

MARIN COUNTY PLANNING COMMISSION MINUTES
September 22, 2003
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland, Vice Chair
Hank Barner
Ray Buddie (Out for Item Nos. 6-9)
Don Dickenson
Jo Julin
Steve Thompson (Out for Item #6)

Commissioners Absent: Ross Herbertson, Chair

Staff Present: Alex Hinds, Agency Director
Brian Crawford, Deputy Director of Planning Services
Ben Berto, Principal Planner

Jessica Woods, Recording Secretary

Minutes Approved on: **October 20, 2003**

Convened at 1:00 p.m.
Adjourned at 7:15 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/s Barner/Julin, and passed unanimously, to incorporate the Staff Reports into the Minutes. Motion passed 7/0.
- b. Continuances: None.

2. COMMUNICATIONS: None

3. DIRECTOR'S ORAL REPORT

Alex Hinds, Agency Director, briefly discussed the status of the Countywide Plan. He stated that staff is very close to having an Administrative Draft of the Countywide Plan. He explained that the introduction being the first chapter and the last chapter called "The Social Economic Element" are both very close to completion. Staff hoped to have the Commission review as they continue their workshops. He pointed out that one of the main sections of the Social Economic Element is the "Economic Element" that had been recommended by the Marin Economic Commission for the Planning Commission and the Board's review. He also added that staff is very close to completing the San Quentin Vision Plan that had been recommended by a Special Advisory Committee that would be brought forward to the Planning Commission in October for review. He also discussed the Built Environment Element and the Natural Systems Element, which are taking longer than anticipated due to the controversial and complicated issues. He further indicated that there was a great article in the Pacific Sun that discussed the Countywide Plan and at the next meeting a consultant would be present to discuss quality of life indicators for the Commission's consideration.

Commissioner Dickenson pointed that several individuals in the community felt it is very difficult to discuss the Countywide Plan because the reports are always under "Director's Oral Report," so individuals assume it is only a report and then find out that there was a report with public testimony. He recommended that they be distinguished, so when there is a report or workshop that it be identified on the agenda separately in order for the public to comment on the item. Mr. Hinds responded in the affirmative.

Brian Crawford, Deputy Director of Planning Services, reported to the Commission regarding a question raised in the past concerning the status of the Moritz Costal Permit Design Review application that was considered earlier this year and denied for lack of conformance with the CAPZ Zoning Regulations and related policies in the Countywide Plan. He explained that the applicant and property owner filed an appeal to the Board where it has been pending for several months, if not longer. He added that the most recent response staff received from the appellant regarding their intent to move forward with the appeal or withdraw was that the Moritz have decided to maintain their appeal to the Board depending on the outcome of the County's Local Costal Program update, which staff is in the process of working on currently. He believed the applicant felt there might be some changes being considered at the LCP amendment level that might benefit their project with respect to the conflicts raised by the Planning Commission. He further noted that staff is well into the LCP update, but have not reached the point of making any formal decisions about changes to the agricultural protection policies in the LCP that may or may not have a bearing on the Moritz's project.

Vice Chair Berland pointed out that the Moritz at the time of their application were subject to the old Development Code and currently there is a new Development Code and asked Mr. Crawford if the Moritz would be subject to the new requirements. Mr. Crawford responded that it depends on the timing of the appeal and when that is heard by the Board. He explained that the Costal Commission had not adopted the Development Code that was recommended for approval by the Planning Commission and eventually adopted by the Board of Supervisors, then the pre-existing Title 22, the old rules would still apply to the Moritzes and any other project in the coastal zone. He suspected that it would be at least 6 to 9 months before there is a decision from the Coastal Commission regarding the acceptability of the Development Code that was adopted by the Board. He also added that if the Coastal Commission approved the code and the Board subsequently accepted their action, then the new rules in the Development Code would be applicable to the Moritz's project.

Commissioner Barner asked Mr. Crawford if there are sunset provisions. Mr. Crawford responded that staff did not adopt any new rules that established some type of limit for how long an appeal could be pending before the

Planning Commission or Board of Supervisors other than minimum requirements of taking action. He stated that there is no other provision that would fall into that category that would set an outside limit on how long an appeal could be pending if an appellant is willing to or requesting to extend that appeal date, but believed it should be considered at a future date.

Mr. Crawford announced that the Board of Supervisors adopted the second unit regulations pertaining to second units that had been recommended by this Commission with one minor modification regarding clarifying that second units would be subject to adequate water supply as determined by the applicable Fire Protection District and they would incorporate those revised second unit regulations into the Development Code, which went into effect late August. He also updated the Commission on the Residential Design Review Guidelines and Hillside Development Regulations and Mr. Hinds and he met with Dan Hillmer, the County's Consultant on that project, late last week and provided some final direction to Mr. Hillmer to make the final changes to the draft document. He added that staff hoped that Mr. Hillmer would provide a final print check copy of the Design Guidelines Manual in order to release the public review draft in October and then schedule at least one workshop with this Commission regarding that document to introduce and walk the Commission through it as well as begin public testimony on that project. He also believed that once the Countywide Plan is released and the public review the draft, staff would anticipate the need to hold a series of workshops with the Commission to review the document before they start the public outreach process. He added that given the length of agendas for the remainder of the year, staff might need to schedule some extra meetings in order to stay on track with the Countywide Plan Update. He also noted that in terms of recent actions taken by the Commission, the Rabbe Design Review Decision was appealed to the Board and there was some fall out from the homeowners association over that project relating to the split vote from the Architectural Review Committee. He added that staff would update the Commission on future events. He further pointed out that second phase of the Residential Design Review Guidelines Manual will involve working on some community based design standards in Kent Woodlands, Kentfield, Strawberry and Lucas Valley to deal with community design and they hope to clarify some of the issues through that process.

4. OPEN TIME FOR PUBLIC EXPRESSION FOR COUNTRYWIDE PLAN ALTERNATIVES

None.

5A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
5B. DESIGN REVIEW AND USE PERMIT: STRAWBERRY VILLAGE SHOPPING CENTER

Hearing to consider Design Review and Use Permit applications requesting approval for modifications and additions to the north Strawberry Village Shopping Center complex, located on the Redwood Highway Frontage Road north of Belvedere Drive and east of Highway 101 in Mill Valley. The existing shopping center contains 117,091 square feet of gross floor area. Four buildings totaling 62,073 square feet of area are proposed to be demolished: the existing building on the east side of the site facing Belvedere Avenue ("building 4"), the interior diamond-shaped building ("building 7"), the southernmost building north of Belvedere Drive ("building 3"), and the Safeway building ("building 1"). Proposed construction includes: 13,400 square foot "Bldg A" on the south corner of the site north of Belvedere Drive, 10,355 square foot "Bldg B" on the southeast side of the site facing Belvedere Drive, 9,184 square foot "Bldg C" in the interior of the site located between new Bldg B and (remaining) Bldg 2, 8,502 square foot "Bldg D" next to the S.E. corner of the Safeway building (3,612 square feet of retail on the ground floor and five affordable housing units totaling 4,890 square feet upstairs), and 43,543 square feet of reconstructed area and additions to the Safeway building, including 11,553 square feet of new area added on the east side of the building. Total proposed area at the shopping center will be 140,002 square feet, a net increase of 22,911 square feet. The new buildings will be mostly one-story, with taller elements at the building ends. Heights of the proposed new buildings are 22-26 feet for the single story elements, 32-35 feet for the taller end elements, 38 feet for the retail/residential building, and a maximum building elevation of 39 feet at the reconstructed Safeway building. Proposed circulation and parking changes include: extension of the existing central entry road from Redwood Highway Frontage Road through to Belvedere Drive on the east side of the site; a new triangular-shaped parking area on the southeast side of the site; substitution of perpendicular parking for diagonal parking on the north- and west-facing portions of the property; a new right-turn ingress and egress driveway approach on the northwest corner of the site, creation of a two-way left turn lane on Redwood Highway Frontage Road along the shopping center frontage. An additional 31 parking spaces are proposed to be added to the 693 existing spaces for a total of 724 parking spaces for the shopping center. A bus facility is proposed on Reed Road. The site is located at **655 Redwood Highway in Mill Valley, CA**, and is further identified as **Assessor's Parcel 043-321-01**.

Ben Berto, Principal Planner, summarized the staff report and recommended that the Commission adopt a Negative Declaration and approve the Design Review and Use Permit for the Strawberry Village Shopping Center.

Mr. Berto noted that staff received several correspondences commenting on this issue that had been circulated to the Commission and staff felt they did not rise to the level of potentially significant impacts. Staff responded to Commission questions regarding height, parking space compliance with respect to size and number, frontage road modifications, Safeway demolition, Bridge District bus stop issues, noise mitigation for residences, native landscaping, housing policy, and number of stores.

