreement which functions as the equivalent of a conservation easement.

After taking into consideration all information provided, and expressing individual comments and concerns, the Commission found that the project is appropriate for the Fireside property and commended the project sponsor for working with staff to design an attractive project that would revitalize and improve the property. The Commission found that the project is consistent with the recently adopted Housing Element and would result in a residential density that is appropriate for the area while providing important public benefits. The Commission unanimously endorsed the project with the following modifications:

- The project's affordability shall be required in perpetuity and a minimum of 32 senior units shall be provided. Conversion of any of the units into a market-rate unit would require an amendment to the Master Plan.
- The applicant shall provide a secured public outdoor yard and include provisions for children's recreation area into the final design of the project.
- Allowance shall be made for additional vegetation removal if required to comply with fire management requirements or to provide adequate solar access.

- The applicant should evaluate the appropriateness of providing additional shuttle (jitney) service to the project.
- The applicant shall install an historical plaque or interpretative display in a public area near the Fireside Inn building to identify the historic significance of the building and underlying archaeological resources.
- The applicant shall confirm the presence of a spring near the development and incorporate it into the final design of the site improvements.

The Commission also requested that the applicant provide a report for consideration by the Board of Supervisors that addresses the feasibility of providing an alternative pedestrian crosswalk across the southern leg of the Manzanita intersection to provide a more direct access to the Transit Center.

M/s Julin/Berland, and passed unanimously, to recommend adoption of the proposed Negative Declaration of Environmental Impact to the Board of Supervisors. Motion passed 6/0 (Commissioner Buddie not present.)

M/s Julin/Berland, and passed unanimously, to recommend adoption of Ordinances approving the proposed Rezoning and Master Plan to the Board of Supervisors, as modified. Motion passed 6/0 (Commissioner Buddie not present.)

M/s Julin/Berland, and passed unanimously, to recommend adoption of Resolution approving the proposed Precise Development Plan to the Board of Supervisors, as modified. Motion passed 6/0 (Commissioner Buddie not present.)

Chair Herbertson informed all parties of interest that this matter would automatically go the Board of Supervisors for final action.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. 03-014

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND A
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE
CITIZENS HOUSING CORPORATION (FIRESIDE APARTMENTS)
REZONING 03-1, MASTER PLAN 03-3, AND PRECISE DEVELOPMENT PLAN 03-8

115 SHORELINE HIGHWAY, MILL VALLEY
ASSESSOR'S PARCELS 052-182-03, -04

SECTION I: FINDINGS

- I. WHEREAS Citizens Housing Corporation submitted an application seeking approval to develop a 50-unit affordable housing project located on the site of the Fireside Inn and Motel. The existing one-story motel behind the Fireside Inn would be demolished and replaced with three, two and three-story buildings totaling 28,320 square feet on the four-acre property. The existing two-story Fireside Inn building would be renovated and converted into a meeting room with a two-bedroom apartment upstairs. All units will be rented to low and very low income households. A total of 53 on-site parking spaces are provided. A crosswalk is proposed across Shoreline Highway that would link the site to the Manzanita Park and Ride facility, and the project includes installation of a two-way-left-turn lane in the Shoreline Highway median. The development incorporates various green building concepts, including use of solar photovoltaic systems, recycled materials, construction waste recycling, and rainwater retention/drainage systems. The Rezoning application seeks to rezone the four-acre property from the existing Residential Multiple Planned Commercial, one unit per acre (RMPC-1) district to a Residential Multiple Planned Commercial, 12.5 units per acre zoning district (RMPC-12.5). The subject property is located at **115 Shoreline Highway, Mill Valley**, on property further identified as **Assessor's Parcels 052-182-03 and -04**.
- II. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project which determined that potential impacts relating to geophysical factors are avoided or mitigated to a point where clearly no significant effects would occur because revisions in the project plans have been made by or agreed to by the applicant, and there is no evidence that the project as revised may have a significant impact on the environment.
- III. WHEREAS the Marin County Community Development Agency - Planning Division prepared a Mitigation, Monitoring and Reporting Program identified as "Exhibit 1," which encompasses the following:
 - A. A list of mitigation and monitoring measures required of the project sponsor at each stage of project approval and development.
 - B. A checklist to document and verify mitigation measure compliance.
 - C. A general condition of project approval which requires that all stages of project development shall conform with the adopted Mitigation, Monitoring and Reporting Program and stipulates that the County of Marin will verify compliance with each of the required mitigations.
- IV. WHEREAS the Marin County Environmental Coordinator determined that based on the Initial Study, a Negative Declaration of Environmental Impact was required for the project pursuant to CEQA.

- V. WHEREAS on June 9, 2003 a Negative Declaration was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration, and a notice of the public review period and hearing date to consider approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- VI. WHEREAS after the close of the public review period on July 9, 2003, the Marin County Planning Commission conducted a public hearing on July 14, 2003 to receive public testimony on the adequacy of the Negative Declaration for approval.
- VII. WHEREAS the Marin County Planning Commission has reviewed and considered the information contained in the Initial Study, Negative Declaration, and comments and responses thereto.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission hereby makes the following findings and recommends that the Board of Supervisors adopt a Negative Declaration of Environmental Impact and Mitigation, Monitoring and Reporting Program for the proposed project.

1. Notice of the public review 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 Planning Commission.
3. The Negative Declaration for the project consists of the Initial Study, Negative Declaration document, Mitigation Monitoring and Reporting Program, and supporting information incorporated by referenced therein.
4. The Negative Declaration was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's EIR process.

SECTION III: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of July 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Herbertson, Julin, Thompson

NOES:

ABSENT: Buddie

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. 03-015

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ENACT AN ORDINANCE APPROVING THE CITIZENS HOUSING CORPORATION
(FIRESIDE APARTMENTS) REZONING 03-1 AND MASTER PLAN 03-3
115 SHORELINE HIGHWAY, MILL VALLEY
ASSESSOR'S PARCELS 052-182-03, -04

SECTION I: FINDINGS

- I. WHEREAS Citizens Housing Corporation submitted an application seeking approval to develop a 50-unit affordable housing project located on the site of the Fireside Inn and Motel. The existing one-story motel behind the Fireside Inn would be demolished and replaced with three, two and three-story buildings totaling 28,320 square feet on the four-acre property. The existing two-story Fireside Inn building would be renovated and converted into a meeting room with a two-bedroom apartment upstairs. All units will be rented to low and very low income households. A total of 53 on-site parking spaces are provided. A crosswalk is proposed across Shoreline Highway that would link the site to the Manzanita Park and Ride facility, and the project includes installation of a two-way-left-turn lane in the Shoreline Highway median. The development incorporates various green building concepts, including use of solar photovoltaic systems, recycled materials, construction waste recycling, and rainwater retention/drainage systems. The Rezoning application seeks to rezone the four-acre property from the existing Residential Multiple Planned Commercial, one unit per acre (RMPC-1) district to a Residential Multiple Planned Commercial, 12.5 units per acre (RMPC-12.5) zoning district. The subject property is located at **115 Shoreline Highway, Mill Valley**, on property further identified as **Assessor's Parcels 052-182-03 and -04**.
- II. WHEREAS an Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All project-related effects have been discussed in the Initial Study and recommended mitigations have been incorporated into the recommended conditions of project approval.
- III. WHEREAS the Marin County Planning Commission has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds, subject to the recommended mitigation and monitoring measures and the recommended conditions of project approval contained herein, that this project will not result in any potential, 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 Planning Commission held a duly-noted public hearing on July 14, 2003, to consider the merits of the proposed Rezoning and Master Plan, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
 - A. The proposed residential use is consistent with the governing Residential Commercial (RS) land use designation and will result in a residential density of 12.5 units per acre, which is within the 1 to 20 units per acre density allowed by the RS land use designation. (Policy CD-14.3, Map 6.3.1)
 - B. The proposed project would not adversely affect the provision of public services for fire protection, roadways, and schools. (Policies EQ-1.1, EQ-3.10, A-1.1)

- C. The project will not directly or indirectly impact special status species or habitat diversity because the proposed improvements would be located either on or adjacent to previously-developed areas of the property, and the project will be designed to avoid tree removal and or other impacts to wildlife habitat. (Policies EQ-2.87 and EQ-3.6)
- D. The project will not result in air, water, and noise pollution. (Policy EQ-3.2)
- E. The project has been designed to avoid hazards associated with earthquakes, erosion, landslides, floods, and fires. (Policy EQ-3.7)
- F. The project will create a healthful, safe, and well-designed environment for the residents. (Policy EQ-3.8)
- G. The project will not result in significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities and will result in a beneficial impact on the social environment of the community through the provision of affordable housing. (Policy EQ-3.9)
- H. The project will retain the predominant visual qualities for the natural and built environments. (Policy EQ-3.11)
- I. The project will minimize the extent of removal of large, mature, native trees. (Policy EQ-3.14)
- J. The project will minimize the extent of grading that is required to conform to the standards of the Department of Public Works. (Policy EQ-3.16)
- K. The project will result in development that is in scale with the environmental constraints by siting the improvements away from steep slopes and geologically unstable portions of the property. Additionally, the project would be consistent with the design character of the Tamalpais community. (Policy EQ-3.25)
- L. The project would not affect archaeological resources that exist on the site because the project will implement a Treatment Plan to ensure maximum protection of an archaeological site and include monitoring of resources on-site during construction and compliance with state and federal requirements for preservation and monitoring of an archaeological site. The Fireside Inn would be preserved and renovated, consistent with its local historical importance. (Policy EQ 3.29)
- M. The project will not cause a deterioration of congestion levels in surrounding roadways below a Level of Service D. The project includes proposed improvements that would improve traffic and circulation patterns in order to mitigate potential traffic impacts and ensure operation of local intersections at a Level of Service D or better. (Policy T1.1)
- N. The project includes pedestrian access improvements, including sidewalks and pedestrian connections to surrounding trails and transit facilities. (Program T-5.3a)
- O. The project will result in a project that is 100% affordable to low and very low income households, including those with special needs, and result in a mixed-occupant transit-oriented and sustainable development. Additionally, the proposed project will be located on a site that is designated in the Housing Element as a site for potential affordable housing. (Objectives 3 and 4, Policies H3.12, H3.18, H4.2)
- P. The project will provide 50 units of housing for low income seniors and families in a transit-oriented site and development that reduces the dependency on private automobiles. (Policy H-1.17, Program H-1.17c, Program H-1.17d)

