



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 ALEX HINDS, DIRECTOR

STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION
NAJARIAN APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S ADMINISTRATIVE
CONDITIONAL APPROVAL OF THE YOUSSEFIRAD DESIGN REVIEW

Item No.:	6.	Application No.:	DR 03-49
Applicants:	Fariborz and Marie Youssefirad	Owners:	Fariborz and Marie Youssefirad
Appellant:	Lynda Najarian	Assessor's Parcel:	045-111-10
Property Address:	56 Mountain Lane, Mill Valley	Planners:	Alicia M. Giudice Johanna M. Patri Benjamin Berto
Hearing Date:	September 8, 2003		

RECOMMENDATION: Deny the Appeal, Uphold the Community Development Agency's Administrative Decision, and Conditionally Approve the Project

APPEAL PERIOD: Five Working Days to the Marin County Board of Supervisors

LAST DATE FOR ACTION: September 22, 2003

APPEAL SUMMARY AND RECOMMENDATION

This is a public hearing to consider an appeal of the administrative conditional approval of the Youssefirad Design Review for the construction of a single-family residence and appurtenant improvements on a vacant parcel in Mill Valley. The appellant, Lynda Najarian, asserts that the project: (1) cannot be exempted from the requirements of the California Environmental Quality Act; (2) all of the mandated Design Review findings cannot be made to approve the project; and (3) the project will result in erosion, drainage, and tree removal impacts to her property. Staff recommends that the Planning Commission deny the appeal and uphold the administrative decision conditionally approving the Youssefirad Design Review with the recommended modified conditions of approval contained in the attached resolution.

PROJECT DESCRIPTION

The applicants, Fariborz and Marie Youssefirad, are requesting Design Review approval proposing to: (a) demolish an existing parking deck on the subject property that currently serves the existing residence located on the adjacent property to the north at 60 Mountain Lane; (b) construct a 1,205 square foot, two-story, single-family residence, a new parking deck, and a sand filtered on-site sewage disposal system on an approximately 6,460 square foot vacant parcel; and (c) construct a new parking deck at the 60 Mountain Lane parcel to serve the existing residence on that parcel. The subject properties are located in the Muir Woods Park Subdivision of Mill Valley. The proposed residence would have a maximum height of 24 feet above grade and maintain the following setbacks to the

corresponding property lines: approximately 12 feet front (northwest); 17 feet side (northeast); 50 feet rear (southeast); and 8 feet side (southwest). The proposed project would result in a floor area ratio of 19%, where 30% is allowed by applicable zoning district standards. Proposed exterior building materials and finishes consist of horizontal cedar siding, clear pine trim and charcoal-green composition shingle roof. Design Review approval is required because the subject vacant parcel is substandard in size according to the County lot slope requirements.

GENERAL INFORMATION

General Plan:	SF5 (Single-family, 2 to 4 units per acre maximum density)
Zoning:	R-1:B-2 (Single-family residential, 10,000 square foot minimum lot size)
Lot size:	6,460 square feet
Adjacent Land Uses:	Residential
Vegetation:	Native and introduced landscaping
Topography and Slope:	Steeply sloping (approximately 25 percent)
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project as conditioned is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 (a) of the CEQA Guidelines because construction of the 1,205 square foot single-family residence and appurtenant improvements on an in-fill vacant lot in a residential subdivision will not create adverse environmental impacts. The project includes construction of on-site parking, drainage improvements and an on-site septic system in compliance with County standards. The project requires minimal grading and project approval requires installation of landscaping to screen the development from off-site views and provide erosion control. (*Please refer to Finding VI in the attached resolution.*)

PUBLIC NOTICE

The Community Development Agency has provided public notice identifying the applicants and the appellant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property and to public agencies and organizations having purview over the project.

PLAN CONSISTENCY

As conditionally approved, the proposed project is consistent with the goals and policies of the Marin Countywide Plan, which emphasize minimizing impacts to the surrounding natural and built environment, and the Tamalpais Area Community Plan, which emphasize maintaining the character of the local community. (*Please refer to Findings VII and VIII of the attached resolution.*)

BACKGROUND CHRONOLOGY

On February 7, 2003, the applicants submitted the Youssefirad Design Review application proposing a new single-family residence on a lot that is currently vacant except for a parking deck that serves the adjacent property to the north (60 Mountain Lane).

