

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION MARIN CITY CHURCH OF GOD REZONING/MASTER PLAN/PRECISE DEVELOPMENT PLAN/SUBDIVISION

Item No:	6a. & 6b.	Application No:	RZ 02-1/MP 02-1/DP 02-3/ SD 02-1
Applicant:	Rev. Fred Small	Owner:	Marin City Church of God
Property Address:	639 Drake Avenue, Marin City	Assessor's Parcel:	052-130-15
Hearing Date:	November 3, 2003	Planner:	Christine Gimmler, AICP

RECOMMENDATION:

1. Recommend Adoption of a Negative Declaration of Environmental Impact to the Board of Supervisors
2. Recommend Conditional Approval of the Project to the Board of Supervisors

APPEAL PERIOD: Not Applicable

LAST DATE FOR ACTION: 60 days from Adoption of the Negative Declaration

PROJECT OVERVIEW:

The project proposes the subdivision and residential development of a 1.77 acre property located at the southwest corner of Drake Avenue and Buckelew Street in Marin City, which is currently developed with the Marin City Church of God. The applicant proposes to subdivide the southern 0.77 acre portion of the parcel into six lots ranging from approximately 3,500 to 10,000 square feet, and develop six approximately 1,600 square foot, two-story single family residences (with attached two-vehicle garages) on the site. Two of the six residences are proposed as affordable rental housing. The remaining four residences are proposed for market rate sales. One of the proposed affordable residences has been designed to include a 322 square foot studio second unit, which would also be rented at affordable levels. The new homes would be served by an 18-foot wide common driveway off Drake Boulevard. Under the current R-1 zoning and County lot-slope requirements, the subject property could be subdivided into three residential parcels. Therefore, to accommodate the proposed residential density of 3.4 units per acre, the applicant is requesting that the property be rezoned to a Residential Single Family Planned District (RSP-3.4) zoning.

SUMMARY RECOMMENDATION:

Staff is recommending adoption of a Negative Declaration of Environmental Impact and approval of the proposed Rezoning, Master Plan, Precise Development Plan, and Subdivision applications subject to recommended conditions of approval, including conditions ensuring the long term affordability of three dwelling units on the property, including two of the six proposed single family residences and the proposed second unit.

GENERAL INFORMATION:

CWP Land Use Designation:	SF-6, Single Family Residential, 4-7 units per acre
Zoning:	R-1, Single Family Residential, 7,500 square foot minimum lot size
Lot size:	1.77 acres
Adjacent Land Uses:	Church, residential
Vegetation:	Assorted non-native grasslands and shrubs with several oaks, bays, and pines
Topography and Slope:	Moderately sloping
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

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 potentially significant adverse effects of the project and the appropriate mitigation measures are discussed in the Initial Study (see Attachment 12).

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and indicating the date and location of the public hearing in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the property.

PROJECT SETTING AND DESCRIPTION

Project Setting

The subject property is located on the upslope side of Drake Avenue in Marin City. The northwestern portion of the property is developed with the Marin City Church of God and associated parking and access areas. The surrounding neighborhood is composed primarily of single-family residences. Other nearby uses include multi-family housing as well as commercial and public uses including a school, library, and shopping center. The topography of the site is generally characterized by gentle to moderate slope that ascend in an east-west direction. However, the site has been altered by past grading activity associated with construction of the church. The southeastern portion of the site, where new development is proposed, has also been modified by grading which created a series of level to gently sloping terraces. The downslope edge of the lot is situated at the top of an approximately 12-foot high bank, which slopes steeply down to Drake Avenue (approximately 60 percent slope). Vegetation on the portion of the parcel proposed for development is limited to approximately nine trees (including six oaks, one bay and several pines) and non-native grasses and bushes. Legal access to the subject property is provided by Drake Avenue to the east, Buckelew Street to the north, and Burgess Court to the west.

Project Description

As noted above, the applicant proposes to subdivide the southern 0.77-acre portion of the 1.77-acre subject property into six lots and construct six single-family residences. As shown in the table below, the proposed residential lots would range from approximately 3,500 to 10,000 square feet in size. Each of the proposed two-story residences would contain approximately 1,600 square feet of living area and an attached two-car garage. One of the four residences has been designed to include a 322 square foot studio second unit adjacent to the garage. The remaining one-acre portion of the property would continue to contain the existing church and associated parking and access areas.