- Q. The project will comply with noise guidelines contained in the Noise Element for meeting interior and exterior noise levels through placement and orientation of buildings and private and public outdoor spaces and through use of sound-insulating materials and construction practices. (Programs N-1.1b and N-2.1b)
 - R. The project incorporates recommendations contained in a soils report to address construction near unstable slopes and bay mud. (Policies EH-5.2 and EH-6.1)
- VI. WHEREAS the Marin County Planning Commission finds that the proposed Rezoning and Master Plan applications, as conditioned herein, are consistent with the following goals contained in the Tamalpais Area Community Plan.
- A. The project is consistent with the Mixed Residential Visitor Commercial (MRVC) land use designation for the site.
 - B. The project will preserve a significant portion of the natural and cultural characteristics of the site by siting development over the lower, approximately 1.5 acre portion of the site, preserving and restoring the Fireside Inn building, and preserving and protecting existing archaeological resources. (Policy LU1.2)
 - C. The proposed development will be comparable in density and compatible in design with the scale (bulk, mass and height) and appearance (colors, materials and design) of the Tamalpais Valley neighborhood and will be integrated into the site's natural setting. (Policy LU1.3)
 - D. The proposed size, height, and building setbacks are comparable to that of other structures in the Tamalpais Valley neighborhood. The project will result in a 16% Floor Area Ratio which is less than the maximum 30% discussed in the Community Plan and would comply with the 30-foot height limit above natural grade. (Policy LU1.4 and Programs LU1.4c and LU1.4d)
 - E. The project will minimize and avoid removal of native trees and will minimize grading to the extent it would retain the natural landforms. (Program LU1.4d)
 - F. Conditions of approval requiring that the two Assessor's Parcels which comprise the site be merged would ensure compliance with the Community Plan policy that encourages owners of historic, substandard legal lots of record to merge them to create new lots. (Policy LU4.1)
 - G. The project would provide an affordable multiple-family residential development that would add to the variety of housing accommodations and the social mix that characterize the Tamalpais Valley community. (Objective LU.5)
 - H. The project would preserve the locally historic Fireside Inn and archaeological resources that underlay portions of the site. (Policies LU8.1 and LU8.2)
 - I. The project has been designed to minimize vegetation removal to ensure that it would not contribute to erosion or slope failure, sedimentation in streams, downstream flooding, or siltation of wetlands. This is accomplished through construction of debris flow fencing, use of rainwater retention features and installation of new stormwater drainage improvements. (Policy LU16.1)
 - J. Since the uphill side of Shoreline Highway forms an entrance to the Tamalpais Valley community and also acts as a community separator between Marin City and Tamalpais Valley, the proposed improvements have been clustered on the lower flat portion of the site in order to maximize the open space values of the site. A condition of approval will require a non-development agreement to be recorded over the upper hillside portions of the site. (Program LU34.1b)

- K. The project will consolidate four driveways into one and reduce the number of direct connections to Shoreline Highway. This is consistent with the Community Plan policy which prohibits additional roadways and driveways from accessing directly onto Shoreline Highway. (Policy T2.4)
- L. The project includes proposed improvements to Shoreline Highway, including construction of a two-way-left-turn lane which would ensure that the Manzanita intersection and affected intersections operate at a Level of Service D or better during the evening peak hour. Conditions of approval requiring on-going monitoring of the intersections following completion of the project would ensure compliance with this standard. (Policies T3.2, T3.4, and T4.1)
- M. A sufficient amount of on-site and off-street parking would be provided to meet the parking demand from the proposed project. (Policy T8.2)
- N. All public services (water, sewer, electricity, etc.) are available to service the project. (Policy PS1.1)
- O. The project is consistent with the development guidelines for the Shoreline and Manzanita areas, including those pertaining to design, circulation, and landscaping. (Policies LU33.1b, LU33.1c, and LU33.1d) In addition to general factors discussed in the ensuing findings of consistency with the community plan, the project would: (1) site development below the hillside areas west and south of Shoreline Highway in the Manzanita area; (2) comply with the height limit of three stores not to exceed 35 feet in height from the finished grade on the west side of Shoreline Highway; (3) provide screened and enclosed areas for water collection and storage; (4) use dark-colored roof materials and non-reflective solar collectors to minimize glare from view from the Headlands condominium and Highway 101; (5) provide pedestrian and bicycle path connection to the shoreline path system and provide easy access to public transit opportunities at the Manzanita Transit Center; (6) incorporate landscaped areas between Shoreline Highway and the buildings that screen the parking areas from Shoreline Highway; (7) utilize a landscape plan that employs a mix of low maintenance, water conserving, attractive, and functional species that relates to the shoreline open space; and (8) provide a landscaped roadside buffer from the parking areas that exceeds 10 feet in width in connection with the proposed abandonment of the local access roadway along the property's frontage.

VII. WHEREAS the Marin County Planning Commission finds that the proposed Rezoning would result in a residential density that is appropriate for the four-acre property. The subject property is zoned Residential Multiple Planned Commercial, one unit per acre maximum density (RMPC-1). The primary purpose of the RMPC zoning district is to allow for residential uses on lands with unique features where the application of standard setbacks and other rules might be inadvisable. Instead, a specific site plan may be designed for the site, using the general parameters of land use and density that is established for the zoning district. Permitted uses in the RMPC zoning districts include all uses permitted in the RMP (Residential Multiple Planned) and CP (Planned Commercial) districts, when approved by a Master Plan pursuant to Section 22.47.082 of the Marin County Code. The proposed project would result in multiple-dwelling buildings and related accessory uses that are principally permitted land uses in the zoning district, subject to Master Plan approval, pursuant to Sections 22.47.022(7) and (8) of the Marin County Code. However, since the proposed density of 50 units would not meet the zoning density maximum of one unit per acre, the project includes a proposed Rezoning that would increase the maximum density for the site to 12.5 units per acre. The proposed density increase is appropriate for the project due to the following factors: (1) the proposed project is consistent with the land use and density range established by the Countywide Plan for this property; (2) the proposed project would result in a substantial public benefit through the creation of 50 units of affordable housing; (3) the Master Plan and Precise Development Plan demonstrate that the project is consistent with the RMPC zoning district's development standards and Design Review findings; (4) the development would be clustered within the previously developed and served portions of the site, and away from the ridgeline and steeply sloped portions of the property in order to protect the site's natural resources and features; (5) the proposed residential density is consistent with the intensity of previous residential and commercial uses on the site with adequate provision of local utilities and public services; and (6) the project would not result in significant adverse environmental impacts that could not be mitigated.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, would not adversely impact the public health, safety, and welfare of residents living in the surrounding community and would result in substantial public benefits by: (1) providing 50 units of multiple-family apartments that would be 100% affordable to low and very low income renters; (2) ensuring that traffic congestion in affected intersections in the Manzanita Area not deteriorate below a Level of Service D; (3) providing sufficient on-site parking spaces to meet the needs of the future residents and guests; (4) protecting the upper hillside portion of the property through recordation of a private non-development agreement; (5) providing for future public access over the upper hillside portion of the property through the dedication of a floating access easement.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends that the Marin County Board of Supervisors approve the Citizens Housing Corporation (Fireside Apartments) Rezoning 03-1 application by enacting an ordinance amending Title 22 (Zoning) of the Marin County Code, which amendment would rezone Assessor's Parcels 052-182-03 and -04 from a Residential Multiple Planned Commercial, one unit per acre (RMPC-1) zoning district to a Residential Multiple Planned Commercial, 12.5 units per acre (RMPC-12.5) or equivalent zoning district, pursuant to the Zoning Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission hereby recommends approval of the Citizens Housing Corporation (Fireside Apartments) Master Plan 03-3 by the Board of Supervisors, subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.45 of the Marin County Code, the Citizens Housing Corporation (Fireside Apartments) Master Plan 03-3 is approved for the development of a 50-unit multiple-family housing project that would be rented to low and very low income senior and family households. The Master Plan authorizes the demolition and replacement of the existing one-story Fireside Motel with three, two and three-story buildings totaling approximately 28,320 square feet and the renovation and conversion of the existing two-story Fireside Inn into a meeting room with an apartment upstairs. The subject property is located at **115 Shoreline Highway, Mill Valley**, on property further identified as **Assessor's Parcels 052-182-03, and -04**.
2. The Master Plan comprises a general development scheme that is depicted in plans on file in the Community Development Agency and identified as "Exhibit A," entitled, "Fireside Housing" consisting of 22 plan sheets, prepared by Van Der Ryn Architects, Eco-Logic in Architecture and Planning, Land Development Solutions, Inc., TWM Architects and Planners, and April Philips Design Works, Inc., dated December 20, 2002 with latest revisions dated June 2, 2003.
3. Pursuant to Chapter 22.45 of the Marin County Code, a Precise Development Plan shall be submitted for review and approval of all improvements authorized in concept by this Master Plan. No development, land improvements, or building construction shall commence until a Precise Development Plan or Design Review is approved.
4. The existing Fireside Inn shall be preserved and renovated as necessary for a mix of community, residential, and compatible accessory uses.
5. Use and development of the subject property shall consist of a 50-unit multiple-family residential development that is affordable, in perpetuity, to low and very low income households. Minor modifications to the mix and size of affordable senior and family units that are necessitated by project financing requirements may be allowed without an amendment to the Master Plan, subject to review and approval by the Community Development Director. However, at no time shall the amount of affordable housing be reduced below 100 percent or the number of senior units be reduced below 32 units without an amendment to

the Master Plan. As utilized herein, affordable housing incorporates housing that is affordable to low and very low income households.

6. Any changes or additions to the project shall be submitted to the Community Development Agency – Planning Division for review to determine whether a Master Plan Amendment is required.