On March 11, 2003, the Community Development Agency (CDA) issued a Notice of Project Status to the applicants informing them that their application was incomplete based on additional information required by Department of Public Works including the requirement for a soils report and parking provisions. In addition, Planning staff conveyed preliminary merit comments relative to design modifications for hillside development in

order to minimize the height and mass of the project.

On May 8, 2003, the Community Development Agency issued a Notice of Project Status to the applicants informing them that the application was incomplete based on additional information required by DPW regarding parking standards for the proposed parking deck on 60 Mountain Lane. On May 15, 2003, CDA transmitted revised plans to DPW and Environmental Health Services (EHS) relating to submitted designs for parking decks for the subject property and 60 Mountain Lane. On June 6, 2003, the Community Development Agency issued a Notice of Project Status to the applicants informing them that the application was incomplete based on additional information required by EHS. In addition, preliminary merit comments were provided by EHS requiring as a condition of approval that the foundation and footings of the proposed structures be sited at least 5 feet from the sand filter of the on-site sewage disposal system, consistent with County Code standards. After EHS received the required information, the Community Development Agency determined that the design review application was complete on June 26, 2003.

On approximately June 26, 2003, the Community Development Agency mailed a Public Notice to property owners within 300 feet of the subject property. (Proof of mailing was received by the CDA Planning Division and is maintained in the project file.)

During the public review period, Planning staff received correspondence from four concerned neighbors: Michael Brinkman (78 Mountain Lane), Lynda Najarian, the appellant, (700 Edgewood Avenue), Daniel Erman (40 Mountain Lane), and Steve Berman (80 Mountain Lane) regarding the proposed project. The issues presented by the concerned parties were reviewed by Department of Public Works, Environmental Health Services, and Planning Division staff prior to issuing the administrative conditional approval of the Youssefirad Design Review.

On July 10, 2003, the Community Development Agency issued an administrative Notice of Decision conditionally approving the Youssefirad Design Review based on findings of fact and the mandatory Design Review findings as required by Marin County Code Section 22.42.060.

During the week of July 21, 2003, the four interested parties contacted the Community Development Agency that they had not received the Public Notice nor had they received a Notice of Decision. The four interested parties were included on the Public Notice mailing list of property owners within 300 feet of the subject property. No Public Notice to the four interested parties' addresses was returned to the Agency by the Post Office as being unable to deliver. However, records indicate that copies of the Notice of Decision were not sent to the four commenting neighbors. Therefore, on July 25, 2003, the Planning Division issued a Revised Notice of Decision, extending the appeal deadline to August 1, 2003, and mailed the decision to the four interested parties. On August 1, 2003, a timely appeal was filed by Lynda Najarian.

PROJECT ANALYSIS

Setting

The project site is an irregularly shaped property located adjacent to, down slope and southeast of the lower end portion of Mountain Lane. The vacant parcel is an in-fill lot between two residentially developed properties. Currently, there exists on the upper central portion of the subject property a parking deck that provides off-street parking for the adjacent residence to the north at 60 Mountain Lane. Below the existing parking deck is a small garden area with a mixture of introduced landscaping consisting of small bushes, trees, and flowers. Along the eastern and southeastern boundaries of the property are two cypress trees (approximately 18 inches and 48 inches in diameter) and two pine trees (approximately 18 inches and 24 inches in diameter). The site appears to be mapped within Stability Zone 3 on the "Map of the Interpretation of Relative Slope Stability of the Area, prepared by Salem J. Rice of the California Division of Mines and Geology in 1976. (Stability Zone 3 is applied to moderately sloping to more steeply sloping areas.)

Development Issues

Setbacks from Property Lines

Pursuant to Marin County Code Section 22.42.030 (Substandard Building Sites), setbacks may be waived through Design Review when complying with the required setbacks in a conventional zoning is not feasible for substandard lots.

The location required for the sewage disposal system dictates to some extent the siting of a new single-family residence and required on-site parking. The residence must comply with setbacks from the on-site sewage disposal system as required by EHS standards. The structure would be located approximately 12 feet from the front property line, due to the proximity of the on-site sand filter septic system below the residence.

The proposed northeast side yard setback of 17 feet results from the applicants need to accommodate the on-site parking for both 56 and 60 Mountain Lane as required by DPW. This results in the residence sited with an 8-foot southwest side yard setback where normally 10 feet is required. The neighboring structure to the southwest at 40 Mountain Lane has been constructed with a high pitch A-frame type roof with no windows facing the project site. Therefore, a 2-foot setback reduction is not unreasonable and will not cause privacy impacts to adjacent neighbors.