Steven Robertson, representing the shopping center, introduced the rest of the applicant's team, and stated that they were not interested in big box tenants, that the funding for the improvements is secure, that the additional space for Safeway is basically intended for back-room operations, and requested that the conditions on housing be modified for greater flexibility.

Bruce Corcoran stated his concerns with the adequacy of the traffic study, and that more study was needed. He provided his own traffic counts at a nearby intersection.

Esther Wanning supports the existing shopping center layout and opposes the project.

Geoff Butler, Chair of Strawberry Design Review Board, stated he supports the project and thanked the applicant and staff for the work they have done on improving it.

He agreed with Mr. Corcoran that traffic must be studied further in Strawberry, but stated that the Design Review Board felt that the improvements and new tenant mix in conjunction with old service style tenants will be a welcome improvement.

Kay Moore, member of Design Review Board supports the Center improvements, and pointed out that traffic problems are related to motorists avoiding Highway 101 accidents. A number of storeowners favor the plan as long as they could remain at the Center.

Sue Thornley expressed concerns for parking and believed additional parking should be provided. She requested that the "for sale" vehicles be removed along the frontage road, and said that she supported the changes to the Center.

There being no further public testimony on this item, Vice Chair Berland closed the public portion of the testimony and brought the matter back to the Commission for discussion and action.

Commissioner Dickenson commented on traffic mitigation and was told by Jason Nutt, Traffic engineer, that the \$253,000 in fees is intended for long-term improvements for the Tiburon Boulevard interchange at Highway 101.

Commissioner Buddie clarified that the traffic study was conducted by a traffic consultant hired by the applicant.

Commissioner Barner echoed Commissioner Julin's comments about the desirability of native landscaping, expressed concern about the cost of maintenance, and possible frost damage. He asked the landscape architect to discuss the viability of the landscaping proposed. Tofer Delaney, landscape architect, explained that the site conditions are not conducive to native plants. She felt it was appropriate to include materials that talk about shopping and the art of gardening, and that the plantings are appropriate for a Mediterranean climate and have been reviewed by someone from Strybing Arboretum. Garden's Guild would maintain and help keep the plants in a thriving condition, and GG does similar high maintenance work in another local shopping center.

Commissioner Julin asked Ms. Delaney about where to accommodate some native vegetation. Ms. Delaney responded that the site has lots of asphalt with resulting heat buildup, and a high, likely saline water table. Oaks are unlikely to survive. What she proposed for this site would thrive well.

Commissioner Dickenson discussed the bus stop design, including loading area screening.

Commissioner Dickenson clarified with the Safeway representative that it is Safeway's intention to use the additional floor area only for storage and not for retail sales, and confirmed with staff that, excepting Safeway and housing, there would be about 6,000 square feet of net increase in retail floor area.

Commissioner Barner expressed concern about the difference in traffic counts. Mr. Nutt responded that traffic counts can vary from day-to-day and he could not specifically provide a number as to what the fluctuations are in regard to traffic. He pointed out that the County has 24-hour counts that are three weeks long, and in general, the numbers were consistent with the numbers provided by Mr. Nickelson.

George Nickelson, traffic consultant, explained that the traffic counts were conducted by a traffic counting firm that is used all over northern California, and that the results were consistent. He pointed out that if there were an incident on the freeway the traffic counts would increase the greatest on northbound traffic on the Redwood Frontage. He also added that the volume of traffic would be highest on Saturdays and, as staff pointed out, mitigations proposed would address that problem.

Commissioner Thompson asked Berto whether there was a diagram of the bus routes. Mr. Berto responded that buses travel around the shopping center.

Commissioner Thompson believed information is missing regarding the bus stop.

Mr. Nutt responded that the proposed bus stops would not change their current traffic route, and that was acceptable to the Golden Gate Bridge District.

Commissioner Thompson noted problems with the Reed/Redwood Frontage interchange, and asked Mr. Nutt if there is any proposal to modify that interchange. Mr. Nutt responded that there are no changes now proposed, but that intersection will be studied. He also noted that the mitigation funds can be used to signalize the intersection if an unacceptable level of service occurs in the future.

Commissioner Buddie supported the Center's improvements, but desired additional information from a staff-hired traffic consultant. He believed traffic congestion should be addressed at the present time, and he could not approve the negative declaration until he received additional information regarding traffic. He did not view the Center's overall appearance in the current material, and desired photomontages to compare existing to future.

Commissioner Dickenson expressed concern for the proposed bus stop location rather than at Redwood Frontage Road. Mr. Nutt responded that what is proposed was acceptable to the Golden Gate Bridge District and staff.

Commissioner Barner suggested adding a condition of approval to include notification of the construction schedule and other activities, for example, a community-wide meeting. He added that he was impressed with the design as in keeping with the area and the commitment to keep the big box stores out, which would maintain the aesthetics and ambiance of Marin. He pointed out that the Housing Element had nothing to do with this project.

Commissioner Buddie left the meeting at 3:30 p.m..

Commissioner Julin expressed concern about not having adequate information to compare the information proposed as well as landscaping. It was pointed out that the applicant has landscape plans for the Commission's review, but that the ten-minute time limit prevented their presentation. Vice Chair Berland asked Ms. Delaney to discuss the landscaping and visual aspects of the project. Ms. Delaney and the architect provided the Commission with several architectural drawings depicting the landscaping, new buildings, the Plaza, and the bus stop along with a model for the Commission's consideration.

Commissioner Dickenson believed this is a very good project and is impressed with the architect's work. He added that, in his view, the parking would work and historically there had been plenty of overflow parking, and that given the minor net increase in retail, an additional traffic study is not needed. He also noted traffic mitigation funds for future mitigation, and is satisfied with the bus stop, but desired to have the residential units comply with the Noise Ordinance. He further noted that a continuance is not needed in his mind and he is ready to move forward.

Commissioner Thompson stated that no traffic issues had been addressed at Reed Boulevard and believed it is a major situation. He desired additional data with regard to traffic and traffic signals and urged consideration of those issues. He further noted that with the project itself he had no objection, but felt the bus stop landscaping area should be addressed.

Vice Chair Berland asked if they could legally require additional housing. Mr. Hinds responded that at the time this application was completed there was very little in the rules to support the County's request for housing, and this project exceeds the affordable housing requirements, but did not achieve the vision being proposed for the Countywide Plan. Vice Chair Berland suggested requiring more housing. Mr. Hinds responded that he would not object, but to provide more affordable housing there would need to be more subsidy and staff is pleased with the outcome as presented.

Commissioner Julin stated that the applicant is playing by the current rules although it would be nice to have more housing, she did not believe it should be imposed on the applicant. She would like to see more native landscaping, and is comfortable moving forward.

Vice Chair Berland added that the existing Strawberry's character is a low story statement and although this deviates from that, he is not concerned about compatibility. He believed it is an attractive project and would be an improvement for the Center. He expressed concern about the differences in the traffic counts, and desired additional traffic studies.

Commissioner Barner stated that he is comfortable with the current design, which substantially improves circulation, ambiance and architecture, with the exception of the traffic congestion. He agreed that this could serve as a model as to what could be done for housing. He expressed concern for the size of units and the appropriate amount of employee mix.

Commissioner Thompson stated that this is not a mixed Center, and believed more change is needed in order for it to have a village atmosphere. He suggested continuing the project in order to receive additional information on traffic.

Mr. Hinds responded that when there is a project that is relatively small that has a consultant with a well regarded reputation, there is no need for peer review with regard to traffic.

Mr. Nutt added that staff concurred with the findings in the report and that he did not believe it is necessary to conduct a supplemental investigation.

Commissioner Dickenson agreed with staff's comments given the magnitude of the project and believed there is no need for an additional traffic analysis.

Commissioner Thompson expressed concern for reviewing matters at a later date, and that material is missing.

Commissioner Julin believed traffic is beyond this particular applicant's control and the applicant should not be penalized. She believed the County should take care of the intersection and noted her support to move forward with the project and spend the funds to solve some of the traffic problems.

M/s Dickenson/Barner, to approve the Negative Declaration of Environmental Impact for the Strawberry Village Shopping Center Design Review and Use Permit as modified to include reference to residential units complying with all applicable noise standards. Motion passed 3/2 (Commissioners Berland and Thompson voted against the motion, and Commissioners Buddie and Herbertson not present).

Mr. Hinds noted that staff must tighten up language with regard to the conditions of approval on page 7, PC Attachment "2" and "8" based on the comments heard from the Commission.