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends that the Master Plan shall be valid for a period of two years from the date of approval pursuant to Marin County Code Section 22.45.060. Due to the concurrent approval of a Rezoning, the date of approval for the Master Plan shall be the date the Rezoning approval becomes effective. The Master Plan shall not expire if a Precise Development Plan is approved. An approved Master Plan may be extended by the Community Development Director for a maximum period of four years beyond the initial period of approval provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan, and provided the Master Plan remains consistent with the Marin Countywide Plan. If the Master Plan is not vested through approval of a Precise Development Plan and substantial completion of the approved project, the County shall initiate a Rezoning of the property to revert the zoning to the Residential Multiple Planned Commercial, one unit per acre (RMPC-1) zoning district.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of July, 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Herbertson, Julin, Thompson

NOES:

ABSENT: Buddie

ROSS HERBERTSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-016

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE
CITIZENS HOUSING CORPORATION (FIRESIDE APARTMENTS) PRECISE DEVELOPMENT PLAN 03-8
115 SHORELINE HIGHWAY, MILL VALLEY
ASSESSOR'S PARCELS 052-182-03, -04

SECTION I: FINDINGS

- I. WHEREAS Citizens Housing Corporation submitted an application seeking approval to develop a 50-unit affordable housing project located on the site of the Fireside Inn and Motel. The existing one-story motel behind the Fireside Inn would be demolished and replaced with three, two and three-story buildings totaling 28,320 square feet on the four-acre property. The existing two-story Fireside Inn building would be renovated and converted into a meeting room with a two-bedroom apartment upstairs. All units will be rented to low and very low income households. A total of 53 on-site parking spaces are provided. A crosswalk is proposed across Shoreline Highway that would link the site to the Manzanita Park and Ride facility, and the project includes installation of a two-way-left-turn lane in the Shoreline Highway median. The development incorporates various green building concepts, including use of solar photovoltaic systems, recycled materials, construction waste recycling, and rainwater retention/drainage systems. The Rezoning application seeks to rezone the four-acre property from the existing Residential Multiple Planned Commercial, one unit per acre (RMPC-1) district to a RMPC-12.5, 12.5 units per acre zoning district. The subject property is located at **115 Shoreline Highway, Mill Valley**, on property further identified as **Assessor's Parcels 052-182-03 and -04**.
- II. WHEREAS an Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact. All project-related effects have been discussed in the Initial Study and recommended mitigations have been incorporated into the recommended conditions of project approval.
- III. WHEREAS the Marin County Planning Commission has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds, subject to the recommended mitigation and monitoring measures and the recommended conditions of project approval contained herein, that this project will not result in any potential, 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 Planning Commission held a duly-noticed public hearing on July 14, 2003 to consider the merits of the proposed Rezoning and Master Plan applications and took action recommending approval of the Rezoning and Master Plan applications to the Board of Supervisors.
- V. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on July 14, 2003 to consider the merits of the proposed Precise Development Plan, and hear testimony in favor of, and in opposition to, the project.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
 - A. The proposed residential use is consistent with the governing Residential Commercial (RS) land use designation and will result in a residential density of 12.5 units per acre, which is within the 1 to 20 units per acre density that is allowed by the land use designation. (Policy CD-14.3, Map 6.3.1)

- B. The proposed project would not adversely affect the provision of public services for fire protection, roadways, and schools. (Policies EQ-1.1, EQ-3.10, A-1.1)
- C. The project will not directly or indirectly impact special status species or habitat diversity because the proposed improvements would be located either on or adjacent to previously-developed areas of the property, and the project will be designed to avoid tree removal and or other impacts to wildlife habitat. (Policies EQ-2.87 and EQ-3.6)
- D. The project will not result in air, water, and noise pollution. (Policy EQ-3.2)
- E. The project has been designed to avoid hazards associated with earthquakes, erosion, landslides, floods, and fires. (Policy EQ-3.7)
- F. The project will create a healthful, safe, and well-designed environment for the residents. (Policy EQ-3.8)
- G. The project will not result in significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities and will result in a beneficial impact on the social environment of the community through the provision of affordable housing. (Policy EQ-3.9)
- H. The project will retain the predominant visual qualities for the natural and built environments. (Policy EQ-3.11)
- I. The project will minimize the extent of removal of large, mature, native trees. (Policy EQ-3.14)
- J. The project will minimize the extent of grading that is required to conform to the standards of the Department of Public Works. (Policy EQ-3.16)
- K. The project will result in development that is in scale with the environmental constraints by siting the improvements away from steep slopes and geologically unstable portions of the property. Additionally, the project would be consistent with the design character of the Tamalpais community. (Policy EQ-3.25)
- L. The project would not affect archaeological resources that exist on the site because the project will implement a Treatment Plan to ensure maximum protection of an archaeological site and include monitoring of resources on-site during construction and compliance with state and federal requirements for preservation and monitoring of an archaeological site. The Fireside Inn would be preserved and renovated, consistent with its local historical importance. (Policy EQ 3.29)
- M. The project will not cause a deterioration of congestion levels in surrounding roadways below a Level of Service D. The project includes proposed improvements that would improve traffic and circulation patterns in order to mitigate potential traffic impacts and ensure operation of local intersections at a Level of Service D or better. (Policy T1.1)
- N. The project includes pedestrian access improvements, including sidewalks and pedestrian connections to surrounding trails and transit facilities. (Program T-5.3a)
- O. The project will result in a project that is 100% affordable to low and very low income households, including those with special needs, and result in a mixed-occupant transit-oriented and sustainable development. Additionally, the proposed project will be located on a site that is designated in the Housing Element as a site for potential affordable housing. (Objectives 3 and 4, Policies H3.12, H3.18, H4.2)

- P. The project will provide 50 units of housing for low income seniors and families in a transit-oriented site and development that reduces the dependency on private automobiles. (Policy H-1.17, Program H-1.17c, Program H-1.17d)
 - Q. The project will comply with noise guidelines contained in the Noise Element for meeting interior and exterior noise levels through placement and orientation of buildings and private and public outdoor spaces and through use of sound-insulating materials and construction practices. (Programs N-1.1b and N-2.1b)
 - R. The project incorporates recommendations contained in a soils report to address construction near unstable slopes and bay mud. (Policies EH-5.2 and EH-6.1)
- VII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan, as conditioned herein, is consistent with the following policies contained in the Tamalpais Area Community Plan.
- A. The project is consistent with the Mixed Residential Visitor Commercial (MRVC) land use designation for the site.
 - B. The project will preserve a significant portion of the natural and cultural characteristics of the site by siting development over the lower, approximately 1.5 acre portion of the site, preserving and restoring the Fireside Inn building, and preserving and protecting existing archaeological resources. (Policy LU1.2)
 - C. The proposed development will be comparable in density and compatible in design with the scale (bulk, mass and height) and appearance (colors, materials and design) of the Tamalpais Valley neighborhood and will be integrated into the site's natural setting. (Policy LU1.3)
 - D. The proposed size, height, and building setbacks are comparable to that of other structures in the Tamalpais Valley neighborhood. The project will result in a 16% Floor Area Ratio which is less than the maximum 30% discussed in the Community Plan and would comply with the 30-foot height limit above natural grade. (Policy LU1.4 and Programs LU1.4c and LU1.4d)
 - E. The project will minimize and avoid removal of native trees and will minimize grading to the extent it would retain the natural landforms. (Program LU1.4d)
 - F. Conditions of approval requiring that the two Assessor's Parcels which comprise the site be merged would ensure compliance with the Community Plan policy that encourages owners of historic, substandard legal lots of record to merge them to create new lots. (Policy LU4.1)
 - G. The project would provide an affordable multiple-family residential development that would add to the variety of housing accommodations and the social mix that characterize the Tamalpais Valley community. (Objective LU.5)
 - H. The project would preserve the locally historic Fireside Inn and archaeological resources that underlay portions of the site. (Policies LU8.1 and LU8.2)
 - I. The project has been designed to minimize vegetation removal to ensure that it would not contribute to erosion or slope failure, sedimentation in streams, downstream flooding, or siltation of wetlands. This is accomplished through construction of debris flow fencing, use of rainwater retention features and installation of new stormwater drainage improvements. (Policy LU16.1)
 - J. Since the uphill side of Shoreline Highway forms an entrance to the Tamalpais Valley community and also acts as a community separator between Marin City and Tamalpais Valley, the proposed improvements have been clustered on the lower flat portion of the site in order to maximize the open

space values of the site. A condition of approval will require a private non-development agreement to be recorded over the upper hillside portions of the site. (Program LU34.1b)

- K. The project will consolidate four driveways into one and reduce the number of direct connections to Shoreline Highway. This is consistent with the Community Plan policy which prohibits additional roadways and driveways from accessing directly onto Shoreline Highway. (Policy T2.4)
- L. The project includes proposed improvements to Shoreline Highway, including construction of a two-way-left-turn lane which would ensure that the Manzanita intersection and affected intersections operate at a Level of Service D or better during the evening peak hour. Conditions of approval requiring ongoing monitoring of the intersections following completion of the project would ensure compliance with this standard. (Policies T3.2, T3.4, and T4.1)
- M. A sufficient amount of on-site and off-street parking would be provided to meet the parking demand from the proposed project. (Policy T8.2)
- N. All public services (water, sewer, electricity, etc.) are available to service the project. (Policy PS1.1)
- O. The project is consistent with the development guidelines for the Shoreline and Manzanita areas, including those pertaining to design, circulation, and landscaping. (Policies LU33.1b, LU33.1c, and LU33.1d) In addition to general factors discussed in the ensuing findings of consistency with the community plan, the project would: (1) site development below the hillside areas west and south of Shoreline Highway in the Manzanita area; (2) comply with the height limit of three stories not to exceed 35 feet in height from the finished grade on the west side of Shoreline Highway; (3) provide screened and enclosed areas for water collection and storage; (4) use dark-colored roof materials and non-reflective solar collectors to minimize glare from view from the Headlands condominium and Highway 101; (5) provide pedestrian and bicycle path connection to the shoreline path system and provide easy access to public transit opportunities at the Manzanita Transit Center; (6) incorporate landscaped areas between Shoreline Highway and the buildings and that screen the parking areas from Shoreline Highway; (7) utilize a landscape plan that employs a mix of low maintenance, water conserving, attractive, and functional species that relates to the shoreline open space; and (8) provide a landscaped roadside buffer from the parking areas that exceeds 10 feet in width in connection with the proposed abandonment of the local access roadway along the property's frontage.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan is consistent with the Fireside Master Plan through the proposed development of a 50-unit multiple-family residential project and preservation of the Fireside Inn based on the general development scheme that is established in the Master Plan.

IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the requirements of the RMPC (Residential Multiple Planned Commercial) zoning district because: (1) the proposed multifamily residential use is consistent with a principally-permitted use as established in the Citizens Housing Corporation (Fireside Apartments) Master Plan (Marin County Code Section 22.47.082); (2) the proposed development has been sited in a clustered arrangement over the lower, developed portion of the site and away from the visually sensitive hillsides and ridgelines, in the most accessible and most geologically stable portion of the site (Marin County Code Section 22.47.024[2][a]; (3) grading has been minimized so as to retain the predominant hillside features of the land (Marin County Code Section 22.47.024[1][a]; (4) the project would not result in significant tree removal or other impacts to wildlife habitat (Marin County Code Section 22.47.024[1][e]; (5) the proposed buildings would be below the maximum height of 30 feet above natural grade (Marin County Code Section 22.47.024[2][e]; (6) the proposed materials and colors will blend into the natural environment through use of earth-tone colors and non-reflective finishes (Marin County Code Section 22.47.024[2][f]; and (7) the project includes use of materials, siting, and construction techniques to minimize consumption of natural resource and use of water-

conserving fixtures, recreation facilities that are geared towards family and senior populations, and pedestrian links to potential future trails (Marin County Code Section 22.47.024[2][h]).