Proposed Lot and Development Characteristics

Lot Number	Lot Size(sqft)	House Size (sqft)
1	43,743	(existing church)
2	6,834	1,594 sqft + 430 sqft garage
3	3,920	1,594 sqft + 442 sqft garage
4	4,836	1,594 sqft + 442 sqft garage
5	4,253	1,617 sqft + 540 sqft garage*
6	3,525	1,593 sqft + 540 sqft garage
7	10,143	1,593 sqft + 540 sqft garage

* Note: Residence on lot 5 includes a 322 square foot studio second unit

To serve the residences, the applicant proposes to construct an approximately 250 foot long, 18 foot wide common driveway which would enter the property from Drake Avenue approximately 150 feet south of the Drake Avenue-

Bucklelew Street intersection. Each of the six residential lots would front on this common driveway. Parking for the residences would be provided within attached two-car garages. Additional resident and guest parking would be accommodated on driveways and parking bays along the common driveway. Overall, a total of 25 on-site parking spaces would be provided for the six single-family residences and studio unit.

The project also proposes to construct various drainage system improvements to accommodate on-site storm water runoff from the project site. Curb and gutter improvements and new catch basins and storm drains would be constructed to intercept a majority of the surface water from proposed Lots 5, 6, and 7 and discharge it into the existing stormwater system serving the project area along Drake Avenue. Surface runoff from Lots 2, 3, and 4, and portions of Lot 1 would also be directed to stormwater drains along Drake Avenue.

Domestic water and sanitary services to the proposed lots would be provided by the Marin Municipal Water District and the Sausalito-Marín City Sanitary District, respectively. Sanitary sewer service for each of the lots would be provided by private lateral extensions, which would follow a newly established utility easement located beneath the common driveway, connecting with the existing public sewer main located beneath Drake Avenue. Other public utilities, including water, gas, electric, cable television, and telephone, are also proposed to be extended below the common driveway. The southern end of the subject property is encumbered with a 10-foot wide, 155-foot long drainage easement which contains a 30-inch culvert, that carries drainage from upslope properties to an existing catch basin on Drake Avenue.

PLAN CONSISTENCY:

The proposed project as modified by conditions of approval is consistent with the goals and policies of the Marin Countywide Plan, the Marin City Community Plan, and with the standards contained in Title 22 (Zoning) of the Marin County Code.

The Marin Countywide Plan

The project site is located within the City Centered Corridor of the Countywide Plan where the County's broad objectives and policies allow for urban-level development that is balanced with preserving the environment, community character, and transportation systems. There are three areas of resource protection within the City Centered Corridor where conservation policies of the Countywide Plan apply to new development: the Ridge and Upland Greenbelt Area, the Stream Conservation Area, and the Bayfront Conservation Zone. However, the project site is not located within any of the three resource protection areas. The subject property is located within a land use designation of SF-6 (Single Family Residential, four to seven dwelling units/acre). The density range assigned to the SF-6 land use designation would allow between seven and twelve dwelling units on the project site. The project conforms to the permitted land use and maximum density of the SF-6 land use designation because it proposes a total of six single-family residential lots and a rezoning to a RSP-3.4 zoning classification, which are below the permitted density range assigned to the SF-6 land use designation. The construction of six dwelling units on the 1.77 acre subject property would result in a maximum overall density equivalent to 3.4 units per acre, below the density range of four to seven units per acre established by the Countywide Plan. In addition, the proposed project would further Countywide Plan affordable housing goals by providing two affordable single family residences as well as one affordable second unit within the proposed development, where only one affordable unit would be required by the County's pending inclusionary housing requirement. For additional information regarding biological resources, geology and grading, and community character, please refer to the Development Issues section of this report.

Marin City Community Plan

The proposed project is consistent with the Marin City Community Plan because it would provide market rate and affordable housing opportunities in an existing residential community consistent with the residential land use designation identified in the plan. The subject property is located in the mapped Mixed Residential area (Area 8) of the Marin City Community Plan ("Community Plan"), which is comprised of existing single-family residential units and apartments as well as the existing church facility on the subject property. Marin City Community Plan policies state that this area should be retained its existing predominantly single-family residential character, although the construction of residential second units is specifically recommended to increase housing opportunities for low and moderate-income residents. Community Plan policies also state that development should recognize environmental constraints and should conform with existing hillside grades. Finally, the Community Plan encourages residential developments to provide a substantial percentage (30 percent or more) of moderate-income units, whenever feasible. The proposed project would comply with these policies by maintaining the single-family residential character of the immediate area while also increasing affordable housing opportunities in the community by providing two affordable single-family residences and one affordable residential second unit within the development. Consistent with Community Plan design standards, the proposed residences would step down the hillside site, and would share a common driveway to minimize overall grading and tree removal. Finally, the proposed project would be compatible with the height, design, and scale of existing development in the vicinity.