M/s Dickenson/Barner, to adopt the resolution conditionally approving the Strawberry Village Center Design Review and Use Permit based on the findings and subject to the conditions as modified below. Motion passed 5/0 (Commissioners Herbertson and Buddie not present).

- Condition 11 - adding language to the second sentence to state, *"The plan shall be based on the conceptual landscape plan depicted in the Landscape Plan contained in "Exhibit A" and shall specify the number, species, size, and location of all plant materials including native species and provide sufficient landscape screening at the bus stop."*
- Condition 17 - added language to the first sentence to read, *"All housing units shall be completed and receive final inspection approval prior to final inspection approval of more than two other new buildings. All housing units shall comply with all applicable Marin County Noise Standards and Mitigation Requirements."*
- Condition 18 - added flexibility to state, *"Each of the five housing units shall remain rental units in perpetuity and be designated to be used by one or more Strawberry Village Shopping Center employees. Rental prices for four of the five units shall be established at levels not exceeding 30% of the gross income of households qualifying as very low. Actual housing unit rental prices shall be established by the County or its designee. And administration of this condition shall be in accordance with accepted Marin County procedures."*

Mr. Crawford then provided the Commission with language regarding advance notification of the construction activities on this site into the record as follows:

- *“At least 30 days prior to commencement of demolition and/or construction activities, the applicant shall mail a notice to surrounding residents/property owners and tenants of the existing shopping center informing them of the construction schedule and program for the project. The notice shall identify the contact person for complaints. The notice shall be mailed to all residents and property owners within Strawberry planning area situated between Tiburon Boulevard, Seminary Drive, US Highway 101 and Ricardo Drive. Prior to mailing the notice, a copy shall be provided to the Community Development Agency staff for review to ensure that it contains the appropriate information”.*

Mr. Crawford noted that there are minor revisions to Condition 29 and Condition 30 regarding monitoring and he believed it is important that the monitoring be required and suggested having the applicant submit a quarterly report to staff.

Commissioner Dickenson incorporated those recommended changes into his motion. Vice Chair Berland desired including Commission Dickenson’s suggestion that the additional development of the Safeway structure be limited to back-office operations. Mr. Crawford agreed.

Commissioner Barner complimented staff on Condition 5 of page 6 regarding the demolition permit in relation to the handling of hazardous materials and suggested adding this language to all applications in the future.

Vice Chair Berland informed all parties of interest that the action could be appealed within five (5) working days.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-021

A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
AND A MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE STRAWBERRY VILLAGE SHOPPING CENTER
DESIGN REVIEW 03-32 AND USE PERMIT 04-5

618 REDWOOD HIGHWAY, MILL VALLEY
ASSESSOR'S PARCELS 043-321-01

SECTION I: FINDINGS

- I. WHEREAS Field Paoli Architects submitted an application seeking approval to renovate and expand the Strawberry Village Shopping Center north annex, located on the east side of Redwood Highway south of Tiburon Boulevard. Four buildings totaling 62,073 square feet would be demolished and replaced with four new one- and two-story buildings totaling 77,929 square feet, for a total building area in the north shopping center annex of 140,002 square feet, on the 10.25 acre property. In addition to the retail and other commercial area, five residential units totaling 4,890 square feet would be built, for rent to very low income employees (four units). A total of 724 on-site parking spaces are to be provided, including a 15 parking space expansion of an existing parking area located in the south shopping center annex. The project would also include various circulation improvements for motorists, transit users, pedestrians, and bicyclists. An expanded landscape plan is proposed. The development also incorporates various green building concepts. The subject property is located at **618 Redwood Highway, Mill Valley**, on property further identified as **Assessor's Parcel 043-321-01**.
- 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 transportation, hazards, erosion, and pollution 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 August 29, 2003 a Negative Declaration was completed and distributed to agencies and interested parties to commence a 20-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 September 18, 2003, the Marin County Planning Commission conducted a public hearing on September 22, 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 adopts 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 22nd day of September 2003, by the following vote to wit:

AYES: Barner, Dickenson, Julin, Thompson, Berland

NOES:

ABSENT: Buddie, Herbertson

ALLAN BERLAND, VICE CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-022

A RESOLUTION APPROVING THE FIELD PAOLI ARCHITECTS
(STRAWBERRY VILLAGE SHOPPING CENTER) DESIGN REVIEW 03-32 AND USE PERMIT 04-5
655 REDWOOD HIGHWAY, MILL VALLEY
ASSESSOR'S PARCEL 043-321-01

SECTION I: FINDINGS

- I. WHEREAS Field Paoli Architects submitted an application seeking approval to renovate and expand the Strawberry Village Shopping Center north annex, located on the east side of Redwood Highway south of Tiburon Boulevard. Four buildings totaling 62,073 square feet would be demolished and replaced with four new one- and two-story buildings totaling 77,929 square feet, for a total building area in the north shopping center annex of 140,002 square feet, on the 10.25 acre property. In addition to the retail and other commercial area, five residential units totaling 4,890 square feet would be built, for renting to very low income employees (four units). A total of 724 on-site parking spaces are to be provided, including a 15 parking space expansion of an existing parking area located in the south shopping center annex. The project would also include various circulation improvements for motorists, transit users, pedestrians, and bicyclists. An expanded landscape plan is proposed. The development also incorporates various green building concepts. The subject property is located at **618 Redwood Highway, Mill Valley**, on property further identified as **Assessor's Parcel 043-321-01**.
- 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 September 22, 2003, to consider the merits of the proposed Design Review and Use Permit, 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 retail, commercial, and residential uses are consistent with the governing General Commercial (GC) land use designation and will result in a floor area ratio of 31%, which is within the 1% to 50% floor area ratio range allowed by the GC land use designation. (CWP CD-118, Map 6.2.1)
 - B. The proposed project would not adversely affect the provision of public services including utilities, fire protection, roadways, and schools. (Policies EQ-1.1, EQ-3.10)

- C. The project will not directly or indirectly impact special status species or habitat diversity because the proposed improvements would be located either on previously-developed property. (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 be healthful, safe, and well-designed functionally and aesthetically. (Policy EQ-3.8)
- G. The project will respect the visual qualities and view potential of the natural and built environment. (Policy EQ-3.11)
- H. The project will minimize the extent of grading and conform to the standards of the Department of Public Works. (Policy EQ-3.16)
- I. The project will preserve and improve an existing commercial area. (Policy CD-2.8)
- J. The project will conserve energy through its central location and multiple-purpose design (Policy CD-4.1)
- K. 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)
- L. The project includes pedestrian access improvements, including sidewalks and pedestrian connections to surrounding trails and transit facilities. (Program T-5.3a)
- M. The project will result in housing that is affordable to very low income households, and result in a mixed-occupant, transit-oriented and sustainable development. (Policies H3.12, H3.18, H4.2)
- N. The project will provide 5 units of housing (4 units for very low income households) 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)
- O. The project in providing 5 units of housing (4 units for very low income households) will match jobs with housing opportunities. (Policy H3.2)
- P. The project in providing 5 units of housing (4 units for very low income households) will contribute workforce housing from a non-residential use. (Policy H3.3)
- Q. The project will provide 5 units of employee housing. (Policy H3.4)
- R. The project will develop 5 housing units in conjunction with the renovation of the shopping center. (Policy H3.15)
- S. 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)

- VI. WHEREAS the Marin County Planning Commission finds that the proposed Design Review and Use Permit applications, as conditioned herein, are consistent with the following goals contained in the Strawberry Community Plan.
- A. The project is consistent with the General Commercial (GC) land use designation for the site.
 - B. The project will provide below market rate housing. (IV. D.)
 - C. The project will be scaled to ensure future acceptable traffic levels of service, and improvements shall be required in conjunction with the new development. (Goal C)
 - D. The project will be scaled such that the traffic level of service will not deteriorate substantially from 1981 levels. (Policy V(A)(1))
 - E. The project will keep the present road system as is, except for intersection revisions and safety improvements. (Policy V (2)).
 - F. The project will encourage bicycling and walking as alternatives to the automobile by extending sidewalks and paths and making access to all areas as safe as possible. (Policy V (4)).
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the requirements of the H1 (Limited Roadside Business) and C2-H (General Commercial) zoning districts because: (1) the proposed retail commercial is a principally-permitted use (Marin County Code Section 22.34.020); (2) the proposed residential use is permitted upon securing a use permit (Marin County Code Section 22.34.020); (3) the project complies with all applicable setbacks, density restrictions, height limits, and other governing zoning regulations for the zoning districts. (Marin County Code Section 22.12.040 Table 2-8).
- VIII. WHEREAS the Marin County Planning Commission finds that findings can be made for approval of Design Review for the proposed project, as modified by conditions of approval, consistent with the findings in Marin County Code Section 22.42.060, based on the following factors.
- 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 project will functionally and aesthetically improve the shopping center while not adversely impacting traffic congestion.
 - 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 site is already developed as a shopping center and the proposed project will not adversely impact the use, enjoyment, or development of nearby sites.
 - 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. The improvements proposed in the shopping center renovation and expansion will benefit surrounding properties.
 - 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 landscape plan that will upgrade and expand on existing landscaping, including retention of significant trees.