- X. WHEREAS the Marin County Planning Commission finds that findings for approval of Development Plan can be made for the proposed project and is consistent with the requirements for approval of a Design Review contained in Marin County Code Section 22.82.040 based on the following factors.
- A. The proposed multiple-family residential uses would be consistent with a principally-permitted use under the governing Residential Multiple Planned Commercial (RMPC) zoning for the property, as established in the Master Plan.
 - B. The project is consistent with the required Design Review findings contained in Marin County Code Section 22.82.040 due to the following reasons: (1) the project would result in structures that incorporate characteristics of height, mass, and bulk that are proportionally appropriate to the property and that would maintain adequate setbacks from property lines and other buildings on the subject and surrounding properties; (2) construction of the proposed project would result in uses that are principally permitted pursuant to the Master Plan for the property; (3) all site improvements would be located solely within the subject property and would not interfere with drainage easements and open space areas in the vicinity of the project site; (4) the project would not result in significant tree removal; (5) the proposed project has been designed to minimize drainage alterations, grading and excavation, and other adverse physical effects on the natural environment; and (6) the design of the proposed buildings would be compatible with other structures in the Tamalpais Valley community, would respect the surrounding natural environment, and would not adversely affect the views, light, air, or privacy of other properties in the vicinity.
 - C. The project would renovate the historic Fireside Inn and replace the existing Fireside Motel structure by constructing two and three-story multiple-family residential structures that would provide a beneficial visual impact and enhance the gateway character to the Tamalpais Valley community. The project would maintain a scale (bulk, mass, and height) and appearance that complements the existing commercial development in the area, while preserving the unique landmark character of the Fireside Inn. The proposed buildings would maintain an adequate setback and buffer of at least 25 feet from the Fireside Inn to allow for visual emphasis to remain on the Inn as the focal point on the property. Proposed front yard setbacks of 64 feet and eight feet that are maintained by Buildings C and A, respectively, would be compatible with other development in the area in light of the large shoulder and wetland area that separate the site from the edge of road and travel lanes on Shoreline Highway. The proposed buildings incorporate sufficient articulations in the roof massing (with an overall mass that steps from the two-story family apartments located on the east portion of the property to the three-story senior units and parking garage located on the west side of the property). The proposed buildings would all be located at or below the zoning district's 30-foot height limit, with exception to four architectural features, consisting of a three-foot high attic vent cupolas, which attain a maximum height of 33 feet above natural grade. The new structures would utilize a natural exterior earthtone color palette that reinforces the semi-rural character of the surrounding community. Photo visual simulations of the proposed development demonstrate that the project would not result in an abrupt transition in land use and would maintain existing scenic public views of the Marin Headlands and the Bay shoreline. Additionally, the project will not impact views from the Headlands condominium development, which is located approximately 200 feet in elevation above the elevation for the proposed project. Overall, the project would result in a beneficial visual impact to the Manzanita area.
 - D. The development has been sited over the flattest, most geologically-stable portion of the property. The geotechnical report, prepared by Treadwell & Rollo, Inc. indicates that the development area is underlain at relatively shallow depth by colluvium deposits and Franciscan bedrock, and that there is a relatively high water table with bay mud below certain portions of the property. There is the apparent presence and history of a minor landslide located at the base of the old Quarry site and an area with shallow landslide deposits and debris flow scar in the vicinity of the westerly swale that is located above proposed Building B. Evidence of debris flows, probably date from operation of the quarry dating back to the 1940s. In

order to ensure that the slopes are stabilized to reduce potential landslide danger to the development, the applicant has proposed a stabilization program that would include the following components: (1) construction of an impact fence or wall and catchment area uphill of the development to contain debris flows that may emanate from the westerly swale/slide area and rock falls from the quarry walls; and (2) installation of a deflection wall along the easterly property boundary that is oriented to divert debris flows that may emanate from the easterly off-site swale away from the buildings. Implementation of these measures would protect future residents from potential hazards associated with these geological constraints on the property.

- E. The project will not result in unacceptable levels of congestion on surrounding roadways and intersections as a result of proposed circulation improvements. The proposed reduction and consolidation in the number of driveway connections to Shoreline Highway from four to one will provide a safer vehicular access to and from Shoreline Highway. The Countywide Plan policies require the maintenance of a minimum Level of Service (LOS) D or better for all roadways in the unincorporated areas of the County.

Access to the project site is provided from Shoreline Highway which serves as the primary access to the unincorporated Tamalpais Valley community as well as a regional access to parklands in West Marin. According to the traffic study, prepared by Robert L. Harrison, the project is expected to generate 232 daily and 203 weekend trips, with 16 weekday evening and 28 weekend afternoon peak hour trips. The project would result in a less than one percent increase in total daily traffic on Shoreline Highway, which carries approximately 30,000 vehicles per day. The traffic study evaluates the project's effects on the signalized Manzanita intersection (Highway 101 southbound on/off ramps with Shoreline Highway) and at the Manzanita Park and Ride Lot intersection with Shoreline Highway as well as the driveway intersections at the Fountain Motel and the commercial businesses across Shoreline Highway to the north. The analysis incorporates the proposed inclusion of an 18 second all-walk phase pedestrian crossing at the Manzanita intersection to allow sufficient time for pedestrians to cross the 70-foot wide section of Shoreline Highway.

With exception to the respective left turn movements out of the project site and the commercial uses on the north side of Shoreline Highway, all studied intersections will operate at a LOS C or better as a result of the project. It should be pointed that, without the project, considerable delays at the Manzanita intersection currently occur as a result of congestion caused by summer weekend traffic to the West Marin parklands. During these summer weekend peak hours, vehicle queues could occasionally extend back through the Manzanita intersection with traffic occasionally extending back to Highway 101 through the northbound and southbound off-ramps.

Although the two left turn movements at the intersection currently operate at a LOS F (representing a delay of more than 60 seconds for a vehicle to move through the intersection) utilizing the Highway Capacity Manual's (HCM) calculations, the actual average delay based on field measurements of traffic exiting the commercial development on the north side of Shoreline Highway is approximately 28 seconds, which reflects a LOS D. This is attributable to many drivers making the left turn movement in two steps, including waiting for a gap in northbound traffic to move to the center of the highway and merging into southbound traffic when there is a sufficient gap. The two-step movement has been observed despite the lack of a designated refuge area in the center of Shoreline Highway. Factoring for this observed delay in the HCM model, the project is expected to cause a deterioration in the level of service by approximately 10 seconds on average, to a LOS E. In order to attain a minimum LOS D for these movements, the project includes a proposed two-way left turn lane (TWLTL), which would reduce this delay and improve the left turn movements to an acceptable LOS C. While the TWLTL will assist by providing a safer access onto Shoreline Highway, it cannot alleviate the occasional congestion associated with the high volume of recreationally bound traffic during certain summer weekends.

In the analysis of cumulative impacts (i.e. impacts from traffic generated by the project in addition to potential future development in the Tamalpais Valley area, including a proposed service station (Shanazi)

on the commercial property across from the Fountain Motel and a 150-room hotel complex along the Richardson Bay Shoreline (Whaler's Point)), the project will not result in a change in the LOS below a LOS C with the exception of the eastbound left turn movement during the afternoon peak hour, which is expected to improve to an acceptable level as a result of the construction of the proposed TWLTL. The Department of Public Works – Traffic Division staff is recommending that transportation facilities fees not be required for this project pursuant to Marin County Code Chapter 15.07. This is made on the basis that the proposed project is expected to generate fewer peak hour trips (14 weekday morning peak, 16 weekday evening peak, 28 weekend afternoon peak) than the existing motel and previous residential uses (16 weekday morning peak, 40 weekday evening peak, 56 weekend afternoon peak).

In order to ensure that the operation of the affected intersections would function at acceptable Levels of Service, the applicant will be required to construct the pedestrian crosswalk and two-way-left-turn lane prior to occupancy for the project and to pay for periodic traffic monitoring that would be conducted by the County or a qualified consultant chosen by the County for a period of three years following project occupancy. The monitoring would be required to confirm that the affected intersections operate at a Level of Service D or better. Should the monitoring determine that the intersections operate at a Level of Service E or worse and that the deterioration is directly attributable to this project, the applicant shall be required to amend the Precise Development Plan and to work with the County and the California Department of Transportation to substitute and implement feasible alternative traffic mitigations that would allow the intersections to operate at an acceptable level of service. These may include prohibition of left turn movements out of the site, signalization of the project driveway with Shoreline Highway, or provision of alternative pedestrian access to the Manzanita Transit Center.

The proposed pedestrian-activated crosswalk has been evaluated utilizing an 18-second all-walk phase. The inclusion of the all-walk phase to the Manzanita intersection will result in a deterioration in the overall Level of Service from a LOS B to a LOS C during the weekday morning peak and weekend afternoon peak hours, which is considered as an acceptable LOS by the County. The movement that would be most affected by the inclusion of the pedestrian crosswalk would be the eastbound vehicles that would turn right onto the Highway 101 on-ramps. This movement should experience a delay of up to 26 seconds. Although this accounts for the average length of time that a pedestrian will take to cross the approximately 70-foot wide Shoreline Highway, concerns have been raised that those with less mobility, such as senior citizens, may require more time to cross the roadway. While there is some merit to this concern, the traffic analysis includes adjustments that would allow for a range of delays and that even with a longer all-walk phase, all turning movements is projected to operate at LOS D or better. Additionally, the project is likely to include access to special transportation services, such as those provided through the Whistlestop Wheels program, that would provide senior residents with alternative modes of transportation so that use of the crosswalk by the seniors, especially during the weekday morning peak hour would be reduced.

- F. The project will not result in adverse on-site or offsite parking impacts. A total of 53 on-site parking spaces, including three accessible stalls, are proposed. The total parking required for the project utilizing Marin County Title 24 would be 67 spaces. The project would result in a ratio of parking to units of 1.06 spaces per unit, where 1.34 spaces per units are typically required for a multi-family housing with the proposed mix of studio, one- and two-bedroom units. The proposed parking plan can be supported because a sufficient number of on- and off-site parking spaces would be available for this project taking into account the following factors: (1) the transit-oriented nature of the proposed development and site; (2) parking demand comparison with national and regional models; and (3) parking provided by similar affordable housing projects in the County.