Project approval requires that at the time of review of building permit plans, the site plan shall reflect the property boundaries as shown on the Record Survey Book 2002 O. R. Page 63, recorded on file in the Marin County on April 8, 2002.

Roof Design and Overall Height

The applicants initially submitted a residence with a roofline that pitched contrary to the slope of the lot and would result in an overall structure height of approximately 30 feet. In response to comments made by staff, the applicant submitted a revised roof design that reduced the height of the overall roof and creates a structure that is more harmonious with the existing steep hillside topography. In addition, the final roof redesign results an overall structure height of no more than 24 feet above natural grade, where the underlying zoning allows a potential maximum height of 30 feet.

On-site Sewage Disposal System

The applicants are proposing construction of an on-site sewage disposal system to serve the proposed residence, which has been designed by AYS, Engineering Group Inc. On February 22, 2002, EHS staff approved the location and plans for construction of the sand filtered on-site sewage disposal system and issued a permit (#01/02/15A). This permit was issued with recommended conditions of approval requiring that the parking deck must be cantilevered over any part of the septic system sand filter and that footings for the parking deck structure must be setback at least 5 feet from the sand filter. Those conditions have been included in the Design Review approval.

Parking Provisions for 56 and 60 Mountain Lane

The Youssefirad project includes construction of a parking deck on the subject property to provide the required parking for the residence. The applicants have also submitted a parking plan that provides for construction of a new parking deck at 60 Mountain Lane to replace the existing deck on the subject property. A condition of project approval requires the applicants to construct the required parking at 60 Mountain Lane prior to demolishing the parking deck on the proposed residence site at 56 Mountain Lane.

Geotechnical Investigation

The applicants submitted with their Design Review application a geotechnical investigation prepared by Earth Science Consultants Engineers. That report has been reviewed and approved by Marin County Department of Public Works (DPW).

The investigation consists of site observation and reconnaissance, review of existing soil and geologic data of the area, logged representative exploration test borings, and recommendations for construction for the proposed residence and new parking deck on the subject property and the new parking deck at 60 Mountain Lane. The investigation included a recommendation that the residence and parking decks be built to generally conform with the existing hillside grade as much as practical, minimizing cutting and filling so as not to upset the existing gross site soils equilibrium. To that end, the applicants are proposing construction of a residence and parking decks utilizing drilled pier foundations as recommended in the geotechnical investigation.

At the Building Permit application stage, construction plans will be reviewed by DPW staff and the Community Development Agency - Building Inspection and Safety staff to verify that the structures and site improvements are designed and constructed in accordance with the recommendations contained in the investigation for the project site and County seismic safety regulations.

ANALYSIS OF APPEAL

The appellant, Lynda Najarian, property owner of 700 Edgewood Avenue, located down slope and adjacent to the subject property at the northeast corner, has filed an appeal on the bases that: (1) the project cannot be exempted from the requirements of the California Environmental Quality Act and not all of the mandated Design Review findings can be made to approve the project; and (2) the project will result in erosion, drainage, and tree removal impacts to her property as discussed below.

1. *The appellant asserts that:(a) the proposed project cannot be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303, Class 3 (a) of the CEQA Guidelines as determined by the Marin County Environmental Coordinator because the project will result in certain potentially significant environmental impacts as discussed in Item 2 below.*

Categorical Exemption

When evaluating a project with respect to CEQA requirements, County staff is compelled to categorically exempt a project if it falls within the class of an applicable exemption and through project design, and with the imposition of conditions, there is no reasonable possibility of significant impacts to the environment due to unusual circumstances. To determine whether there would be a potential significant impact to the environment, substantial evidence must be brought forward to warrant further review according to CEQA regulations. Substantial evidence as defined by CEQA means facts, reasonable assumptions predicated upon facts, and expert opinion clearly supported by facts. If enough relevant information and reasonable inferences from this information is presented, such that a fair argument can be made to support a conclusion that a potential significant impact may occur, then environmental review is required under CEQA, even if other information is presented that no significant impacts will result from the project. The appellant has submitted no substantial evidence or findings of fact that the approved project will result in any significant environmental impacts. Mere uncorroborated opinion, rumor, inaccurate testimony, or speculation does not constitute substantial evidence.