- E. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards). The project is located in a conventional zoning district, but features minimal grading, fire safe setbacks, avoiding increasing impervious surfaces, and materials and finishes that blend with the natural environment.
 - F. The proposed development will minimize or eliminate adverse physical or visual effects that might otherwise result from unplanned or inappropriate development, design, or placement. Physical and visual impacts have been addressed in the site design.
 - G. The project design includes features that foster energy and natural resource conservation while maintaining the character of the community. The project design includes upgrades for bus transit, provides on-site employee housing, will recycle and reuse materials, and contains passive solar features.
 - 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 shopping center is consistent with the CWP designation, complies with applicable zoning district regulations, and will benefit the public convenience and welfare.
- IX. WHEREAS the Marin County Planning Commission finds that findings can be made for approval of a Use Permit for the residential portion of the proposed project, as modified by conditions of approval, consistent with the findings in Marin County Code Section 22.48.040, based on the following factors.
- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter. Residential uses are allowed on the second floor of commercial buildings in the C2-H zoning district, upon issuance of a zoning permit. The residences will meet all applicable development standards
 - B. The proposed use is consistent with the Countywide Plan and applicable Community Plans, as demonstrated in the Project Issues Section above.
 - C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA). The Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact should be adopted for this project, pursuant to the requirements of the California Environmental Quality Act.
 - D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land use in the vicinity. Provision of employee housing on the site is compatible with surrounding residential uses and may have a minor beneficial effect on traffic congestion.
 - E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located. The project has been extensively reviewed by the Strawberry Design Review Board and found to be compatible with the architectural character of the zoning district.
 - F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located. As conditioned, granting the Use Permit on the subject property would not be detrimental to the public as it represents the provision of a modest amount of workforce housing and serves the public interest, health, safety, and welfare. Any traffic impact will add to the public convenience.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Strawberry Village Shopping Center Design Review 03-32 and Use Permit 04-5 subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapters 22.42 and 22.48 of the Marin County Code, the Field Paoli Architects (Strawberry Village Shopping Center) Design Review 03-32 and Use Permit 04-5 is approved for modifications and additions to the north and south Strawberry Village Shopping Center complex, located on the Redwood Highway Frontage Road north of Belvedere Drive and east of Highway 101 in Mill Valley. Four buildings totaling 62,073 square feet of area are to be demolished: the existing building on the east side of the site facing Belvedere Avenue ("building 4"), the interior diamond-shaped building ("building 7"), the southernmost building north of Belvedere Drive ("building 3"), and the Safeway building ("building 1"). Proposed construction includes: 13,400 square foot "Bldg A" on the south corner of the site north of Belvedere Drive, 10,355 square foot "Bldg B" on the southeast side of the site facing Belvedere Drive, 9,184 square foot "Bldg C" in the interior of the site located between new Bldg B and (remaining) Bldg 2, 8,502 square foot "Bldg D" next to the southeast corner of the Safeway building (3,612 square feet of retail on the ground floor and five affordable housing units totaling 4,895 square feet upstairs), and 43,543 square feet of reconstructed area and additions to the Safeway building, including 11,553 square feet of new area added on the east side of the building. Total area at the north shopping center annex will be 140,002 square feet, a net increase of 22,911 square feet. The new buildings will be mostly one-story, with taller elements at the building ends. Heights of the proposed new buildings are 22-26 feet for the single story elements, 32-35 feet for the taller end elements, 38 feet for the retail/residential building, and a maximum shopping center elevation of 39 feet at the reconstructed Safeway building.

Circulation and parking changes include: extension of the existing central entry road from Redwood Highway Frontage Road through to Belvedere Drive on the east side of the site; a new triangular-shaped parking area on the southeast side of the site; substitution of perpendicular parking for diagonal parking on the north- and west-facing portions of the property; a new right-turn ingress and egress driveway approach on the northwest corner of the site, creation of a two-way left turn lane on Redwood Highway Frontage Road along the shopping center frontage, and elimination of several existing parking spaces at buildings B and C and where the Safeway building would be expanded. A total of 724 parking spaces are proposed for the shopping center, an increase of 31 spaces over the existing 693 parking spaces.

A bus facility will be on Reed Road, with staging area for three Golden Gate buses, and bus rider amenities. Shopping center building and site modifications also include a number of "green building" features, including material reuse and recycling, passive solar, skylights, water efficient landscaping, and on-site employee housing. Tenant signage guidelines are proposed to be updated, with new standards for size, design, location, and lighting. The subject property is located at **655 Redwood Highway, Mill Valley**, on property further identified as **Assessor's Parcel 043-321-01**.

2. Plans submitted for a Building Permit shall be in substantial conformance with the following approved Design Review and Use Permit exhibits on file in the Community Development Agency - Planning Division:
 - A. "Exhibit A," consisting of plans entitled, "Strawberry Village Shopping Center" consisting of 19 plan sheets, prepared Field Paoli Architects, dated received July 25, 2003, and sheet dated December 30, 2002, May 13, 2003, June 30, 2003, and with latest revisions dated July 24, 2003;
 - B. "Exhibit B," consisting of a color and material board, prepared by Field Paoli Architects, showing the following:

| <u>Item</u> | <u>Color & Material</u> |
|--|--|
| Roofing | recycled spanish tile or new spanish tile to match built up asphaltic material painted white (flat roof center portion) |
| Roof flashing | metal painted non-reflective earthtone |
| New arcade columns | creamy yellow "Suntan yellow" Benjamin Moore 2155-50 smooth troweled stucco |
| New exterior wood members | dark stain to match existing wood |
| New window frames | dark anodizing or stain to match existing wood |
| Storefront doors, transom, and windows | landlord approved tenant improvements within neutral piers |
| Horizontal exterior wood beam | bright blue "Blue danube" Benjamin Moore 2062-30 |
| Building A south endcap | tan "Acorn yellow" Benjamin Moore 2161-40, stucco |
| Building A north endcap | "Suntan yellow" Benjamin Moore 2155-50, stucco |
| Building B east endcap | "Acorn yellow" Benjamin Moore 2161-40, stucco, striped w/ terra-cotta "Copper mountain" Benjamin Moore AC-12 |
| Building B west endcap | moss green "Dry Sage" Benjamin Moore 2142-40 |
| Building C east endcap | "Acorn yellow" Benjamin Moore 2161-40, stucco |
| Building D siding | "Dry Sage" Benjamin Moore 2142-40 |

- C. "Exhibit C," consisting of 2 sets of tenant sign criteria entitled "Tenant Sign Criteria Schematic Concepts and Review" (November 14, 2002) and "Tenant Sign Criteria 100% TC Documentation" (June 20, 2003), prepared by Square Peg Design.

3. The following use space allocations are approved in the north shopping center annex::

| <u>Use</u> | <u>Square footage</u> |
|-------------|-----------------------|
| Restaurant | 24,615 sq.ft.* |
| Office | 2,141 sq.ft. |
| Retail | 108,351 sq.ft.* |
| Residential | 4,895 sq. ft. |
| <hr/> | |
| Total | 140,002 sq.ft. |

*The allowable area for retail may be increased if the area of restaurant is reduced by the same amount

4. The applicant shall implement as a Master Tenant Sign Program the tenant sign criteria contained in the two Treatment Plans that is identified as "Exhibit C" of this approval, with the further proviso that clarification language on signage requirements, subject to approval by the Community Development Director, shall be included in a final tenant manual, which shall govern all future Strawberry Village Shopping Center tenant signage applications.
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 friable materials.
6. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall incorporate into the first sheet of the office and job site copies of the Building Permit plans a listing of these 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 shielded from direct offsite illumination. Lighting shall be selected to avoid high-angle, high-candela distribution patterns. A photogrammetric (illumination level) diagram shall be included with the building permit plan sheet, and shall demonstrate that any new or modified exterior lighting will maintain lighting levels consistent with current levels. Cut (specification) sheets 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, areas for storage of equipment and materials, and route(s) to be taken by trucks hauling excavated spoils, demolition debris, and other construction related materials. Traffic control measures shall be listed including, but not limited to, limitations on trucking hours of operation to avoid peak commute hours, and on-site (and if applicable, off-site) location(s) for staging of trucks, equipment, and materials.
9. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate the incorporation of sustainable (green) building designs and practices into the construction plans. This may include the use of passive or active solar energy systems. 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 of the buildings; (2) energy efficient (energy star) appliances, lighting, and windows that exceed state energy performance standards (Title 24); (3) durable and recycled or reused construction materials; (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 (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 and Department of Public Works for review and approval confirming the final design for the two-way-left-turn lane, northwest driveway approach, revised west (main) driveway, and other off-site improvements.
11. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a final landscape and irrigation plan for review and approval by the Community Development Director. The plan shall be based on the conceptual landscape plan depicted in the Landscape Plan contained in "Exhibit A" and shall specify the number, species, size, and location of all plant materials including native species and provide sufficient landscape screening at the bus stop. The landscaping plan shall include soils reports for all in-ground landscaped areas, and shall contain specifications for any recommended soil amendments.
12. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a "Statement of Conformance" prepared by a certified or licensed landscape design professional that 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 that the district's landscape water efficiency regulations.
13. 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.