Countywide Plan Housing Policy H3.15 allows for up to a 30% reduction in the required parking for transit-oriented affordable housing projects located on sites within 0.25 mile of a transit stop. The proposed 53 on-site parking spaces would be sufficient to comply with County parking requirements if a 30% reduction is applied for the 18 family apartment units and guest parking. Application of a modified parking ratio by the Department of Public Works yields a parking demand of 54 spaces, resulting in

shortfall of one space, which has been deemed acceptable based on the transit-oriented nature of this development. The transit-oriented nature of the proposed development and site represents a primary consideration in determining the amount of required parking. The subject property is located within 0.25 mile of the Manzanita Transit Center, which is located with convenient access to and from Highway 101 (the major north-south regional highway through the County) and Shoreline Highway (a major east-west roadway access to West Marin parklands and communities). The Transit Center is served by four Golden Gate Transit routes, the Marin Airporter, and by local taxi cabs. Parking is available during non-peak hours at the Manzanita Park and Ride facility and within the approximately 100 street parking spaces in the area. During peak hours, where off-site parking may be limited, there is likely to be more on-site unassigned parking spaces available as well. There may be additional parking spaces available within 0.25 mile of the property upon completion of the County of Marin's 60-space surface parking facility located on the Felton property (Assessor's Parcel 052-227-02) and planned pedestrian connections to that facility from the Manzanita Transit Center.

Additionally, the proposed project includes a number of transit-oriented features that would reduce the demand for private automobile use, including provision of a pedestrian crossing that would provide safe access to an existing trail network located on the north side of Shoreline Highway with convenient connections to the Transit Center and to commercial businesses and services located nearby at Tamalpais Junction, in Mill Valley, and in the Sausalito/Marin City communities. Within the development would be 20 bicycle lockers and a standard bicycle rack. The applicant also intends to partner with City CarShare, a private non-profit organization, to provide a CarShare vehicle either onsite or at the Manzanita Transit Center Park and Ride lot in order to provide residents with another alternative to private automobile use. Additionally, the applicant is in discussions with the Whistlestop Wheels, a transit and meals service provider, to provide paratransit services to residents who are disabled or elderly and frail or who may be in need of in-home meal delivery. Conditions of approval would require the applicant to implement the CarShare and Whistlestop Wheels, or equivalent programs as part of the ongoing operation of the affordable housing project and to submit a shuttle plan, for review and approval by the Community Development Director, which includes an analysis of the feasibility and demand for additional shuttle services for senior and non-senior residents of this facility.

- G. The project would be located over a prehistoric shellmound deposit consisting of a possible Coast Miwok Native American habitation site that has been extensively researched and documented. The proposed development would require monitoring and management of potential prehistoric resources that may be uncovered during construction. According to the archaeological report prepared by Archaeological Resource Service (ARS), research of prior archaeological records indicates that the site was once developed with a saloon, residence and barn as early as the late 1800s. The Fireside Inn was originally constructed in 1906 as the Manzanita Villa. It was operated as a saloon and roadhouse, and after renovations in 1926, as the Manzanita Hotel through the 1920's. The Inn was built upon a prehistoric shellmound which fronts what was once a wagon road that separated the structure from the historic perimeter of the Bothin Marsh to the north. The California Historic Resource Inventory System has a record on file of the site as a prehistoric habitation site known as CA-MRN-05. Between the 1930s and 1950s, a single-story motel building was added to the south of the Inn, which was known as the Fireside Lounge and Motel. The original Fireside Inn has functioned as an inn and restaurant, operating under many different names, including the El Rebozo Restaurant/Cafe, until closing in the late 1990s. When an addition was added to the original restaurant building in 1957, two prehistoric human skeletons were discovered in the midden site beneath the building.

More recent surface and subsurface investigations conducted by ARS confirmed the presence of the aboriginal shellmidden beneath the Fireside Inn but found no evidence of any culturally modified soil deposits in the hillside area where the new buildings are proposed. The midden extends approximately from the current perimeter of the Fireside Inn eastwards for approximately 60 feet, most of which have been paved over currently as a parking lot. The potential for additional human skeletal remains and associated artifacts may also be uncovered as a result of proposed project, including excavation activities and foundation repair work proposed for the Inn. Because culturally modified shell-laden soil deposits

were present behind the Inn, ARS concluded that there is a potential that removal of the existing motel might also encounter relatively thin and heavily disturbed midden. Archaeological reconnaissance and testing in connection with the proposed project was limited to the Fireside property and did not extend into the Shoreline Highway right-of-way. However, the extent of impact to the right-of-way, including review of a Caltrans archaeological assessment that was conducted in 1997, was considered by the project archaeologist. Based on these factors, a Treatment Plan has been prepared to provide for the proper management of prehistoric resources that may be affected by the project. The Treatment Plan specifies requirements for preconstruction consultation, construction monitoring, and methods of excavation, research and resource management. In light of the presence of the prehistoric midden site and the potential for disturbance, conditions of approval will require the applicant to implement the Treatment Plan and submit confirmation to the County and appropriate entities verifying compliance with the requirements contained in the Treatment Plan.

Overall, the project has been designed to avoid and minimize impacts to known archaeological resources that underlay portions of the site. All work by the project's archaeologist was undertaken in compliance with the requirements of the CEQA Guidelines and Section 106 of the National Historic Preservation Act. All testing was conducted to avoid, minimize or mitigate the adverse effects on the resources. Nonetheless, it is possible that proposed work within the State right-of-way may impact the potentially significant archaeological resource, and the project archaeologist has recommended measures in the Treatment Plan that would minimize potential adverse impacts associated with the proposed project. These recommendations apply to both work proposed within the Fireside property and in the right-of-way. Conditions of project approval will require strict adherence to the Treatment Plan and confirmation from the State Office of Historic Preservation that the archaeological monitoring and reporting have been conducted in compliance with the Treatment Plan prior to occupancy of the project. The Treatment Plan prescribes the following measures: (1) construction monitoring to minimize disturbance to the underlying archaeological deposits; (2) research and documentation of artifacts obtained through site testing or data recovery; (3) protocols for handling discovered resources, including human skeletal remains; (4) specific methods and tools for investigation; (5) site protection from inclement weather and security hazards; and (6) documentation and reporting of all discovered resources. Although the site is eligible for the National Register, its eligibility is based on the archaeological significance of the midden site and not the historic significance of the Fireside Inn structure, which is only designated as a local landmark in the Community Plan. Nonetheless, in response to comments received from the California Department of Transportation, the applicant has submitted a letter that proposes to modify the scope of improvements within the right-of-way to that minimally necessary to close the existing local access road and to construct the pedestrian crosswalk in order to minimize disturbance of archaeological resources that are known to exist in the right-of-way. It is anticipated that implementation of the Treatment Plan will reduce impacts to significant cultural resources to a non-significant level, as required by CEQA and NEPA and the policies of the State Office of Historic Preservation.

The proposed project would retain and renovate the Fireside Inn to serve as the historic focal point on the property. Although the Fireside Inn is characterized in the Community Plan as a local landmark, it has been found to be ineligible for both the National Register and the California Register, but of sufficient integrity and significance to rate a National Register Status Code of "5S", individually significant at the local level. A "5S" rating means the resource is "Not eligible for separate listing or designation under an existing or likely local ordinance, but is eligible for special consideration in local planning." Although strict application of federal standards for rehabilitation is not necessary for the rehabilitation of the Fireside Inn, the proposed project has been designed to incorporate the following principals that would ensure that no conflict with the historic character of the Inn would result: (1) the proposed renovations to the Inn would entail modest modifications that include removal of additions and building alterations that were made to the original structure in order to simplify the exterior building features to present a more coherent architectural vernacular; (2) all new construction would be set back at least 25 feet from the Inn to provide a physical buffer and ensure that new construction would not overwhelm or compete with the visual prominence for the building; and (3) proposed landscaping and site features would complement the

building through selective placement of new trees, use of native grass and shrub species, and use of shell and rock inlay in the site walls and paving that are inspired by the historic Native American shellmound.

- H. The project has been designed to comply with guidelines for acceptable exterior and interior noise levels for residential uses that are contained in the Countywide Plan's Noise Element. Given the site's proximity to Highway 101 and Shoreline Highway, the predominant source of noise that the project would be exposed to consists of automobile, bus, and truck noise. Noise Element Program N-1.1b states that an acoustical analysis shall be performed for new residential development in areas exposed to outdoor noise levels that are greater than 60 dBA (A-weighted decibels) in order to determine the appropriate mitigation measures for meeting an exterior noise level of 60 dBA, as measured at the property line, and an interior noise level of 45 dBA. Program N-2.1b states that for areas that already exceed the "normally acceptable" noise level (greater than 60 dBA), a significant noise impact is triggered if the new construction raises the noise level by more than 3 dBA.

An acoustical analysis, prepared by Wilson, Ihrig and Associates, Inc. Acoustical Consultants, found that existing noise levels of 70 dBA exist along the northeasterly front property line and 65 dBA in the vicinity of the Fireside Inn and Motel. Factoring projected increases in traffic on Highway 101, a future noise level of 71 dBA is expected along the front property line, which is considered less than significant under Program N-2.1b. Although the daytime hourly levels are higher than 60 dBA, these levels are conditionally acceptable for multiple-family residential uses pursuant to Noise Element Table N-2. Furthermore, the applicant proposes a number of mitigations that would minimize exposure of future residents to excessive noise levels including: (1) orienting the private patio and balconies away from Highway 101 and Shoreline Highway or eliminating them for certain second floor units that face these roadways; (2) utilizing interior atrium and hallways for the senior resident units; (3) utilizing vegetation and a strawbale wall along the northeasterly front property line; (4) providing a variety of private and public outdoor spaces to meet resident needs for a healthy environment; and (5) utilizing sound-insulating materials and construction practices, such as exterior cement siding and sound-rated windows, that would result in an interior noise level of 45 dBA. Based on the foregoing factors, the project is not expected to result in exposure by future residents to excessive noise levels.