Zoning

The subject property is currently governed by Single Family Residential (R-1) zoning, which requires a minimum lot size of 7,500 square feet. Under the governing zoning, the 1.77 acre property could accommodate up to ten 7,500 square foot lots. However, pursuant to Section 22.82.050 of the Marin County Development Code, the minimum area of all lots created within this zoning district must also comply with County lot-slope requirements, which require larger lots as the average slope of a property increases. The submitted plans indicate that the subject property has an average slope of approximately 25 percent, which would require a minimum lot size of at least 20,000 square feet. Therefore, under the lot-slope requirements, the 1.77 acre site could potentially be subdivided into three parcels. In order to accommodate the proposed project, the applicant is requesting that the property be rezoned to permit a higher density of development. Subdivision of the 1.77 acre site into six single family residential lots totaling 33,511 square feet and one approximately one acre church lot would result in an overall residential density of 3.4 units per acre. Accordingly, the contemplated development would require a Rezoning to RSP-3.4 (Residential Single Family Planned District. 3.4 units per acre maximum density) zoning to allow the six proposed residences to be clustered on the 1.77 acre subject property.

The intent of RSP zoning is to allow residential development without the confines of specific yard requirements, in a manner that protects natural resources and conforms with Countywide and Community Plan policies. The proposed Rezoning and resulting density increase is appropriate for the project due to the following factors: (1) the proposed project is consistent with the land use and density range established by the Countywide Plan for this property; (2) the proposed project would result in a public benefit through the creation of three units of affordable housing (including over 30 percent of the single family residences and 42 percent of the total units); (3) the development would generally be clustered on a stable and accessible portion of the site in a manner that does not result in extensive grading, tree removal, or visual impacts; (4) the proposed residential density is consistent with the intensity of residential uses in the vicinity with adequate provision of local utilities and public services; and (5) the project would not result in any significant adverse environmental impacts.

DEVELOPMENT ISSUES:

Vegetation and Wildlife

The subject property is an infill parcel located in an established residential neighborhood. Existing vegetation on the portion of the parcel proposed for development is limited to approximately nine trees (including six oaks ranging from 6 to 13-inches, one 6-inch bay and several 6 to 12-inch pines) and non-native grasses and bushes. The project would result in the removal of approximately five trees, including three oaks and one pine. This amount of tree removal would not be considered significant from a biological standpoint because it would not result in a substantial reduction in the number or type of trees found in the vicinity. In addition, the applicant has submitted a landscape plan proposing the planting of a variety of native and nonnative species (valley oak, live oak, and flowering plum) to replace trees removed as a result of development. The California Department of Fish and Game Natural Diversity Database Maps indicate that there are no federally endangered, threatened, or sensitive animal species in the vicinity of the project site. In addition, there are no significant wildlife corridors or migration routes present because the project site is located within an existing residential neighborhood adjacent to existing developed properties and is devoid of streams, drainage courses, or significant vegetation. Although it is possible that the existing vegetation on the project site provides a source of cover for wildlife species such as deer, raccoon, skunk, and various birds, these resident wildlife species are not expected to be adversely impacted by proposed development because these species are typically adapted to suburban settings and human activity, which are characteristic of the project.

Geology

A geotechnical assessment of the subject property prepared by Herzog Geotechnical Consulting Engineers was submitted to evaluate potential geotechnical and geologic constraints and to address the suitability of the site for proposed development. The report concludes that no special or unusual problems unique to the area were apparent and that the proposed building envelopes are suitable for development from a geotechnical standpoint, provided that future development is designed and constructed in accordance with engineering recommendations presented in the assessment. Review of the Relative Slope Stability Map of the Tamalpais Valley and Tennessee Valley Areas, prepared by Salem Rice and Theodore Smith in 1976 indicates that the subject property is within Slope Stability Zone 2, which is generally composed of ridge and spur crests underlain by relatively competent bedrock. The subject property is not in a Special Studies Zone for active faults, and there are no faults mapped through the site. These geologic conditions can be adequately addressed through the County's development standards (Title 24 of Marin County Code) as implemented through the review and approval of construction permits by the Department of Public Works. Although future residential development on the subject property would be exposed to the seismic hazard of ground-shaking, new development would be designed and constructed in accordance with Uniform Building Code requirements as part of the Community Development Agency's standard building permit review process.