14. 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.
15. 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. 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.
16. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval a written agreement between the County and the applicant that specifies the number, size, interior design, location, and construction scheduling of all housing units. The agreement shall also specify provisions for income certification, proof of employment at the Strawberry Village Shopping Center, and other screening of potential renters.
17. All housing units shall be completed and receive final inspection approval prior to final inspection approval of more than two other new buildings. All housing units shall comply with all applicable Marin County Noise Standards and Mitigation Requirements. If possible, rental of the units should be scheduled to coincide with grand reopening of the north shopping center annex.
18. All five housing units shall remain rental units in perpetuity and be designated to be used by one or more for Strawberry Village Shopping Center employees. Rental prices for four of the five units shall be established at levels not exceeding 30 percent of the gross income of households qualifying as very low income. Actual housing unit rental prices shall be established by the County or its designee and shall be based on unit occupancy levels. Administration of this condition shall be in accordance with accepted Marin County procedures.
19. If the Housing Authority is not the designated agency administering the affordable housing units, the housing administrator shall prepare an annual report to the County verifying compliance with the rental housing terms listed above.
20. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT (including demolition), the following requirements shall be satisfied:
 - A. The project sponsor shall submit with all construction plans an Erosion Control Plan that complies with construction guidelines of the Marin County Stormwater Pollution Prevention Program, which may include, but are not limited to, the following: (1) siltation fencing, hay bales, and other drainage erosion control measures; (2) stabilization of graded soils; (3) hydroseeding; (4) protection of graded soils from precipitation and runoff; and (5) limiting construction equipment access. (Mitigation 3b-1)
 - B. The Marin County Department of Public Works staff shall verify that the Erosion Control Plan is in compliance with the Marin County Stormwater Pollution Prevention Program guidelines.
 - C. The Marin County Department of Public Works staff shall verify that the construction plans, documents, and permit conditions note and incorporate project dust and vehicular emissions control measures identified in the mitigations.
21. During routine field inspections, the Marin County Department of Public Works staff shall verify project compliance with the approved Erosion Control Plan. (Monitoring 3-b2)
22. Dust control measures shall be followed during the construction period, including the following:
 - A. Grading or other dust-producing construction activities shall be suspended during periods of high wind and/or when dust control is not effective.

- B. Graded soils shall be watered regularly. An appropriate dust palliative or suppressant, added to the water before application, shall be utilized. In order to promote water conservation, recycled and reclaimed water should be used for dust control whenever possible.
 - C. Equipment and personnel for watering of all graded soils shall be provided on site as needed.
 - D. Stockpiles of debris, soil, sand, or other materials that can be blown by the wind shall be watered or covered.
 - E. The construction area and adjacent streets shall be swept as needed to minimize the amount of mud and dust that may be carried onto street surfaces or transmitted into the air by construction vehicles.
 - F. When grading activities cease, completed cuts or graded areas shall be seeded, covered, landscaped, paved, and/or watered with an appropriate dust palliative or suppressant added to the water as soon as possible to avoid leaving exposed disturbed earth.
 - G. If trucks haul soils, debris, or other construction materials to or from the site, the trucks shall be covered with a solid tarp, or equivalent material, to prevent dust from becoming airborne during transport.
 - H. Construction vehicles shall be limited to speeds of 15 miles per hour or less on unpaved roadways and disturbed or graded construction areas.
 - I. All construction equipment using fossil fuel shall have installed required emission control devices that are in proper operational condition.
 - J. All construction equipment shall be turned off when not in use. (Mitigation 5-b1).
23. 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.
24. The area of the new expansion for the Safeway store shall only be used for production, storage, and back-office (versus retail) functions.
25. At least 30 days prior to commencement of demolition and/or construction activities, the applicant shall mail a notice to surrounding residents/property owners and tenants of the existing shopping center informing them of the construction schedule and program for the project. The notice shall be mailed to all residents and property owners within Strawberry planning area situated between Tiburon Boulevard, Seminary Drive, US Highway 101 and Ricardo Drive. Prior to mailing the notice, a copy shall be provided to the Community Development Agency staff for review to ensure that it contains the appropriate information.

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

26. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT (including demolition), the applicant shall submit a Surface Runoff Pollution Control Plan, which shall address both interim (during construction) and final (post construction) control measures as part of Best Management Practices (BMPs) that would prevent or minimize impact to water quality. The plan shall include measure to insure long-term maintenance of facilities. (Mitigation 3-b1)
27. Prior to occupancy of the first renovated or new building, all frontage and parking lot improvements, including Building 12 lot, shall be completed.
28. Final parking plans shall include 724 on site spaces and 15 spaces at Building 12 lot (including accessible spaces). The total number of accessible parking stalls shall comply with federal and state requirements.
29. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT (excluding demolition), the applicant shall:
- A. Provide copy of geotechnical report prepared by a registered Geotechnical Engineer that evaluates ultimate subsidence predicted to occur over a 100 year period commencing with the completion of construction, and show on plans pre- and post- settlement elevations (NGVD Datum). Parking lot and driveways shall be at least 7.0 feet and finished floor of structures and mechanical equipment pads at least 9.0 feet both after ultimate subsidence.

- B. Revise site plans to show frontage improvements details, including the bus stops, sidewalks sidewalk widths, accessibility signage, curb ramps and connections needed in the immediate vicinity of the project. All such improvements shall comply with federal and the State of California Accessibility requirements. Per State of California Title 24 Section 1127B.5, revise plans to show that curb ramps shall be constructed at each corner of a street intersection or where a pedestrian way crosses a curb.
- C. Revise site plans to include an accessible parking stall located on the shortest accessible route of travel to the residential units entrance.
- D. An Encroachment Permit will be required for construction within the road right-of-way.
- E. An application shall be submitted for a Recorded Encroachment Permit for private improvements in the right-of-way and for the permanent maintenance of all landscaping within the public right-of-way.
- F. Applicant shall execute a recorded encroachment permit.
- G. The plans shall be reviewed and approved by a Registered Soils Engineer. Proof of same may be by his/her stamp and signature on the plans or by letter.
- H. A Registered Civil Engineer shall design the site/driveway drainage plans. Plans shall include signature and engineering stamp.
- I. Provide arborist report that proposed trees in the right of way do not have aggressive root systems. Trees shall not be planted over storm drain easement without prior approval from DPW.
- J. Except for tree trunks, landscaping plans shall show vegetation at intersection conforming with MCC Section 13.18 (no higher than 30 inches within 35 feet of property corner).
- K. Submit hydrology and hydraulic calculations for the existing and post construction drainage to verify the capacity of the existing public storm drain improvements and downstream drainage structures.
- L. Provide a revised In N Out Burger parking agreement that moves the employee parking to Building 12's lot.
- M. Provide a site pedestrian circulation plan.
- N. If required for improvements or work within the highway right of way, the applicant shall submit a copy of the Caltrans encroachment permit.