The Marin County Environmental Coordinator determined that the proposed project was Categorical Exempt from the requirements of CEQA, pursuant to section 15303, Class 3 (a) of the CEQA Guidelines because the approved project would not result in any significant environmental impacts. The proposed

project is small in nature, requires minimal grading, will result in off-site parking for the residential developments on both 56 and 60 Mountain Lane, and will result in construction of drainage improvements in accordance with Marin County Department of Public Works standards to accommodate water run-off in a manner that the run-off from the project site will not impact the adjacent down slope properties. Project approval contains conditions whereby the applicants must submit a landscape plan for review and approval by the Community Development Agency staff to enhance erosion control.

2. *The appellant asserts that not all of the mandatory Design Review findings can be made to approve the project.*

Design Review Findings and Approval

Planning staff found that the project, as modified by conditions of approval, is consistent with the required findings to approve a Design Review, pursuant to Section 22.42.060 of the Marin County Code as follows:

- a. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood. The proposed house is modest in area (1,205 square feet) and size (24 feet maximum height). In addition, its modern log cabin design, with exterior horizontal clear siding, matches the rustic character of many residences in the neighborhood.
- b. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way. The project is an infill site maintaining substantial setbacks from any adjoining neighbors (greater than 80 feet from the appellant's residence).
- c. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way. As a modest infill residence that is almost completely surrounded by existing residentially developed parcels, the project will have minimal impacts on investment in the vicinity.
- d. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources. The proposed project includes a conceptual landscape plan. As part of the conditions of approval, the applicants will be required to submit for review and approval a detailed landscape and irrigation plan.
- e. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards), for example, minimal grading, fire safe setbacks, minimal impervious surfaces, materials and finishes that blend with the natural environment, and minimal exterior lighting).
- f. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Acceptable project design and location characteristics include the modest size and height of the structure, approved drainage/infiltration systems, minimal cut and fill, and minimal impacts on neighbors' sun, views, and privacy.
- g. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community. The project's modest size and standardized yet rustic design conserve energy and harmonize community character.

- h. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The project is a modest infill residence in an area of residences, and will comply with all applicable zoning, building, engineering, health, and fire codes.
3. *The appellant asserts that the proposed project will result in potentially significant environment impacts consisting of: (a) soil erosion due to the previous removal of five eucalyptus trees at the down slope property line (southeast; (b) the unpermitted removal of the five eucalyptus trees that served as a wind break for the appellants property; and (c) the removal of the trees created a deposition of slash on the applicant's property which creates an environmental hazard with respect to erosion and fire.*

Currently, site drainage occurs as direct ground infiltration or down slope sheet flow. The proposed project will result in minimal alterations to the natural drainage systems. The project plans include drainage improvements consisting of draining water runoff from the parking decks into a drainage culvert along the west side of Mountain Lane. Water runoff from impervious surfaces associated with the residence will drain into a drain manifold running along the lower portion of the property. This will drain runoff away from the down slope leach fields. Runoff from the drain manifold will then infiltrate down slope into the ground. DPW staff has reviewed and approved the preliminary drainage plans. During the Building Permit stage, DPW will review specific drainage plans to verify that runoff will be adequately dispersed in as natural a manner as possible and not be discharged in a concentrated manner. In accordance with standard County procedures, DPW staff will monitor the construction of the project to assure that Best Management Practices (BMP's) are used during construction phases and as final drainage and erosion control improvements to provide long-term drainage and erosion control protection.

The area is within the jurisdiction of the Marin County Fire Department, which will provide emergency and fire protection to the subject property. Prior to the foundation inspection by Building Inspection, the applicants must implement a vegetation management plan approved by the Fire Marshal. Prior to submittal of the Youssefirad Design Review application to the County, the applicants cut down five eucalyptus trees along the down slope boundary of the property. Eucalyptus trees are non-native species and are considered by Fire Safe Marin to be pyrophytic vegetation within residential developed areas. Removal of these trees was not subject to the County's Native Tree Preservation and Protection Ordinance and did not require County approval or permits. The tree stumps and root systems remain. Removal of a limited number of exotic pyrophytic trees from a ravine does not constitute a significant impact. Staff did not observe substantial amounts of logging slash. However, the clean-up component of the landscape plan (see below and Conditions) shall include a plan for the removal of all existing felled trees, slash and debris from the site.