Grading

The subject property has been altered by past grading activity associated with construction of the Marin City Church of God. The portion of the property where new development is proposed was graded in the past to create a series of gently sloping terraces that descend to the edge of an approximately 12-ft high bank, which slopes steeply down to Drake Avenue. Most of the proposed grading is associated with construction of the proposed common roadway from Drake Avenue and associated driveway areas. Although the upper driveway would be sited on a graded terrace which generally follows the topographic contours of the site, the first 100 feet of the driveway must be excavated into the 12-foot high bank along Drake Avenue in order to comply with County maximum roadway slope standards. The six proposed residences are clustered close to the driveway (three upslope and three downslope) and step into the hillside to reduce excavation. Cuts to accommodate the homes, garage and associated yard areas would result in additional excavation, but would reduce the height and visual impact of the structures by lowering them into grade. Overall, the project would result in approximately 3,700 cubic yards of excavated material. However, as noted above, over half the grading work is associated with providing and access road that meets County standards, and remaining excavation would reduce the height and visibility of proposed development. The cut for the lower portion of the driveway would result in an approximately 150 foot long retaining wall ranging in height from 3 feet to a maximum of 10 feet at the driveway entrance. To minimize the visual impacts of this structure, staff recommends that it be constructed of tinted,

split-faced concrete masonry to blend with surrounding vegetation. Overall, the project would not significantly alter the general topography of the site or result in excessive excavation and grading given the size and slope of the property.

Community Character and Visual Impacts

The proposed project would allow for the development of six additional single family residences on an infill property in a single and multi-family residential community. Review of story poles erected on the project site indicate that proposed development would be visible from certain off-site vantage points along Drake Avenue and Donahue Street, but would not obstruct or degrade any scenic vistas or impact views from Highway 101. In addition, the proposed residences have been designed to conform with applicable zoning and community plan requirements for maximum height, architectural style, color, and materials to ensure that they harmonize with existing community standards for new development. Finally, standard conditions of approval would ensure that proposed and required landscaping that screens the new development and minimizes impacts on the overall visual character of the site is installed prior to occupancy of the structures.

Affordable Housing

Marin County's current inclusionary housing standards require that 15 percent of the total number of housing units within a development of ten or more units be affordable to moderate, low, or very low income households. Pending revisions to the County's Residential Inclusionary Ordinance would modify these provision to require that 20 percent of the units within any development of two or more units be affordable to low or very low-income households only. As noted previously, the proposed project would exceed both the existing and proposed affordability standards by providing three affordable rental units (including two single family residences and a second unit) within the development, where the current and pending inclusionary requirements would only require the equivalent of 1.2 units or 1.4 units, respectively. The proposed project would also exceed the affordable housing goals contained in the recently adopted Housing Element (June 2003), which established a target of providing one low-income housing unit on the subject property. Overall, the proposed development would result in a project where 42 percent of the total units are affordable to low income households.

CONCLUSION:

The proposed project is consistent with the intent of the governing goals and policies of the Marin Countywide Plan and the Marin City Community Plan with specific reference to those policies concerning the land use designations, residential densities, biological resource protection, design character, and affordable housing. The project would further Countywide Plan affordable housing goals while maintaining the single-family residential character of the area by providing three affordable units on a property that is located in close proximity to transit, public services, and commercial uses, and is identified as suitable site for affordable housing in the County's Housing Element. The proposed project would exceed the affordability requirements of the County's pending inclusionary housing ordinance as well as the affordable housing goal for the site established in the County's Housing Element. Overall, the proposed project has been designed to avoid extensive grading, tree removal, or visual impacts on surrounding neighbors and would be compatible with the height, design, and scale of existing development in the Marin City community.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and take the following actions:

1. Move to recommend that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the Rezoning, Master Plan, Precise Development Plan, and Subdivision based on the findings contained in the attached resolution;
2. Move to recommend that the Board of Supervisors adopt ordinances rezoning the property and establishing a Master Plan, based on the findings contained in the attached solution.
3. Move to recommend that the Board of Supervisors adopt a resolution conditionally approving the proposed Precise Development Plan and Subdivision, based on the findings contained in the attached resolution.