Marin County Department of Public Works – Traffic Division

- 30. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, pursuant to Marin County Code Title 15.07, the applicant must pay a Transportation Facilities Fee for all pm peak hour trips generated by this project. Based on the documentation provide in the May 2003 Transportation Impact Analysis and June 25, 2003 supplemental letter by George Nickelson, the project is anticipated to generate 70 pm peak hour trips which relate to a fee, in 2003 dollars, of \$253,758.33 (70 trips x \$3,625.12 per trip).
- 31. The applicant must monitor the main driveway to Redwood Highway Frontage Road quarterly for one year after total project completion to assure that the two-way left turn lane is maintaining the level-of-service at 'D' or better. If at any single monitoring period the level of service drops to a condition below 'D', the applicant shall work with the Department of Public Works to make appropriate improvements to be funded by the applicant. (Monitoring 6b-1)
- 32. The applicant must monitor the proposed driveway at the northwest corner of the property quarterly for one year after completion to assure that the design adequately discourages left-turn movements. (Monitoring 6b-1)
- 33. The recorded encroachment permit shall require that the shopping center maintain, in perpetuity, all concrete and signage associated with the pork-chop island at the northwest driveway entrance.
- 34. All driveway improvements and striping changes on Redwood Highway Frontage Road shall be completed prior to occupancy.
- 35. The two-way left turn lane shall be designed by a registered engineer and must connect the main driveway with Belvedere Drive.
- 36. 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.

Southern Marin Fire Protection District

37. 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. A U.L. listed key box shall be provided.
 - B. Fire sprinkler systems shall be provided.
 - C. An approved fire detection system shall be provided, in accordance with the standards established by the National Fire Protection Association. Said system must be connected to the headquarters of the Southern Marin Fire Protection District through an approved U.L. central monitoring station.
 - D. Non-combustible roofing shall be utilized.
38. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the architect of record shall meet with the Fire District officials.
39. 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 four 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.
40. 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. A remotely located, second means of egress shall be provided for each floor above the first.

Marin Municipal Water District

41. All new buildings shall be individually metered.
42. 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.

Richardson Bay Sanitary District

43. PRIOR TO ISSUANCE OF BUILDING PERMIT, the applicant shall submit sewer improvements plans detailing sewer laterals, plumbing fixtures, grease traps, etc., to the District for review and approval and pay any connection fees.

Golden Gate Bridge, Highway and Transportation District

44. Alternative locations for garbage enclosures other than immediately adjacent to bus stops shall be explored. No garbage enclosure to be located within 20 feet of the primary Reed Road bus stop.

SECTION III: VESTING

NOW, THEREFORE BE IT RESOLVED that Field Paoli Architects (Strawberry Village Shopping Center) Design Review and Use Permit 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. A Design Review and Use Permit extension of not more than four years may be granted for cause pursuant to Section 22.56.050 of the Marin County Code.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 22nd day of September 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Julin, Thompson

NOES:

ABSENT: Buddie, Herbertson

ALLAN BERLAND, VICE CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

6. DESIGN REVIEW APPEAL: YOUSSEFIRAD (NAJARIAN)

Continued hearing to consider the Najarian Appeal of the Community Development Agency administrative approval of the Youssefirad Design Review proposing to: (a) demolish an existing parking deck that currently serves the developed adjacent property to the north (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 the subject 6,460 square foot vacant parcel; and (c) construct a new parking deck at 60 Mountain Lane to serve the existing residence. The subject properties are located in the Muir Woods Park Subdivision of Mill Valley. The appellant, Lynda Najarian, asserts that: (1) the project 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 soil erosion, drainage, and tree removal impacts to her property. The subject property is located at **56 Mountain Lane, Mill Valley**, and is further identified as **Assessor's Parcel 045-111-10**.

Commissioner Thompson recused himself for this item.

Ben Berto, Principal Planner, summarized the staff report and recommended that the Commission approve a resolution denying the Najarian appeal, upholding the Community Development Agency's Administrative Decision and conditionally approving with amendments the Youssefirad Design Review Assessor's Parcels 045-111-10, 045-11-09 and 045-093-08. He concluded by stating that the legality of the lot was investigated and was determined that it was a legal lot of record.

Commissioner Dickenson recommended deleting Public Works Condition 23A because it is already covered under Planning Commission Condition 10 in terms of sequencing the construction of the parking deck.

Commissioner Barner commented on Condition 4, which is an offer to the County that would not be accepted and asked Mr. Berto to explain the "offer of dedication." Mr. Berto responded that initial the intent was to clarify the likely disposition of that Fire Department portion of the deck. He stated that the applicant objected to having the public using their property. He added that they could chain the parking deck and incorporate a lock system, so the Fire Department could unlock the chain and utilize that area for access.

Commissioner Dickenson asked Mr. Berto if most vehicles would be allowed to use the paved area in order to maneuver. Mr. Berto responded that the applicant would prefer not to have the public use their property, and there is a nexus concern requiring that of the applicant. Commissioner Dickenson pointed out that the only manner in which the applicant's two parallel spaces would work would be if they were able to utilize the proposed parking deck in front of the applicants' mother's house. Mr. Berto responded that the circulation concern is well taken.

Commissioner Barner pointed out that the County would not accept the offer of dedication. Mr. Berto responded that this area would be an offer of dedication of an easement for the Fire Department.

Lynda Najarian, appellant, pointed out that the septic, tree trunk and downward drainage is not acceptable. The drainage should not be changed. The proposed condition addresses the requirement for trees on the property for privacy. She requested that the fence be removed from her property line in order to contain the debris.

Marie Youssefirad, applicant, provided the Commission with an architectural drawing in order for the Commission to understand the parking and driving constraints. She felt the fire truck could travel to the location, and maneuvering could be done later. She discussed drainage on Mountain Lane and it was recommended to drain to Mountain Lane per code with regard to a swale. She added that the fence is already in the process of being moved and she is fully aware of the property line. She further pointed out that there are 20 trees planted at the bottom of the lot in order to prevent erosion.

Vice Chair Berland opened the public hearing on this item.

Mike Brinkman expressed concern about traffic and parking. He felt the hammerhead turnaround would pretty much mitigate his concerns and an easement would appropriately handle the offer of dedication.

Steve Berman believed the hammerhead turnaround was a great solution. He expressed concern for guests trying to maneuver and pointed out that if the hammerhead turnaround were removed the area would be unsafe.

Daniel Lurman thanked staff for the recommendations, and believed the adjusted plan solved most concerns that he had, and if the applicant were to sell the property and the parking lot were chained, as two separate properties the solution would not work.

Barry Joseph supported the project, but expressed concern for his view due to trees. Those planted would not impeded his view, so he had no objection to the project.

There being no further public testimony on this item, Vice Chair Berland closed the public portion of the testimony and brought the matter back to the Commission for discussion and action.

Commissioner Dickenson felt staff did a great job addressing his concerns raised at the last meeting. He stated that the change in the house access made it more likely that two vehicles would be parked on the parking deck. He supported moving the door to face the street and appreciated the manner in which the drainage issues had been addressed. He also added that the solution to the power line issue is still problematic, but believed it is covered in the recommended conditions of approval. He also stated that the hammerhead design is appropriate with unrestricted access to the apron portion of the 60 Mountain Lane parking deck, and felt the final design could be worked out with the Fire Department for accessibility. He further believed the applicants, guests, and the general public could use the driveway apron in order to maneuver.

M/s Dickenson/Barner, and passed unanimously of those present, to adopt the attached resolution granting the Najarian appeal in part and approve the Youssefirad Design Review, based on the findings and subject to the conditions as modified below: Motion passed 4/0 (Commissioners Herbertson, Buddie, and Thompson not present).

- Condition 4 – ". . . the applicant shall make an offer of dedication of an easement to the public for a turnaround extending from the property line to the headwall of the new parking deck and shall make an additional offer of an easement sufficient for turnaround of the Fire Department apparatus, subject to the approval of the Department of Public Works and the Marin County Fire Department;" and eliminate Condition 23A in order to make it clear that the existing parking deck could not be demolished until the new parking deck is completed.
- Condition 21(C) - "Before final inspection the applicant shall modify the overhead public utility line to PG&E approved plans." Commissioner Dickenson suggested adding that language to Condition 6 that the work is preformed before the building permit is granted. Mr. Berto agreed.

Commissioner Thompson reconvened his position on the Marin County Planning Commission at 5:51 p.m. for the remainder of the meeting.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-023

A RESOLUTION UPHOLDING IN PART THE NAJARIAN APPEAL, AND UPHOLDING IN PART THE COMMUNITY DEVELOPMENT AGENCY'S ADMINISTRATIVE DECISION AND CONDITIONALLY APPROVING WITH AMENDMENTS THE YOUSSEFIRAD DESIGN REVIEW ASSESSOR'S PARCELS 045-111-10, 045-111-09, 045-093-08 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 and fire apparatus turnaround 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, and continued the appeal hearing to September 22, 2003 to allow the applicant and staff to respond to questions and issues raised.
- VI. WHEREAS, the Marin County Planning Commission held a public hearing on September 22, 2003, to review the responses to the questions and issues raised at the last hearing, and to continue the public hearing on the appeal.

VII. 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 redesigned 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 final drainage and erosion control improvements will 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; (H) the required landscape plan must include a component for the removal of all existing felled tree debris from the site, and (I) the applicant has redesigned the project to incorporate a fire department apparatus turnaround.