- I. The property is not located in a mapped flood zone according to the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency; however, flooding of the surrounding area, including parts of the Manzanita intersection, does occasionally occur. According the Department of Public Works – Flood Control staff, tidal flooding of the Manzanita area occurs between four to six times a year, usually in late December/January and June/July, as a result of bay waters "backing" up inland through the Caltrans corporation yard that is located north of the project site. Although this represents a potential inconvenience to motorists and those using the Manzanita Transit Center, the flooding problem could be resolved upon completion of a flood control master plan and specific flood control improvements that may include installation of a flood control barrier downstream from the property and the Manzanita intersection. The flooding of the Manzanita intersection area is not found to represent a significant impact to the proposed project to the extent that planned improvements would ultimately eliminate the flood problem, and the infrequent flooding events could be predicted in advance through consultation of the tide schedules that would be made available by the Flood Control staff to the management of the Fireside facility to allow for contingency plans to be implemented to provide alternative means of transportation and/or access to the Manzanita Transit Center to the development's residents during the infrequent flooding events.
- J. The project has taken the site's proximity to the highway off-ramp and Shoreline Highway into consideration by providing a variety of outdoor living spaces to serve the needs of the future residents. These include private patio/balconies and public patios and decks. The ground level patio and garden areas within the development are separated from the Highway 101 southbound on- and off-ramps by a physical barrier consisting of a stucco-finished straw bale wall. Pedestrian access to and from the site would be limited and channeled to a pathway that would be located to the west of, and in front of the Fireside Inn. A row of shrubs and a landscaped meadow would also separate the surface parking lot

located on the northwest portion of the site from Shoreline Highway. These siting features are intended to contain the outdoor activities within the interior of the development and to limit and control the number of points for pedestrian access to and from the site. Additionally, a condition of approval would require the applicant to designate and provide a secured public outdoor yard and include provisions for children's recreation in the final site design.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends approval of the Citizens Housing Corporation (Fireside Apartments) Precise Development Plan 03-8 by the Board of Supervisors subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.45 of the Marin County Code, the Citizens Housing Corporation (Fireside Apartments) Precise Development Plan 03-8 is approved for the development of a 50-unit affordable housing project located on the site of the Fireside Inn and Motel. The existing one-story motel behind the Fireside Inn is approved to be demolished and replaced with three, two and three-story buildings totaling 28,320 square feet on the four-acre property. Building A is approved to be sited to the south and east of the Fireside Inn and to include 17, two-bedroom flats and townhomes ranging in size from 694 square feet for a flat to 765 for a townhome unit. This structure is approved to attain a maximum height of 25 feet above natural grade. Buildings B and C are approved to be located generally to the south and west of the Inn and to include 10 one-bedroom senior and 22 studio senior units over a ground level parking garage. Buildings B and C are approved to attain a maximum height of 30 feet above natural grade with four architectural features consisting of a three-foot high attic vent cupola that are approved to attain a maximum height of 33 feet. Adaptive reuse and seismic stabilization are approved for the existing two-story Fireside Inn building for conversion into a meeting room with a two-bedroom apartment upstairs. Access to the site is approved to be taken from a private easement on the adjoining property (Assessor's Parcel 052-182-02), with emergency-only access only over the existing local access roadway which fronts the property. A total of 53 on-site parking spaces are approved. The subject property is located at **115 Shoreline Highway, Mill Valley**, on property further identified as **Assessor's Parcels 052-182-03, and -04**.
2. Plans submitted for a Building Permit shall be in substantial conformance with the following approved Precise Development Plan exhibits on file in the Community Development Agency - Planning Division:
 - A. "Exhibit A," consisting of plans entitled, "Fireside Housing" consisting of 22 plan sheets, prepared by Van Der Ryn Architects, Eco-Logic in Architecture and Planning, Land Development Solutions, Inc., TWM Architects and Planners, and April Philips Design Works, Inc., dated December 20, 2002 with latest revisions dated June 2, 2003;
 - B. "Exhibit B," consisting of a color board, entitled "Fireside Housing," prepared by TWM Architects and Planners, depicting the following: (1) composition shingle roof specified "Elk Prestique/Antique Slate," or equivalent; (2) fiber cement horizontal lap siding colored "ICI/Palm Springs Tan #524" or equivalent; (3) building trim colored "ICI/Reindeer #518" or equivalent; (4) windows, doors, vents, and existing Fireside Inn balcony colored "ICI/Zanzibar Coast #122" or equivalent; (5) trellises stained "Olympic #717" or equivalent; and (6) existing off-white color to be maintained on the exterior brick veneer for the Fireside Inn;
 - C. "Exhibit C," consisting of a geotechnical investigation, prepared by Treadwell & Rollo Environmental and Geotechnical Consultants, dated December 19, 2002 and a supplemental letter report addressing settlement of floors and pavements dated May 23, 2003;
 - D. "Exhibit D," consisting of an acoustical evaluation, prepared by Wilson, Ihrig & Associates, Inc. Acoustical Consultants, dated April 18, 2003; and

- E. "Exhibit E," consisting of an archaeological report, prepared by Archaeological Resource Service, dated March 5, 2003 and Treatment Plan, dated May 2003 with revisions dated July 2003.
3. The project shall provide a minimum of 53 on-site parking spaces based on the parking plan included in "Exhibit A." Subject to review and approval by the California Department of Transportation, the applicant shall implement circulation improvements that accomplish the objectives of providing a safe, accessible pedestrian and bicyclist connection to the Manzanita Park and Ride lot and that provide a safe vehicular turning movements into and out of the property through installation of a two-way-left-turn lane in the median of Shoreline Highway.
 4. The applicant shall implement the recommendations contained in the Treatment Plan that is identified as "Exhibit E" of this approval.
 5. PRIOR TO ISSUANCE OF A DEMOLITION PERMIT, the applicant shall prepare and submit a Health and Safety Plan for review and approval by the Bay Area Air Quality Management District ("BAAQMD"). This plan shall be prepared in accordance with California Occupational Safety and Health Agency requirements and shall contain the means and methods for controlling and monitoring airborne asbestos and other hazardous materials.
 6. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Precise Development Plan Conditions of Approval as notes.
 7. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. Lighting shall be selected to avoid high-angle, high-candela distribution patterns. A cut (specification) sheet shall be included in the Building Permit plans for all exterior lights.
 8. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a construction management plan for review and approval by the Director, in consultation with the Department of Public Works Traffic Division and the California Department of Transportation. The plan shall identify the anticipated amount of construction equipment, the areas for storage of equipment and materials, the route(s) to be taken by trucks hauling excavated spoils and traffic control measures that would minimize interruption of local traffic, limitations for trucking activity that would avoid peak commute hours, and the on-site location for staging of equipment and materials.
 9. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall incorporate sustainable (green) building concepts into the construction plans. This may include the use of an on-site, grid-intertied renewable energy utilizing a solar photovoltaic system and solar thermal system that would be located on the Fireside Inn and the southerly (uphill) roof on Buildings B and C. Roof-mounted solar systems shall be installed to be flush with the roof elevation on Buildings B and C and no higher than the surrounding parapet on the Fireside Inn. The design and selection of materials and building systems shall address energy-efficient performance, materials resource efficiency, sensitive site design, water efficiency and reclamation, and non-toxic finish materials. These include such features as: (1) natural ventilation and daylighting strategies in the design and placement of the buildings; (2) energy efficient (energy star) appliances, lighting, and windows that exceed state energy performance standards (Title 24); (3) durable construction materials such as fiber siding and composite decking; (4) green materials such as fly ash concrete, recycled-content carpet, cellulose insulation, engineered lumber, FSC certified wood, natural floor coverings and recycled-content interior finishes; (5) low and no VOC paints and finishes including cabinets, carpets, and adhesives, (6) rainwater retention features, pervious paving, and native low water use landscape palette; and (7) construction waste recycling and/or use.

10. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a copy of the proposed off-site improvement plans to the Community Development Agency for review and acceptance confirming the final design for the two-way-left-turn lane and pedestrian crosswalk within the Shoreline Highway right-of-way.
11. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a copy of an approved Encroachment Permit from the California Department of Transportation for all proposed work within the Shoreline Highway right-of-way, including the pedestrian crossing and the two-way-left-turn median lane. Minor modifications to the design of the right-of-way improvements that may be required by Caltrans, including a relocation of the existing driveway access located on the Fountain Motel property to align with the existing driveway located to the north of Shoreline Highway, may be permitted.
12. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a final landscape plan for review and approval by the community Development Director. The plan shall be based on the palette depicted in the Landscape Plan contained in "Exhibit A" and shall specify the exact type, size, and location of all landscape components of this project. The vines proposed for the exterior covered parking trellis structures shall be selected from evergreen varieties that require low maintenance and have low amounts of leaf loss, such as, but not limited to, potato vine or grape ivy. The landscaping plan shall encompass all areas exposed, graded, or disturbed as a result of construction and grading activities and shall specify the installation of ground cover on all disturbed soils and all slopes. Native, non-invasive, and deer-resistant species shall be utilized. (Mitigation Measure 3(b)-2)
13. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written documentation to the Community Development Agency verifying that a Treatment Plan for potential archaeological resources has been approved by the California State Historic Preservation Office.
14. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a "Statement of Conformance" prepared by a certified or licensed landscape design professional which confirms that the approved landscaping plan conforms to the design requirements contained in Chapter 23.10 (Water Efficiency in Landscaping) of the Marin County Code. Alternatively, the applicant may satisfy this requirement by submitting a letter from the Marin Municipal Water District confirming project compliance with the district's landscape water efficiency regulations.
15. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a tree removal plan for review and approval by the Community Development Director. The plan shall confirm that tree removal will be limited to the area below the 50-foot NGVD elevation, where grading would occur. The Director may administratively authorize additional tree and brush removal if it is required for compliance with the Fire District's requirements for fire management or to provide for adequate solar access to the roof-mounted solar photovoltaic system. With exception to the trees approved to be removed, no other trees on the property shall be removed, except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to reasonably prevent safety hazards to people and property. Approval of the tree removal plan shall constitute compliance with the requirements of the Tree Preservation Ordinance and the requirements of Marin County Code Section 22.75.100.
16. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit an offer for dedication for a 20-foot wide public access easement for pedestrian purposes which extends from the pedestrian stair located within the access easement located on Assessor's Parcel 052-182-02, extending approximately along the alignment of the abandoned quarry road, and continuing with a 20-foot wide floating easement that extends towards the southerly rear property line. The precise alignment of the pedestrian easement may be modified administratively upon mutual agreement between the applicant and the Open Space District staff.
17. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall file an owner-initiated Merger with the Community Development Agency to merge Assessor's Parcels 052-182-03 and -04 into one building site.

18. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a site plan for review and approval by the Community Development Director which demonstrates that a secured public outdoor yard is provided and that provisions for children's recreation are included into the site's design.
19. Construction activity shall be limited to the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday, and as established in the approved construction management plan. No construction activities shall be permitted on Sundays or holidays. The hours of construction may be modified administratively on a case-by-case basis by the Community Development Director for due cause.
20. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the following requirements shall be satisfied.
 - A. All required off-site vehicular and pedestrian improvements shall be installed and operational. The applicant shall submit written confirmation from the California Department of Transportation confirming approval of these improvements.
 - B. The applicant shall enter into a Performance Agreement with the County of Marin that provides for periodic monitoring of the traffic congestion and circulation for a period of three years following project occupancy to confirm that the Manzanita intersection and the Shoreline Highway intersections with the project driveway, the driveway to the businesses on the north side of Shoreline Highway, and the Park and Ride lot operate at a Level of Service D or better. The monitoring shall be conducted by the County or a qualified traffic consultant, chosen by the County and paid for by the applicant, and the monitoring shall be conducted at frequencies not exceeding one monitoring event per year. Should the monitoring determine that the intersections operate at a Level of Service E or worse and that the deterioration is directly attributable to this project, the applicant shall be required to amend the Precise Development Plan and to work with the County and the California Department of Transportation to substitute and implement feasible alternative traffic mitigations that would allow the intersections to operate at an acceptable level of service. These may include prohibition of left turn movements out of the site, signalization of the project driveway with Shoreline Highway, or provision of alternative pedestrian access to the Manzanita Transit Center.
 - C. The applicant shall submit written documentation confirming that all requirements of the Treatment Plan for potential archaeological resources have been completed to the satisfaction of the California State Historic Preservation Office.
 - D. The applicant shall record a voluntary private non-development agreement, subject to review and approval by the Community Development Director and County Counsel, which would encumber all areas of the property extending above the 50 foot NGVD elevation. The agreement shall preserve the natural and scenic qualities of the hillside area. No new structures may be developed over the non-development area, and the natural topography of the land shall not be disturbed except where required to prevent erosion, to maintain existing improvements and structures, to provide for public access, and to conform to local ordinances or the laws of the State of California relating to health, safety, or the general welfare. No trees, bushes, or other botanical features shall be removed, except where necessary for fire protection, to remove noxious species, or to conform to local ordinances or the laws of the State of California relating to health, safety, or the general welfare. The non-development agreement shall include a provision for public access.
 - E. Approved landscaping and drip irrigation systems shall be installed. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspections. (Mitigation Measure 3b-2)
 - F. The applicant shall submit "Statement of Completion," signed by a certified or licensed landscape design professional, which confirms that the approved landscaping was installed as designed, or written proof from the Marin Municipal Water District confirming that the installed landscaping has been planted in conformance with the plans approved by the District.

- G. The applicant shall submit written confirmation that the project has obtained all necessary approvals/agreements to provide one vehicle under a shared use arrangement, such as that which is provided with the City CarShare program, or an equivalent means of providing alternative transportation services to the project's residents.
 - H. The applicant shall submit written confirmation that the project has obtained all necessary approvals/agreements to provide shuttle services for the senior residents, such as that provided by the Whistlestop Wheels program. The applicant shall also submit a shuttle plan, for review and approval by the Community Development Director, which includes an analysis of the feasibility and demand for additional shuttle services for senior and non-senior residents of this facility.
 - I. All exterior flashing, sheet metal, or metal work shall be an appropriately subdued, non-reflective color.
 - J. All utility connections and extensions serving the project shall be installed underground.
 - K. The applicant shall install a plaque or interpretative display in a public area near the Fireside Inn building which identifies the historic significance of the building and archaeological significance of the underlying shellmound.
21. Any changes or additions to the project shall be submitted to the Community Development Agency - Planning Division for review to determine whether a Precise Development Plan Amendment is required.

Marin County Department of Public Works - Land Use and Water Resources

22. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit the following modifications and design information for review and approval by the Department of Public Works.
- A. The access and utility easement on the adjacent property (Assessor's Parcel 052-182-02) shall be recorded.
 - B. All handicap parking and loading areas shall meet State of California Title 24 accessibility standards.
 - C. The applicant shall submit a maintenance agreement(s) that provides for the ability of the common drainage and driveway improvements to be maintained by the associated parcels (Fireside and Fountain Motel).
 - D. Plans showing pre and post settlement elevations due to "ultimate subsidence" shall conform to the soils report prepared by Treadwell & Rollo dated May 23, 2003, and the Marin County Code, Title 24. As requested, the historic Fireside building, having already experienced primary settlement and is at approximately 8.5 feet NGVD, has an acceptable finished floor elevation.
 - E. Plans shall show the driveway off of Shoreline Highway leading to the parking area with a minimum width of 18 feet.
 - F. The applicant shall provide documentation from the Fire Department approving the site fire access/turnaround.
 - G. The plans must be reviewed and approved by a Registered Geotechnical Engineer. Proof of the same may be by the engineer's stamp and signature on the plans or by letter.
 - H. If required for improvements or work within the Shoreline Highway (State Route One) right of way, the applicant shall submit a copy of the Caltrans encroachment permit.
 - I. The applicant shall submit a Surface Runoff Pollution Control Plan which addresses both interim (during construction) and final (post construction) control measures. Best Management Practices shall be incorporated in the design and planning phases of development.

- J. The compact spaces shall be changed to standard size stalls with at least a 24 foot wide aisle.
 - K. The plans shall be revised to include opening(s) in garage wall at entrance to underground garage to improve sight distance.
 - L. The plans shall show all elevations based on 1929 NGVD elevations.
 - M. The applicant shall revise plans to show rear retaining wall and temporary excavation constructed on property or provide copy of recorded easement.
 - N. The soils report shall be expanded to confirm the presence of a spring that is located in the vicinity of the approved construction and if so, to incorporate the spring into the final design of the project to the extent feasible.
23. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, OR APPROVAL OF IMPROVEMENT PLANS, the applicant shall submit an Erosion and Dust Control Plan for review and approval by the Department of Public Works that includes best management practices to provide erosion and dust control measures during construction and permanent long-term Erosion and Dust Control measures throughout the property. Grading shall not occur in the rainy season (from October 15 through April 15) unless an Erosion and Dust Control Plan is approved by the Department of Public Works which complies with construction guidelines of the Marin County Stormwater Pollution Prevention Program including, but not limited to: siltation fencing, straw rolls, and other drainage erosion and dust control measures; stabilization of graded soils; hydroseeding; protection of graded soils from precipitation and runoff; and limiting construction equipment access. All construction mitigation measures of the approved Erosion and Dust Control Plan shall be required to be implemented by the project sponsor prior to, and during, the rainy season from October 15 to at least April 15. A cash bond may be required to insure that control measures are implemented and maintained. (Mitigation Measure 3(b)-1)
24. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the applicant shall obtain final approval from the Department of Public Works for the project, which approval shall include confirmation that all required work has been completed.

Marin County Department of Public Works – Traffic Division

25. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a written agreement with the applicant for the proposed service station located at 156 Shoreline Highway that establishes a 50% cost sharing arrangement. Since the two-way-left-turn-lane is required to address failing turning movements in and out of the various driveways, each applicant shall pay 50% of the cost of its installation.

Southern Marin Fire Protection District

26. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit written documentation from the District Fire Marshal confirming compliance with the following District requirements:
- A. All new driveways shall be designed so that emergency vehicles can negotiate turns without having to make backing maneuvers (no switchbacks).
 - B. All access roads or driveways in excess of 150 feet in length shall be provided with an approved turnaround.
 - C. A U.L. listed key box shall be provided.
 - D. Fire sprinkler systems shall be provided.
 - E. Non-combustible roofing shall be utilized.
27. PRIOR TO FRAMING INSPECTIONS, the applicant shall demonstrate that all on-site improvements, such as water main extensions, hydrants and access roads, must be serviceable. The applicant shall provide three fire department approved fire hydrants to be spaced at 350-foot 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 District and the Marin Municipal Water District.
28. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the applicant shall submit written documentation from the District Fire Marshal that the project complies with all District requirements, including the following:
- A. The address shall be posted in accordance with the Uniform Fire Code.
 - B. Smoke detectors shall be installed in accordance with the Uniform Building code.
 - C. The project shall comply with Public Resource Code 4291 relating to brush and weed clearance, including provisions for routine monitoring and inspections by the Fire District for compliance with vegetation management requirements.
 - D. A spark arrestor shall be installed on the chimney.

Marin Municipal Water District

29. The additional water required for this project will be available upon request and fulfillment of the following requirements:
- A. The applicant shall complete a High Pressure Water Service application and pay appropriate fees; and
 - B. The applicant shall pay appropriate fees and comply with the District's rules and regulations in effect at the time service is requested.

30. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

Sausalito-Marín City Sanitary District

31. PRIOR TO ISSUANCE OF BUILDING PERMIT, the applicant shall submit sewer improvements plans to the District for review and approval and pay the necessary connection fees.

SECTION III: VESTING

NOW, THEREFORE BE IT RESOLVED that the Citizens Housing Corporation (Fireside Apartments) Precise Development Plan shall be vested within two years from the date of approval by securing a Building Permit and/or other permits related to the approved work substantially completing the improvements in accordance with the Building Permit and/or other permits, or all rights granted in this approval shall lapse, unless the applicant applies for an extension at least 30 days before the expiration date above and the Community Development Director approves it. Due to the concurrent approval of a Rezoning, the date of approval for the Precise Development Plan shall be the date the Rezoning approval becomes effective. A Precise Development Plan extension of not more than four years may be granted for cause pursuant to Section 22.45.063 of the Marin County Code. If the Precise Development Plan for the approved project is not vested through substantial completion of the approved improvements, the County shall initiate a Rezoning of the property to revert the zoning to the Residential Multiple Planned Commercial, one unit per acre (RMPC-1) zoning district.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of July 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Herbertson, Julin, Thompson

NOES:

ABSENT: Buddie

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

6. ADOPTION OF RESOLUTION: DANIEL QUALLS/ANNA TOM COASTAL PERMIT/DESIGN REVIEW

Meeting to adopt a resolution conditionally approving the Daniel Qualls and Anna Tom Coastal Permit/Design Review application proposing to construct a 2,080 square foot single-family residence with an excavated parking pad and other associated site improvements on a 20,839 square foot parcel. The roof of the residence would attain a maximum height of 23.5 feet above finished grade. The subject property is located at **60 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-281-03**.

The commission supported the condition that the gray tones proposed for the exterior colors and retaining walls should be subject to review and approval of the Agency Director.

The public testimony portion of the hearing was opened.

Mary McEachron, the applicant's legal counsel, stated that the applicants reviewed and accept the proposed conditions of approval.

Lewellyn Willams and Rosen, neighbors, expressed concern regarding impact on views and property values of adjacent properties, and suggested that the house be located further down the hill.