- Attachments:
1. Proposed Resolution Recommending that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the Marin City Church of God Rezoning, Master Plan, Precise Development Plan, and Subdivision.
 2. Proposed Resolution Recommending that the Board of Supervisors adopt Ordinances approving the Marin City Church of God Rezoning and Master Plan
 3. Proposed Resolution Recommending that the Board of Supervisors adopt a Resolution approving the Marin City Church of God Precise Development Plan and Subdivision
 4. Location Map
 5. Assessor's Parcel Map
 6. Tentative Map
 7. Site Plan
 8. Site Elevations and Section
 9. Floor Plans and Elevations – Model A.1, A.2, and A.3
 10. Floor Plans and Elevations – Model B.1 and B.2
 11. Floor Plans and Elevations – Model C
 12. Marin City Church of God Negative Declaration of Environmental Impact and Initial Study
 13. Department of Public Works, Land Development Division memorandum, August 20, 2002
 14. Department of Public Works, Traffic Division memorandum, June 10, 2002
 15. Marin County Fire Department letter, July 11, 2002
 16. Marin County Fire Department letter, June 23, 2001
 17. Sausalito-Marín City Sanitary District letter, December 6, 2001
 18. Marin Municipal Water District letter, November 28, 2001

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE MARIN CITY CHURCH OF GOD REZONING (02-1), MASTER PLAN (02-1), PRECISE DEVELOPMENT
PLAN (02-3), AND SUBDIVISION (2-1)

639 DRAKE AVENUE, MARIN CITY
ASSESSOR'S PARCELS 052-130-15

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the subdivision and residential development of a 1.77 acre property located at the southwest corner of Drake Avenue and Buckelew Street in Marin City, which is currently developed with the Marin City Church of God. The applicant proposes to subdivide the southern 0.77 acre portion of the parcel into six lots ranging from approximately 3,500 to 10,000 square feet, and develop six approximately 1,600 square foot, two-story single family residences (with attached approximately 500 square foot garages) on the site. Two of the six residences are proposed as affordable rental housing. The remaining four residences are proposed for market rate sales. One of the two affordable single family residences has been designed to include a 322 square foot studio second unit, which would also be rented at affordable levels. The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The Rezoning application seeks to rezone the 1.77 acre property from the existing Single Family Residential, 7,500 square foot minimum lot size (R-1) to a Residential Single-family Planned District, 3.4 units per acre maximum density (RSP-3.4) to accommodate the proposed development. The subject property is located at 639 Drake Avenue, Marin City, and is further identified as Assessor's Parcel 052-130-15.
- 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 any potential impacts 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 Environmental Coordinator determined that based on the Initial Study, a Negative Declaration of Environmental Impact was required for the project pursuant to CEQA.
- IV. WHEREAS on October 6, 2003, an Initial Study and proposed Negative Declaration of Environmental Impact were 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 Marin County Planning Commission hearing date to consider approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- V. WHEREAS, after the close of the 20-day public review period on October 28, 2003, the Marin County Planning Commission conducted a public hearing on November 3, 2003 to receive testimony on the adequacy of the Negative Declaration for approval.
- VI. 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, LET IT BE RESOLVED that the Marin County Planning Commission hereby makes the following findings and recommends that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the proposed project.

1. Notice of the initial public review period 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 of Environmental Impact for the project consists of the Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

SECTION III: VOTE

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 3rd day of November 2003, by the following vote to-wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ENACT AN ORDINANCE APPROVING THE MARIN CITY CHURCH OF GOD REZONING 02-1 AND MASTER PLAN 02-1