VIII. 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 that 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.

- IX. 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, and provide a fire department turnaround to enhance public safety
- X. 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.
- XI. 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). The public access easement over the parking deck at 60 Mountain Lane will ensure its ongoing functionality and use for necessary parking maneuvers by 56 Mountain Lane motorists.
 - 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 native 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 grants the Najarian appeal in part and approves the Youssefirad Design Review subject to the revised 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 and provide a fire apparatus turnaround. 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 including **Assessor's Parcels 045-111-10, 045-111-09, and 045-093-08**.
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 applicant shall incorporate into the project plans a final design for a turnaround sufficient for fire department apparatus, subject to the approval of the Department of Public Works and Marin County Fire Department.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall make an offer of dedication of an easement to the public for a turnaround extending from the property line to the headwall of the new parking deck and shall make an additional offer of an easement sufficient for turnaround of the Fire Department apparatus, subject to the approval of the Department of Public Works and the Marin County Fire Department.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the County shall process two independent Lot Mergers: one for Assessor's Parcel Number 045-111-10, and one for Assessor's Parcel Numbers 045-111-09 and 045-093-08.

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall incorporate into the project plans and have completed modifications to the overhead public utility line that have been approved by PG&E.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the plans to show the location of the front door on the north corner of the front of the house facing Mountain Lane.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the plans for the sanitary waste disposal to incorporate the requirements of Environmental Health and recommendations of Earth Science Consultants dated September 17, 2003 (the latter subject to the approval of Environmental Health).
9. 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.
10. 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/ fire department turnaround at 60 Mountain Lane and receive a final inspection for said parking deck.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to show that the roof drains shall not be discharged onto Mountain Lane.
12. 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.
13. 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.
14. 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.
15. All exterior flashing, metal work, and trim shall be an appropriately subdued, nonreflective color.
16. The applicant shall use natural earth-tone colors that blend in with the surrounding natural environment.
17. All new mechanical/utility equipment shall be screened from off-site vantage points.
18. All utility connections and extensions serving the project shall be installed underground.
19. 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.
20. 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.
21. 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.
 - c. Modify the overhead public utility line to PG&E approved plans.

Marin Municipal Water District

22. 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

23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following DPW requirements:
- a. The site plan property boundary shall be revised to reflect Record of Survey 2002 O. R. 63.
 - b. 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.
 - c. The site drainage and grading plans must be designed by a registered civil engineer or architect. Plans must have a signature and stamp.
 - d. An erosion and siltation control plan shall be submitted.
 - e. Pay Public Transportation Facilities Fees in accordance with Marin County Code Chapter 15.07.
 - f. A separate building permit is required for site and driveway retaining walls with a height of more than 3 feet or 4 feet when backfill area is not sloped or surcharged.
24. 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

25. The applicant shall submit written verification from the Marin Municipal Water District that demonstrates their willingness to serve the project.
26. 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 22, 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 22nd day of September 2003, by the following vote to wit:

AYES: Berland, Barner, Dickenson, Julin

NOES:

ABSENT: Buddie, Thompson, Herbertson

ALLAN BERLAND, VICE CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

7. DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT: REDWOOD LANDFILL, INC. REVISED SOLID WASTE FACILITIES PERMIT

Continued hearing to receive testimony on the Draft Subsequent Environmental Impact Report for the Redwood Landfill, Inc. Revised Solid Waste Facilities Permit. Redwood Landfill, Inc. a wholly owned subsidiary of USA Waste of California, in association with Waste Management, Inc., has applied to the Marin County Environmental Health Services Division for a Revised Solid Waste Facilities Permit (SWFP) for continuation and expansion of a 380-acre landfill on a 420-acre site near Novato, California. Since issuance of the 1995 SWFP, certain changes to the operation and facility have been implemented, and new changes are proposed in connection with the Revised SWFP, including sludge management practices, alternative daily cover, increase composting volume, leachate management, increased waste receipts, traffic, design capacity, waste classification, landfill life, gas control, and waste containment units reclassified as Class II for receipt of some semi-hazardous wastes. The Redwood Landfill property, accessed by private road from State Highway 101, is approximately 600 acres in size and consists of a 180-acre northern area and a 420-acre southern area. Waste disposal activities are dedicated to the 420-acre southern area. Redwood Landfill is the principal landfill serving Marin County and is located on the east side of State Highway 101, 4 miles north of the City of Novato and 7 miles southeast of Petaluma in Marin County, and is further identified as Assessor's Parcel 125-160-13.

Tim Haddad, Environmental Planning Coordinator, summarized the staff report for the Redwood Landfill Permit Revisions. He explained that all comments at these hearings as reflected in the summary minutes that the Commission approves after each succeeding meeting as well as all letters and oral comments would be addressed in a Final EIR and a written response to each issue raised would be provided in that document. He added that it would be circulated for a two-week period, prior to bringing the Final EIR to this Commission for consideration of a recommendation for certification of the Final EIR, which would conclude the Commission's part in this process. He pointed out that the Commission was provided with a set of all comments up to the date of distribution for this meeting and that staff had received a few comments since then, and any others with all previously received comments would go into the Final EIR and written responses would be provided. He further added that the Commission would be provided with the full set of comments at the time staff provides the Final EIR.

Commissioner Dickenson announced to the public that Commissioners conducted a site visit with staff of the Redwood Landfill site and county staff.

Ramin Khany, District Manager for Redwood Landfill, stated that at this point they would respond with written comments and submit those comments on October 14th.

Vice Chair Berland opened the public hearing on this item.

Don Mc Enhill, 22 Mt. Foraker Dr., San Rafael, read a letter into the record from Margaret Jones, President of the League of Women Voters of Marin County regarding concerns with acceptance of waste from other areas, traffic congestion from the site and protection of wetlands.

Leigh Ann Witter, Dr. Rosario Carr-Casanova, and Dr. Richard Levy spoke regarding their concerns with odors from the site, accuracy of the total capacity of the landfill, permitted capacity for the landfill, air quality and types of materials that would be dumped at the site.

In response to a questions regarding the lack of detail in the summary minutes, Tim Haddad, Environmental Planning Coordinator, explained that every meeting is recorded, and the tapes are used by the consultants to determine what issues raised by oral testimony will be included in the EIR. He further stated that the general public could purchase the tapes of each meeting.

Nancy Spencer read a letter from David Yearsley, Petaluma Riverkeeper, regarding concerns with the impact the landfill has on the river and wildlife, use of high intensity lights and heavy equipment late into the night, and negative effects of loud noises used to scare off birds and ducks.

Martin Lawler, stated that the draft EIR had no comparison with the last EIR that was used for the current permit. He expressed concern for the landfill expansion and believed a comparison must be done to explain why the science in the last EIR is different from the current EIR and justify the expansion of the landfill. He also noted that they must know the size of the landfill as well. He added that the EIR is completely flawed and asked the County to immediately stop any planning until a survey is conducted in order to understand the size of the landfill. He stated that the advice that the Commission received from County Counsel at the last meeting was inaccurate. He provided information from the Supreme Court that if a legitimate local purpose is found, then the question becomes of what degree, and the extent of the burden that would be tolerated would depend upon the nature of the local interest involved and whether it be promoted as well as with a lesser impact on interstate activities. He further believed the County of Marin must receive legal advice with regard to this matter.

Christopher Gilkerson stated that the potential adverse impact would greatly affect his family and noted that the draft EIR is very important. He added that he filed a 17-page comment letter listing about 18 of those deficiencies of the draft EIR. He felt there is no analysis to support the summary conclusion of the draft EIR. He further noted that the draft EIR must be complete and additional work is needed and necessary.

Dr. Ed Spencer, noted that he submitted questions in writing earlier and the following are additional questions for the Commission's review and consideration:

1. What sites ship sludge to Redwood Landfill?
2. What is the tonnage generated by each of these sites?
3. Under the requested expansion what sites would ship sludge to Redwood Landfill?
4. For each sites above, what industrial facilities use the sewage system?
5. What chemicals do the industrial facilities dump into the sewage system?
6. How are these facilities monitored?
7. What is the toxicology of the chemicals listed above?
8. What is the synergistic medical effect of these chemicals?
9. What studies were done to predict the effects of a maximum 100-year earthquake on the Landfill?
10. How have these studies dealt with the fact that Redwood Landfill is on Bay mud and only two feet above the water table?
11. What is the current cost of per ton mile of transporting sludge?
12. Global oil production is about to peak and the cost of fuel would increase, and the County may have to ship sludge and garbage elsewhere; what would be the cost of shipping per ton mile in 10 or 20 years?