Project approval requires the applicants to submit to the Community Development Agency for review and approval a clear and detailed landscape and irrigation plan, prepared by a landscape restoration specialist. The landscape plan shall indicate (a) proposed plantings by scientific and common names; (b) the number and container size at the time of planting and the height at maturity; (c) the method and general location of the irrigation; and (d) specific siting of plant species. The precise landscape plan shall: consist of at least 50% native, deer resistant species that will enhance the structure's visual appeal to the neighborhood and help prevent erosion of any disturbed soils. The plan shall include, but not be limited to: (a) a site clean up and "cleansing" of the soil of eucalyptus oils component; and (b) a soil amendment component. In addition, the landscape plan shall include a mix of evergreen and deciduous trees and a mix of plant sizes at the time of planting to ensure the screening of the project site from the down slope neighboring property at 700 Edgewood Avenue.

CONCLUSION

Staff recommends that the Planning Commission deny the appeal and uphold the Community Development Agency's administrative approval by conditionally approving the Youssefirad Design Review subject to the modified conditions of approval. Staff finds that adequate environmental review was performed. Although the appellant may have genuine concerns about the project, she has not provided substantial evidence that the proposed project will result in significant adverse impacts on the environment or the appellant's property.

With the recommended conditions of approval, staff finds that the mandatory Design Review findings can be made to approve the proposed project. The project will not result in any significant privacy or visual impacts nor would the project impact any significant natural or visual resources. The preliminary parking, drainage, and on-site sewage disposal system have been designed to meet current County codes and standards and have been reviewed and approved by DPW and EHS staffs, respectively. The Marin Municipal Water District will provide water service to the project. The Marin County Fire Department, which will provide fire protection to the project site, has reviewed and approved the project. The siting, size, height, and architectural design concept of the proposed residence and parking decks respect the physical constraints of the small, down sloping lot and the residential development on the adjacent neighboring properties. The project has been reviewed and approved by the Tam Design Review Board subject to certain conditions, which have been incorporated into project approval.

RECOMMENDATION

Based on the above analysis and the modified conditions of approval, staff recommends that the Planning Commission: 1) review the administrative record; 2) conduct a public hearing; and 3) adopt the recommended resolution denying the Najarian appeal and upholding the Community Development Agency's conditional approval of the Youssefirad Design Review.

ATTACHMENTS

1. Recommended Resolution denying the Najarian appeal, upholding the Community Development Agency's administrative decision and conditionally approving the Youssefirad Design Review
2. CEQA Exemption Document
3. Location Map
4. Assessor's Parcel Map
5. August 1, 2003, Petition for Appeal
6. June 26, 2003 Public Notice Administrative Decision
7. July 25, 2003 Revised Notice of Decision
8. Project Plans
 - a. Site Plan
 - b. Floor Plans
 - c. Elevations
 - d. Parking Decks for 50 and 60 Mountain Lane
 - e. Septic System Plan
9. Tamalpais Design Review Board minutes 11-17-02
10. Department of Public Works memo 5-30-03
11. Department of Public Works, Traffic Engineering Section memo 2-28-03
12. Environmental Health Services memos 5-28-03 and 6-23-03
13. Marin County Fire Department memo 4-22-03
14. Marin Municipal Water District letter 2-20-03
15. Photos Demonstrating Alternative Roof Lines
16. Photos

MARIN COUNTY PLANNING COMMISSION

A RESOLUTION DENYING THE NAJARIAN APPEAL, UPHOLDING THE COMMUNITY DEVELOPMENT AGENCY’S ADMINISTRATIVE DECISION AND CONDITIONALLY APPROVING THE YOUSSEFIRAD DESIGN REVIEW ASSESSOR’S PARCEL 045-111-10 56 MOUNTAIN LANE, MILL VALLEY