639 DRAKE AVENUE, MARIN CITY
ASSESSOR'S PARCELS 052-130-15

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the subdivision and residential development of a 1.77 acre property located at the southwest corner of Drake Avenue and Buckelew Street in Marin City, which is currently developed with the Marin City Church of God. The applicant proposes to subdivide the southern 0.77 acre portion of the parcel into six lots ranging from approximately 3,500 to 10,000 square feet, and develop six approximately 1,600 square foot, two-story single family residences (with attached approximately 500 square foot garages) on the site. Two of the six residences are proposed as affordable rental housing. The remaining four residences are proposed for market rate sales. One of the two affordable single family residences has been designed to include a 322 square foot studio second unit, which would also be rented at affordable levels. The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The Rezoning application seeks to rezone the 1.77 acre property from the existing Single Family Residential, 7,500 square foot minimum lot size (R-1) to a Residential Single-family Planned District, 3.4 units per acre maximum density (RSP-3.4) to accommodate the proposed development. The subject property is located at 639 Drake Avenue, Marin City, and is further identified as Assessor's Parcel 052-130-15.
- 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 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 November 3, 2003, to consider the merits of the proposed Rezoning and Master Plan, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
 - A. The proposed residential use is consistent with the governing Single Family Residential (SF-6) land use designation and will result in an overall residential density of 3.4 units per acre, which is below the 4 to 7 units per acre density allowed by the SF-6 land use designation.
 - B. The project would not adversely impact existing, available public services and utilities, such as water supply, police and fire protection, solid waste disposal, sewage disposal, and schools.

- C. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and with governing development standards related to grading and drainage as verified by the Department of Public Works.
 - D. The project would not result in significant impacts to existing drainage facilities, and the project would not expose people or property to significant flood hazards.
 - E. The project would comply with governing development standards related to roadway construction, parking, and utility improvements as verified by the Department of Public Works-Land Use and Water Resources Division.
 - F. The project would not impact any unique geological, ecological, archaeological, or historical sites in the project area.
 - G. The project would not result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service.
 - H. The project would not adversely impact special status species or substantially change the diversity of existing vegetation and wildlife habitat because there is no evidence of sensitive animal or plant species on the site and the proposed improvements would be located on or adjacent to previously disturbed and developed areas of the property, where minimal tree removal would be required.
 - I. Grading required to accommodate the new driveway and residences would not change the local topography and will conform to the standards of the Department of Public Works.
 - J. The project would not substantially increase ambient noise levels and would not result in air, water, and noise pollution.
 - K. The project will retain the predominant visual quality of the site and will be consistent with the design character of the Marin City community.
 - L. The project will provide three affordable housing units on a site that is located in close proximity to transit, public services, and commercial uses including a shopping center. Additionally, the proposed project would exceed the affordability requirements of the County's pending inclusionary housing ordinance as well as the affordable housing goal for the site established in the County's Housing Element by resulting in a project where 42 percent of the total units are affordable to low income households.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed Rezoning and Master Plan applications, as conditioned herein, are consistent with the Marin City Community Plan because it would provide market rate and affordable housing opportunities in an existing residential community consistent with the residential land use designation identified in the plan. The subject property is located in the mapped Mixed Residential area (Area 8) of the Marin City Community Plan ("Community Plan"), which is comprised of existing single-family residential units and apartments as well as the existing church facility on the subject property. Marin City Community Plan policies state that this area should be retained its existing predominantly single-family residential character, although the construction of residential second units is specifically recommended to increase housing opportunities for low and moderate-income residents. Community Plan policies also state that development should recognize environmental constraints and should conform with existing hillside grades. Finally, the Community Plan encourages residential developments to provide a substantial percentage (30 percent or more) of moderate-income units, whenever feasible. The proposed project would comply with these policies by maintaining the single-family residential character of the immediate area while also increasing affordable housing opportunities in the community by providing two affordable single-family residences and one affordable residential second unit within the development, where only one unit would be required by the County's pending inclusionary housing requirements. Consistent with Community Plan design standards, the proposed residences would step down the hillside site, and would share a common driveway to minimize overall grading and tree removal. Finally, the proposed project would be compatible with the height, design, and scale of existing development in the vicinity.