Mr. Spencer further indicated that he would continue to research the matter and provide additional information to the Commission when available.

Bob Koch, representing NWLE, pointed out that he agreed that an EIR of this magnitude that did not specify the size of the landfill is inadequate on that basis. He discussed San Antonio Creek that runs under Highway 101 and that a combination of prolonged drainage and high tides occasionally causes flooding of the Highway 101, shutting it down. He asked the Commission to consider this scenario: The project is approved and the enlarged landfill is heavy and soft with prolonged drainage and the plastic sheets holding up the sides fail, just as they did at the Contra Costa landfill, the landfill mass slides into the creek obstructing it or the base of the landfill ruptures through the Bay mud into the creek bed. He pointed out that both are certain with a moderate tremor occurring in the rainy season and either event would obstruct the creek bed and cause a disaster of epic proportions not noted in the EIR. He also believed the County should commission engineers to measure the volume of the landfill and the engineers should be sent to the Contra Costa Landfill to report on why a landfill engineer to the present proposal failed. He further recommended looking for a new landfill site and that the County should have some contingency plans in place.

Don Urban, NWLE Committee Member, provided the Commission with material regarding the Redwood Landfill Expansion proposal including a petition of about 300 residents of Marin County opposed to the expansion and explained that they are opposed to the expansion, which expands the landfill and doubles the amount of daily solid waste accepted. He then highlighted the reasons for their opposition as follows:

1. Garbage truck traffic on Highway 101 at the dump intersection will be 1000 slow moving garbage trucks per day, more than double today's count of 415. This means that during an average weekday, there will be two trucks entering and two trucks exiting every minute, something that in our view is totally unacceptable in the heavily congested "Novato Narrows."
2. There will be a major risk of water pollution to the San Antonio Creek, and the Petaluma River, and the San Francisco Bay due to the expansion and tripling the daily intake of solid waste. He then asked the question whether any responsible official would locate a new landfill on the Bay front with a creek on the eastern border, with the Petaluma River 2000 feet away and where the water table is two feet below the bottom? Clearly the answer is NO and the Commission should ask why would a responsible Planning Commissioner want to expand and triple the daily intake of solid waste at the Redwood Landfill?
3. Residents of Marin County and particularly those of Novato are 100% opposed to the expansion. Our Committee already has petitions signed by 300 residents and they have found during their campaign that everyone who is approached was willing to sign. If the project were on the election ballot, 99% of voters would oppose the expansion.

Mr. Urban added that the No Wetlands Landfill Expansion Committee (NWLE) is therefore asking the Commission to disapprove of any increase in the intake of solid waste quantities and expansion of the Redwood Landfill. He also asked the Commission to clarify what the Redwood Landfill contained. The Committee is also asking the Commission to clarify and confirm whether Mr. Roycroft testified at the August 18, 2003 meeting that the Redwood Landfill currently contains 25 million cubic yards of solid waste. He explained that two of their Committee members heard his statement, but it did not appear in the official minutes.

Molly Roth, 1147 Santolina Dr., Novato, raised three issues that the EIR did not adequately address for the Commission's consideration that included trust, timing, and risk. She pointed out that her family and she endured a week of horrible latrine smells. They had to keep the windows closed, and they could not breathe outside without gagging. She felt invaded and worried that the value of her home would decrease. She added that since her letter to this Commission in August, she learned even more about the possible effects of expansion. Given the potentially drastic effects of what the landfill has proposed and presumably deems reasonable, given its history of doing whatever it pleases regardless of the public good, and given the chronic lack of regulatory oversight, she greatly feared that the County could face a disaster if it allows any expansion. She indicated that before any consideration of expansion continues, she felt the County must take the following actions:

1. Determine the current size, practices and emissions of the landfill. This must be done by independent scientific experts.
2. Establish effective means of monitoring the landfill site.
3. Establish an efficient and well-published complaint procedure in which residents can receive prompt and courteous assistance in resolving problems.

Ms. Roth strongly believed that any consideration of new use permits should be suspended until all current problems associated with the landfill have been resolved. These include use permit violations and dangerous truck crossings. She also noted that any expansion plan, including the EIR's mitigated alternative, presents Marin residents with potential risks involving health and safety, future cleanup costs, and premature closure of the landfill. USA Waste is asking the citizens of Marin to take on such risks for a project that in no way serves the public good – a project that serves only the company's bottom line. She added that many issues concerning the effect of landfill gases and other emissions remain controversial; if it turns out that the landfill is more toxic than previously believed, the County could face many lawsuits and prohibitively expensive cleanup efforts. She desired the County to minimize the risks in any way possible, such as revoking the current sludge permit. She further urged the County to suspend all consideration of expansion until the current issues have been fully addressed and the prior agreements enforced.

David Wallace, 901 Sherman Ave., Novato, Planning Manager of the City of Novato, provided the Commission with a letter opposing this project. He stated that the City of Novato appreciates the opportunity to comment on the Redwood Landfill Solid Waste Facility Permit revision request and the draft supplemental EIR for the project. He

pointed out that on September 15, 2003, the City Council of the City of Novato received public testimony, discussed the proposed project extensively and voted unanimously to oppose approval of expansion of the solid waste facility. He explained that the letter submitted summarized the City Council's concerns with expansion of the facility and provides comments on the Draft SEIR. He added that if the Commission had any questions with regard to the letter submitted, the Commission could contact him to discuss or clarify any of the comments.

Deputy County Council Nancy Grisham stated that the legal constraints she described at the previous hearing were accurate and that she had consulted with other counties on these issues, all of whom concurred in her findings.

There being no further public testimony on this item, Vice Chair Berland closed the public portion of the testimony and brought the matter back to the Commission for discussion and action.

Commissioner Barner commented on San Antonia Creek and the monitoring wells and suggested on a regular basis having an individual monitor the San Antonio Creek and the same would apply to the odor problem. He felt it would be helpful if there were a more elaborate discussion as to complaints filed. He commented on the actual format of the report, in particular, there were several examples of necessity of the flyover before this project could be viable, and believed it should be better identified.

Commissioner Dickenson desired the EIR to investigate the following: debris blowing into the Petaluma Marsh, nighttime lighting, noise abatement, the real numbers as to what is currently permitted and proposed, address the ability or lack of ability to limit waste receipts to local garbage only, and prohibiting disposal of sludge on the property altogether.

Commissioner Thompson announced that he submitted his comments in writing and had nothing further to add. Commissioner Julin noted that she expressed her comments at the last meeting and had nothing further to add.

Vice Chair Berland agreed with Commission Barner and believed it is relevant to review other sites in the Bay Area and why they are being asked to receive the excess refuse as opposed to other areas in the Bay Area. He further requested that all issues be investigated as well as the legal analysis from County Counsel regarding the Commission's options.

Commissioner Thompson appreciated all the public testimony provided and believed all testimony was excellent. He submitted his comments in writing. The Commission concurred. Vice Chair Berland reiterated that all comments would be addressed in the Final EIR before any decision is made concerning the permit for Redwood Landfill.

M/s Dickenson/Barner, and passed unanimously of those present, to direct staff and consultants to prepare the final EIR after the close of the public review period on October 14th and return the Final EIR, with responses to comments. Motion passed. 5/0 (Commissioners Herbertson and Buddie not present).

8. APPROVAL OF MINUTES –AUGUST 4TH, 2003 MEETING (RABBE ITEM ONLY)

M/s Barner/Julin, and passed unanimously of those present, to approve the August 4th, 2003, Minutes as modified. Motion passed 5/0 (Commissioners Herbertson and Buddie not present).

9. UPDATE ON BOARD OF SUPERVISORS ACTIONS

September 30, 2003 –Raabe Design Review Appeal (Mill Valley); Tobias Variance Appeal (Lucas Valley)
October 14, 2003 – Hicks Mountain Ranch Master Plan, Precise Development Plan, and Negative Declaration of Environmental Impact; Qualls Costal Permit/Design Review Appeal (Muir Beach).
October 28, 2003 – Inclusionary Jobs Housing Ordinance

M/s Dickenson/Barner, and passed unanimously of those present, to continue the Jobs Housing Ordinance to the meeting of October 6, 2003. Motion passed 5/0 (Commissioners Herbertson and Buddie not present).3

10. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

October 6, 2003

Jobs Housing Ordinance
Robinson Variance Appeal

October 20, 2003

Oakview Master Plan/Tentative Map (Lucas Valley)
Marin City Church of God Master Plan/Rezoning (Marin City)
Department of Public Works – Notice of Violation for Grading Activity at St. Vincent’s
Countywide Plan Alternatives- Economic Element