Alexandra Lake, neighbor, urged the Commission to reopen the hearing to public comment and consider the comments from Storm C. Goranson and Dave Mesagno, previous EHS employee.

The hearing was closed to public testimony.

M/s Barner/Berland, and passed unanimously of those present, to adopt the attached resolution approving the Qualls and Tom Coastal Permit/Design Review application based on the findings and subject to the conditions as set forth therein. Motion passed 5/1 (Commissioner Julin voted against the motion and Commissioner Buddie was not present).

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-018

A RESOLUTION GRANTING THE QUALLS APPEAL AND APPROVING
THE QUALLS COASTAL PERMIT AND DESIGN REVIEW
60 SEACAPE DRIVE, MUIR BEACH
ASSESSOR'S PARCEL 199-281-03

SECTION I: FINDINGS

- I. WHEREAS, the applicant, Jerry Kler, on behalf of the owners, Daniel Qualls and Anna Tom, is requesting Coastal Permit and Design Review approval to construct a 2,080 square foot single-family residence with an excavated parking pad and other associated site improvements on a vacant 20,839 square foot parcel in Muir Beach. The roof of the residence would attain a maximum height of 23.5 feet above finished grade and the exterior walls would maintain the following minimum setbacks: 44.75 feet to the southwestern front property line; 20 feet to the northwestern side property line; 23.5 feet to the southeastern side property line, and 67 feet to the northeastern rear property line. The parking area would be developed by excavating the slope and constructing a 10.5-foot high retaining wall to create a level pad adjacent to the street. The subject property is located at 60 Seacape Drive, Muir Beach, further identified as Assessor's Parcel 199-281-03.
- II. WHEREAS, the Community Development Agency denied the Qualls Coastal Permit and Design Review application on March 28, 2003.
- III. WHEREAS, on April 2, 2003, the owners, Daniel Qualls and Anna Tom, submitted a timely Petition for Appeal of the Community Development Agency's denial of the Qualls Coastal Permit and Design Review, asserting that the proposed project would be consistent with the mandatory findings required for Coastal Permit and Design Review approval.
- IV. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on July 7, 2003, and July 14, 2003, to consider the merits of the project and the appeal, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS, the Marin County Planning Commission finds that there is sufficient basis to support the Qualls appeal because the proposed project is consistent with the policies of the Marin Countywide Plan, the Local Coastal Plan, and the Muir Beach Community Plan and with the mandatory findings for Coastal Permit and Design Review approval.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it consists of the construction of a single-family residence that would not result in significant tree removal, grading, or other adverse impacts on the environment.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130 of the Marin County Code) as described below.

A. Water Supply:

The Muir Beach Community Services District provides water to the area and has indicated that the District would install a water meter at the subject property.

B. Septic System Standards:

The septic permit for the subject property was originally issued by Marin County Environmental Health Services Division in 2001, and legally re-issued on June 10, 2003 with the condition that the applicant obtains a building permit for the residence prior to construction of the septic system.

C. Grading and Excavation:

The subject property descends toward Seacape Drive at a moderate to steep slope, and excavation would occur for construction of the new septic system components, the parking area, and a portion of the residence. The excavation would not substantially reform the natural topography of the site and would not adversely affect existing soil, geologic or hydrologic conditions.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, an archaeological report prepared for the adjacent property concluded that there is a low probability of archaeological resources on the site because the area is relatively steep, does not have convenient access to water, and does not provide shelter. Further, the report indicated that there were no known archaeological sites in the immediate vicinity. Therefore, development of the subject property would be unlikely to adversely affect archaeological resources.

E. Coastal Access:

The project is not located adjacent to the shoreline and would not impede the coastal access provided by existing rights-of-way.

F. Housing:

The proposed project would not involve the demolition or conversion of housing affordable to households of lower or moderate income.

G. Stream Conservation Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection:

The project site is not located near dunes or in a dune protection area identified by the Local Coastal Program.

I. Wildlife Habitat:

Staff review of the California Natural Diversity DataBase and LCP Natural Resource Maps does not indicate that the subject property is located in the habitat for any special status wildlife species.

J. Protection of Native Plant Communities:

Staff review of the California Natural Diversity Database and LCP Natural Resource Maps does not indicate that the subject property is located in the habitat for any special status plant species.

K. Shoreline Protection:

The project is not adjacent to the shoreline.

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone, however it would be subjected to strong ground shaking during a proximate seismic event.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

The site is visually prominent due to its open grassy landscape, proximity to the ridgeline above, and expansive vistas enjoyed across the site from the adjacent trail and the surrounding area. However, the trail in this portion of Muir Beach used by the general public less than it is in the vicinity of the Muir Beach Overlook or the lower portion of Muir Beach. The project would not significantly interfere with the views of the users of the trail. The proposed development would not exceed the maximum height permitted in the Coastal Zone, and the highest roofline would be 22.25 feet above existing grade. The residence would maintain 20-foot side yard setbacks, which would provide open view corridors towards the coastline from the residences located to the rear of the subject property. Further, relocating the residence closer to the front yard property line would impede the views from the adjacent property at 64 Seacape Drive. Overall, the proposed design effectively balances the objectives of the owners with the view privileges currently enjoyed from the surrounding area.

P. Recreation/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by C-VCR (Village, Commercial, Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The subject property is not located within the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings for Design Review approval (§22.82.040 of the Marin County Code) as described below.

The proposed development would comply with all development standards applicable to the governing zoning district and be of a comparable height and scale with other structures in the surrounding community.

Additionally, the residence would incorporate design features that break up the mass of the structure such as articulations in the building facades and curvilinear rooflines.

The architectural style of the residence would be compatible with the eclectic styles of the residences found elsewhere in Muir Beach, and would provide diversity and visual interest to the Seacape area. The proposed residence would result in minimal adverse physical and visual impacts because it would be constructed of building materials and colors that compliment the surrounding natural and built environment and would be consistent with the Muir Beach community character.

The project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines, other buildings on surrounding properties, and Seacape Drive. Finally, the proposed project would conform with the development standards normally required for development within the governing C-R-A:B-4 zoning district and the size and view impacts of the residence would be comparable with other development in the area.

SECTION II: CONDITIONS OF PROJECT APPROVAL (CP 02-4)

NOW, THEREFORE, LET IT BE RESOLVED, that the Marin County Planning Commission approves the Qualls Coastal Permit and Design Review subject to the following conditions:

1. This approval authorizes the construction of a 2,080 square foot single-family residence with an excavated parking pad and other associated site improvements on a vacant 20,839 square foot parcel in Muir Beach. The roof of the residence shall attain a maximum height of 23.5 feet above finished grade and the exterior walls shall maintain the following minimum setbacks: 44.75 feet to the southwestern front property line; 20 feet to the northwestern side property line; 23.5 feet to the southeastern side property line; and 67 feet to the northeastern rear property line. The parking area shall be developed by excavating the slope and constructing a 10.5-foot high retaining wall to create a level pad adjacent to the street. The subject property is located at 60 Seacape Drive, Muir Beach, further identified as Assessor's Parcel 199-281-03.
2. Except as modified herein, plans submitted for a building permit for the proposed project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as "Exhibit A: Dan and Anna Qualls Tom" consisting of seven sheets prepared by Jerry Allen Kler Associates, and dated August 8, 2002, and with the materials sample identified as "Exhibit B."
3. The residence shall be finished with cement plaster in a grayish green tone and a metal roof with a weathered copper color. The poured-in-place concrete and/or cement plaster walls shall be a warm gray tone rather than a natural concrete color, subject to the review and approval of the Director.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record with the County Records Office a "Waiver of Liability" which shall hold the County harmless of liability of any matter resulting from the existence of geologic hazards or activities on the property.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an elevation of the retaining wall proposed for the parking area that indicates the proposed materials and colors for the review and approval of the Director.
7. Construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday. No construction activity shall be permitted on Sundays or Holidays.

Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.

8. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
9. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
10. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street/driveway so that pedestrian and vehicles can pass safely at all times.
11. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
12. Exterior lighting for the project shall be downward directed and hooded, and all flashing, metal work, trim, and roof materials shall be an appropriately subdued, nonreflective color.
13. All utility connections shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
14. If any archaeological resources are discovered during trenching or construction work, all work at the site shall stop and the applicant shall contact the Environmental Coordinator in the Community Development Agency, Planning Division. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Environmental Coordinator advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Environmental Coordinator. All future development of the site must be consistent with the findings and recommendations of the archaeological report as approved by the Environmental Coordinator. If the report identifies significant resources, amendment of the permit may be required to implement mitigation to protect resources.
15. Any changes or additions to the project shall be submitted to the Planning Department for review and approval before the contemplated modifications may be initiated.

Department of Public Works, Land Use and Water Resources

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. As required by Marin County Code 24.04.400, the maximum cross slope or grade of the parking area should not be more than five percent and shall not be more than eight percent. Plans shall show conceptual grading for the driveway approach and parking area. Provide spot elevations for parking area and retaining wall.
 - b. As required by Marin County Code 24.04.340, single-family residences shall provide two on-site independently accessible parking spaces. Where parking is restricted or non-existent, the applicant shall provide two additional guest parking spaces. Show required parking on the site plan. Minimum spaces for head-in parking shall be a 8.0 by 20.0 feet. For constrained locations such as garages serving single-family dwellings, spaces shall be a minimum 9.0 by 20.0 feet.
 - c. The plans shall include a drainage plan.

- d. Provide an updated geotechnical review or report, including a review of May 16, 1984 report, and a site inspection by a certified Soils/Geotechnical Engineer. In addition, the Geotechnical engineer shall review and approve the plans. Certification shall be by the engineer's stamp and signature on the plans, or by a stamped and signed letter.
- e. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

Muir Beach Community Services District

- 17. BEFORE FINAL INSPECTION, the applicant shall submit a letter from the Community Services District confirming that their conditions for supplying the subject property with water have been fulfilled.

Marin County Environmental Health Services

- 18. The sewage disposal system shall be constructed in accordance with the permit issued by the Environmental Health Services division.

SECTION III: APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on July 21st, 2003.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 14th day of July, 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Herbertson, Thompson

NOES: Julin

ABSENT: Buddie

ROSS HERBERTSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

7. APPROVAL OF MINUTES

M/s Julin/Berland, and passed unanimously of those present to approve the Minutes of July 7, 2003 with minor modifications. Motion passed 6/0 (Commissioner Buddie not present).

8. UPDATE ON BOARD OF SUPERVISORS ACTIONS

9. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

10. WORKSHOP ON MEETING PROCEDURES AND PROTOCOL