SECTION I: FINDINGS

- I. WHEREAS, the applicants, Fariborz and Marie Youssefirad, are requesting Design Review approval proposing to: (a) demolish an existing parking deck on the subject property that currently serves the existing residence located on the adjacent property to the north at 60 Mountain Lane; (b) construct a 1,205 square foot, two-story, single-family residence, a new parking deck, and a sand filtered on-site sewage disposal system on an approximately 6,460 square foot vacant parcel; and (c) construct a new parking deck at the 60 Mountain Lane parcel to serve the existing residence on that parcel. The subject properties are located in the Muir Woods Park Subdivision of Mill Valley. The proposed residence would have a maximum height of 24 feet above grade and maintain the following setbacks to the corresponding property lines: approximately 12 feet front (northwest); 17 feet side (northeast); 50 feet rear (southeast); and 8 feet side (southwest). The proposed project would result in a floor area ratio of 19%, where 30% is allowed by applicable zoning district standards. Proposed exterior building materials and finishes consist of horizontal cedar siding, clear pine trim and charcoal-green composition shingle roof. Design Review approval is required because the subject vacant parcel is substandard in size according to the County lot slope requirements. The subject property is located at 56 Mountain Lane, Mill Valley, and is further identified as Assessor's Parcel 045-111-10.
II. WHEREAS, on July 10, 2003, the Community Development Agency issued an administrative Notice of Decision conditionally approving the Youssefirad Design Review based on findings of fact and the mandatory Design Review findings as required by Marin County Code Section 22.82.040.
III. WHEREAS, on July 25, 2003, the Community Development Agency issued a Revised Notice of Decision, conditionally approving the Youssefirad Design Review based on findings of fact and the mandatory Design Review findings as required by Marin County Code Section 22.82.040, which extended the period for the decision to August 1, 2003.
IV. WHEREAS, on August 1, 2003, the appellant, Lynda Najarian, submitted a timely Petition for Appeal of the Community Development Agency’s administrative conditional approval of the Youssefirad Design Review, asserting that. (1) the project cannot be exempted from the requirements of the California Environmental Quality Act; (2) not all of the mandated Design Review findings can be made to approve the project; and (3) the project will result in erosion, drainage, and tree removal impacts to her property as discussed below.
V. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on September 8, 2003, to consider the merits of the appeal, and hear testimony in favor of, and in opposition to, the project.
VI. WHEREAS, the Marin County Planning Commission finds that the bases of the Najarian appeal do not provide a sufficient justification for overturning the Marin County Community Development Agency’s administrative conditional approval of the Youssefirad Design Review because: (A) the appellant has submitted no substantial evidence or findings of fact that the approved project will result in any significant environmental impact, and mere uncorroborated opinion, rumor, inaccurate testimony, or speculation does not constitute substantial evidence; (B) all mandatory Design Review findings can be made to approve the

proposed project as the project will not result in any significant privacy or visual impacts nor would the project impact any significant natural or visual resources; (C) The preliminary on-site parking, drainage, and on-site sewage disposal system have been designed to meet current County codes and standards and have been reviewed and approved by DPW and EHS staffs, respectively; (D) during the Building Permit stage, DPW will review specific drainage plans to verify that site drainage waters will be well dispersed in as natural a manner as possible and not be discharged in a concentrated manner on the down sloping properties; (E) in accordance with standard County procedures, DPW staff will monitor the construction of the project to assure that Best Management Practices are used during construction phases and as final drainage and erosion control improvements to provide long-term drainage and erosion control protection; (E) the removed eucalyptus trees are non-native species and are considered pyrophytic species within residential developed areas by Fire Safe Marin; (F) removal of these trees was not subject to the County's Native Tree Preservation and Protection Ordinance and did not require County approval or permits; (G) project approval requires the applicants to submit to the Community Development Agency for review and approval a clear and detailed landscape and irrigation plan, prepared by a landscape restoration specialist consisting of at least 50% native, deer resistant species that will enhance the structure's visual appeal to the neighborhood and prevent future soil erosion of any disturbed soils; and (H) the required landscape plan must include a component for the removal of all existing felled tree debris from the site.

VII. 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 (a), of the CEQA Guidelines because it entails construction of the 1,205 square foot single-family residence and appurtenant improvements on an in-fill vacant lot in a residential subdivision will not create adverse environmental impacts. The project includes construction of on-site parking, drainage improvements and an on-site septic system in compliance with County standards. The project requires minimal grading and project approval requires installation of landscaping to screen the development from off-site views and provide erosion control. The factors described in Finding VI above also support this finding.

VIII. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan because:

- A. The project would comply with the Countywide Plan SF5 Land Use Designation as a single-family residence.
- B. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
- C. The project would comply with Department of Public Works standards related to parking, grading and drainage;
- D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services;
- E. The project would comply with Countywide Plan Policy EQ-3.11 in that the project would not result in significant visual impacts to the surrounding natural or built environment;
- F. The project would minimize soil disturbance and maximize protection of natural vegetation; and
- G. The project would minimize potential hazards to the public from private construction.

IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Tamalpais Area Community Plan because:

- A. The project consisting of the construction of a single-family residence is a principally permitted use

of the property;

- B. The residential project would result in a design and scale consistent with other residential development in the surrounding neighborhood;
 - C. The project would maintain adequate setbacks from the property lines and existing neighboring development;
 - D. The project would provide adequate on-site parking for both 56 and 60 Mountain Lane as verified by the Marin County Department of Public Works; and
 - E. The proposed project would not adversely impact views or privacy of adjacent properties.
- X. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified by conditions of approval, is consistent with the mandatory findings to approve a Design Review (Section 22.42.060 of the Marin County Code), as specified below.
- a. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood. The proposed house is modest in area (1,205 square feet) and size (24 feet maximum height). In addition, its modern log cabin design, with exterior horizontal clear siding, matches the rustic character of many residences in the neighborhood.
 - b. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way. The project is an infill site maintaining substantial setbacks from any adjoining neighbors (greater than 80 feet from the appellant's residence).
 - c. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way. As a modest infill residence that is almost completely surrounded by existing residentially developed parcels, the project will have minimal impacts on investment in the vicinity.
 - d. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources. The proposed project includes a conceptual landscape plan. As part of the conditions of approval, the applicants will be required to submit for review and approval a detailed landscape and irrigation plan.
 - e. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards), for example, minimal grading, fire safe setbacks, minimal impervious surfaces, materials and finishes that blend with the natural environment, and minimal exterior lighting).
 - f. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Acceptable project design and location characteristics include the modest size and height of the structure, approved drainage/infiltration systems, minimal cut and fill, and minimal impacts on neighbors' sun, views, and privacy.
 - g. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community. The project's modest size and standardized yet rustic design conserve energy and harmonize community character.

- h. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The project is a modest infill residence in an area of residences, and will comply with all applicable zoning, building, engineering, health, and fire codes.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Najarian appeal and approves the Youssefirad Design Review subject to the conditions listed below.

Marin County Community Development Agency - Planning Division

1. In accordance with Marin County Code Section 22,42.060, the Youssefirad Design Review (DR 03-49) approves the project to: (a) demolish an existing parking deck on the subject property that currently serves the existing residence located on the adjacent property to the north at 60 Mountain Lane; (b) construct a 1,205 square foot, two-story, single-family residence, a new parking deck, and a sand filtered on-site sewage disposal system on an approximately 6,460 square foot vacant parcel; and (c) construct a new parking deck at the 60 Mountain Lane parcel to serve the existing residence on that parcel. The approved residence shall have a maximum height of 24 feet above grade and shall maintain the following setbacks to the corresponding property lines: approximately 12 feet front (northwest); 17 feet side (northeast); 50 feet rear (southeast); and 8 feet side (southwest). The project shall result in a maximum floor area ratio of 19%. Approved exterior building materials and finishes consist of horizontal cedar siding, clear pine trim and charcoal-green composition shingle roof. The subject property is located at **56 Mountain Lane, Mill Valley**, and is further identified as **Assessor's Parcel 045-111-10**.
2. EXCEPT AS MODIFIED BY THESE CONDITIONS OF PROJECT APPROVAL, plans submitted for the building permit must be in substantial conformance with plans consisting of 3 sheets, prepared by Thompson Design Associates identified as "Exhibit A" on file in the Community Development Agency, Planning Division.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a revised site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Design Review Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A DEMOLITION PERMIT FOR THE PARKING DECK AT 56 MOUNTAIN LANE, the applicant shall obtain a building permit to construct the replacement parking deck at 60 Mountain Lane and receive a final inspection for said parking deck.
5. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE PARKING DECK/RESIDENCE FOR 56 MOUNTAIN LANE, the applicants shall submit to the Community Development Agency for review and approval a clear and detailed landscape and irrigation plan, prepared by a landscape restoration specialist. The landscape plan shall indicate (a) proposed plantings by scientific and common names; (b) the number and container size at the time of planting and the height at maturity; (c) the method and location of the drip irrigation system; and (d) specific siting of plant species. The precise landscape plan shall: consist of at least 50% native, deer resistant species; enhance the structure's visual appeal to the neighborhood ;and prevent erosion of any disturbed soils. The plan shall also include: (a) a site clean-up and "cleansing" of the soil of eucalyptus oils component; and (b) a soil amendment component. In addition, the landscape plan shall include a mix of evergreen and deciduous trees and a mix of plant sizes at the time of planting, to ensure screening of the project site from the downslope neighboring property at 700 Edgewood. Avenue. The Plan shall include a Site Clean-up component for the removal of all existing

felled tree debris from the project site and the appellant's site (provided that the source of tree debris on the appellant's property can be reasonably inferred to have originated on the applicant's property, and neighbor grants written permission for debris removal). Removal of all tree debris shall occur prior to Final Inspection.

6. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE PARKING DECK FOR 60 MOUNTAIN LANE, the applicants shall submit to the Community Development Agency for review and approval a Construction Management Plan: In order to better understand the logistics of construction at the project site and to assure that no traffic hazards or barriers will occur as a result of construction activities, the Construction Management Plan shall include, but not be limited to, the equipment to be used, the scheduled construction phasing, the construction staging area, and the phasing for the construction of the emergency vehicle turnaround, the parking/car pooling area for construction and worker vehicles. In addition, the Construction Management Plan must provide a routing for all construction vehicles.
7. All construction activities must comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sunday or Holidays. At the applicant's request, the Director may administratively authorize minor modifications for non-noise generating activities to these hours of construction;
 - b. 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;
 - c. All soils disturbed by development of the project shall be re-seeded with native grasses or wildflowers to control erosion; and
 - d. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to permit safe passage for vehicular traffic at all times. Every effort shall be made by the holder of the Building Permit to strictly limit the number of vehicles used to transport workers and materials to the site to the minimum amount necessary. No authorization to trespass upon other private property is granted or implied by this approval.
8. All exterior flashing, metal work, and trim shall be painted an appropriately subdued, nonreflective color.
9. The applicant shall use natural earth-tone colors that blend in with the surrounding natural environment.
10. All new mechanical/utility equipment shall be screened from off-site vantage points.
11. All utility connections and extensions serving the project shall be installed underground.
12. No trees shall be removed as part of this project 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 prevent reasonably safety hazards to people and property.
13. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.
14. BEFORE FINAL INSPECTION: the applicants shall:
 - a. Install a hose bib on each primary side of the structure.
 - b. Install all required trees and approved landscaping and call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent reinspections.

Marin Municipal Water District

15. All landscape and irrigation plans must be designed in accordance with District landscape 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.

Department of Public Works

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following DPW requirements:
- a. The parking deck at 60 Mountain Lane shall be completed prior to Building and Safety framing inspection of 56 Mountain Lane residence.
 - b. The site plan property boundary shall be revised to reflect Record of Survey 2002 O. R. 63.
 - c. Plans must be reviewed and approved by a Registered Soils Engineer. Proof of same may be by his or her stamp and signature on the plans or by letter.
 - d. The site drainage and grading plans must be designed by a registered civil engineer or architect. Plans must have a signature and stamp.
 - e. An erosion and siltation control plan shall be submitted.
 - f. Pay Public Transportation Facilities Fees in accordance with Marin County Code Chapter 15.07.
 - g. A separate building permit is required for site and driveway retaining walls with a height of more than 3 feet of 4 feet when backfill area is not sloped or surcharged.
17. PRIOR TO FINAL INSPECTION BY BUILDING INSPECTION, the full width of Mountain Lane along the frontages of three parcels (Assessor's Parcel Nos. 045-111-09, -10, and 045-093-08) shall be repaved.

Environmental Health Services

18. The applicant submit written verification that the Marin Municipal Water District that demonstrates their willingness to serve.
19. The applicant shall revise plans in the following manner.
- a. Deck must be cantilevered over any part of the septic system sandfilter.
 - b. Footings for the deck structure shall be setback at least 5 feet from the sandfilter.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicants must vest the Youssefirad Design Review approval by securing required Building Permit(s) and substantially completing all of the approved work in conformance with the conditions of approval by September 8, 2005. Prior to expiration of the vesting period, the applicant may apply to the Agency Director for an extension up to a maximum period of four years from the original date of expiration. 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 Director approves the extension, pursuant to Marin County Code

Section **22.56.050**.

NOW, THEREFORE BE IT FURTHER 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 the **tenth calendar day** following the date of the action from which the appeal is taken.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 8th day of September 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alex Morales
Recording Secretary