VII. WHEREAS the Marin County Planning Commission finds that that the proposed Rezoning would result in a residential density that is appropriate for the 1.77-acre property. The subject property is currently governed by Single Family Residential (R-1) zoning, which requires a minimum lot size of 7,500 square feet. Under the governing zoning, the 1.77 acre property could accommodate up to ten 7,500 square foot lots. However, pursuant to Section 22.82.050 of the Marin County Development Code, the minimum area of all lots created within this zoning district must also comply with County lot-slope requirements, which require larger lots as the average slope of a property increases. The submitted plans indicate that the subject property has an average slope of approximately 25 percent, which would require a minimum lot size of at least 20,000 square feet. Therefore, under the lot-slope requirements, the 1.77 acre site could potentially be subdivided into three parcels. In order to accommodate the proposed development, the applicant is requesting that the property be rezoned to permit a higher density of development. Subdivision of the 1.77 acre site into six single family residential lots totaling 33,511 square feet and one approximately one acre church lot would result in an overall residential density of 3.4 units per acre. Accordingly, the contemplated development would require a Rezoning to RSP-3.4 (Residential Single Family Planned District, 3.4 units per acre maximum density) zoning to allow the clustered development of the six proposed residences on the 1.77 acre parcel. The intent of RSP zoning is to allow residential development without the confines of specific yard requirements, in a manner that protects natural resources and conforms with Countywide and Community Plan policies. The proposed density increase is appropriate for the project due to the following factors: (1) the proposed project is consistent with the land use and density range established by the Countywide Plan for this property; (2) the proposed project would result in a public benefit through the creation of three units of affordable housing, which represents over 30 percent of the proposed single family residences, and 42 percent of the total units; (3) the Master Plan and Precise Development Plan demonstrate that the project is consistent with the RSP zoning district's development standards; (4) the development would generally be clustered on a stable and accessible portion of the site in a manner that does not result in extensive grading, tree removal, or visual impacts; (5) the proposed residential density is consistent with the intensity of residential uses in the vicinity with adequate provision of local utilities and public services; and (6) the project would not result in significant adverse environmental impacts that could not be mitigated.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends that the Marin County Board of Supervisors approve the Marin City Church of God Rezoning 02-1 application by enacting an ordinance amending Title 22 (Zoning) of the Marin County Code, which would rezone Assessor's Parcel 052-130-15 from a Single Family Residential, 7,500 square foot minimum lot size (R-1) zoning district to a Single Family Planned, 3.4 units per acre (RSP-3.4) or equivalent zoning district, pursuant to the Zoning Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission hereby recommends approval of the Marin City Master Plan 02-1 by the Board of Supervisors, subject to the following conditions:

Marin County Community Development Agency-Planning Division

1. Pursuant to Marin County Code Chapter 22.44, the Marin City Church of God Master Plan is approved for the subdivision and residential development of a 0.77 acre portion of the 1.77 acre subject property into six residential lots ranging in size from approximately 3,500 to 10,000 square feet and the development of six approximately 1,600 square foot, two-story single family residences with attached approximately 500 square foot garages. The residence on Lot 5 includes a 322 square foot studio second unit adjacent to the garage. The remaining one-acre portion of the property would continue to support the existing Marin City Church of God and associated parking and access areas. The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The subject property is located at **639 Drake Avenue, Marin City**, and is further identified as **Assessor's Parcel 052-130-15**.

2. The Master Plan comprises a general development scheme that is depicted in plans on file in the Community Development Agency and identified as “Exhibit A”, entitled “Parson Place Subdivision” Tentative Map, consisting of 2 plan sheets, prepared by Lawrence P. Doyle, submitted July 11, 2002, and “Exhibit B”, entitled “Parson Place Subdivision”, consisting of 6 plan sheets, prepared by Walter and Wager Architects, submitted May 17, 2002.
3. Pursuant to Chapter 22.44 of the Marin County Code, a Precise Development Plan shall be submitted for review and approval of all improvements authorized in concept by this Master Plan. No development, land improvements, or building construction shall commence until a Precise Development Plan is approved.
4. Use and development of the subject property shall include a minimum of two single family residences and one residential second unit that are affordable to low and very low income households.
5. Any changes or additions to the project shall be submitted to the Community Development Agency – Planning Division for review to determine whether a Master Plan Amendment is required

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends that the Master Plan shall be valid for a period of two years from the date of approval pursuant to Marin County Code Section 22.44.050. Due to the concurrent approval of a rezoning, the date of approval for the Master Plan shall be the date the Rezoning approval becomes effective. The Master Plan shall not expire if a Precise Development Plan is approved. An approved Master Plan may be extended by the Community Development Director for a maximum period of four years beyond the initial period of approval provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan, and provided the Master Plan remains consistent with the Marin Countywide Plan. If the Master Plan is not vested through approval of a Precise Development Plan and substantial completion of the approved project, the County shall initiate a Rezoning of the property to revert the zoning to the Single Family Residential, 7,500 square foot minimum lot size (R-1) zoning district.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 3rd day of November, 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE MARIN CITY CHURCH OF GOD PRECISE DEVELOPMENT PLAN 02-3 AND SUBDIVISION 02-1

639 DRAKE AVENUE, MARIN CITY
ASSESSOR'S PARCELS 052-130-15

SECTION I: FINDINGS

- I. WHEREAS, the applicant proposes the subdivision and residential development of a 1.77 acre property located at the southwest corner of Drake Avenue and Buckelew Street in Marin City, which is currently developed with the Marin City Church of God. The applicant proposes to subdivide the southern 0.77 acre portion of the parcel into six lots ranging from approximately 3,500 to 10,000 square feet, and develop six approximately 1,600 square foot, two-story single family residences (with attached approximately 500 square foot garages) on the site. Two of the six residences are proposed as affordable rental housing. The remaining four residences are proposed for market rate sales. One of the two affordable single family residences has been designed to include a 322 square foot studio second unit, which would also be rented at affordable levels. The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The Rezoning application seeks to rezone the 1.77 acre property from the existing Single Family Residential, 7,500 square foot minimum lot size (R-1) to a Residential Family-family Planned District, 3.4 units per acre maximum density (RSP-3.4) to accommodate the proposed development. The subject property is located at 639 Drake Avenue, Marin City, and is further identified as Assessor's Parcel 052-130-15.
- 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 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 November 3, 2003, to consider the merits of the proposed Rezoning and Master Plan applications and took action recommending approval of the Rezoning and Master Plan application to the Board of Supervisors.
- V. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on November 3, 2003 to consider the merits of the proposed Precise Development Plan and Subdivision, and hear testimony in favor of, and in opposition to the project.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project, as conditioned herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
 - A. The proposed residential use is consistent with the governing Single Family Residential (SF-6) land use designation and will result in an overall residential density of 3.4 units per acre, which is below the 4 to 7 units per acre density allowed by the SF-6 land use designation.

- B. The project would not adversely impact existing, available public services and utilities, such as water supply, police and fire protection, solid waste disposal, sewage disposal, and schools. .
 - C. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and with governing development standards related to grading and drainage as verified by the Department of Public Works.
 - D. The project would not result in significant impacts to existing drainage facilities, and the project would not expose people or property to significant flood hazards.
 - E. The project would comply with governing development standards related to roadway construction, parking, and utility improvements as verified by the Department of Public Works-Land Use and Water Resources Division.
 - F. The project would not impact any unique geological, ecological, archaeological, or historical sites in the project area.
 - G. The project would not result in a significant increase in the number of vehicle trips or traffic congestion that would alter existing levels of service.
 - H. The project would not adversely impact special status species or substantially change the diversity of existing vegetation and wildlife habitat because there is no evidence of sensitive animal or plant species on the site and the proposed improvements would be located on or adjacent to previously disturbed and developed areas of the property, where minimal tree removal would be required.
 - I. Grading required to accommodate the new driveway and residences would not change the local topography and will conform to the standards of the Department of Public Works.
 - J. The project would not substantially increase ambient noise levels and would not result in air, water, and noise pollution.
 - K. The project will retain the predominant visual quality of the site and will be consistent with the design character of the Marin City community.
 - L. The project will provide three affordable housing units on a site that is located in close proximity to transit, public services, and commercial uses including a shopping center. Additionally, the proposed project would exceed the affordability requirements of the County's pending inclusionary housing ordinance as well as the affordable housing goal for the site established in the County's Housing Element by resulting in a project where 42 percent of the total units are affordable to low income households.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan and Subdivision applications, as conditioned herein, are consistent with the Marin City Community Plan because it would provide market rate and affordable housing opportunities in an existing residential community consistent with the residential land use designation identified in the plan. The subject property is located in the mapped Mixed Residential area (Area 8) of the Marin City Community Plan ("Community Plan"), which is comprised of existing single-family residential units and apartments as well as the existing church facility on the subject property. Marin City Community Plan policies state that this area should be retained its existing predominantly single-family residential character, although the construction of residential second units is specifically recommended to increase housing opportunities for low and moderate-income residents. Community Plan policies also state that development should recognize environmental constraints and should conform with existing hillside grades. Finally, the Community Plan encourages residential developments to provide a substantial percentage (30 percent or more) of moderate-income units, whenever feasible. The proposed project would comply with these policies by maintaining the single-family residential character of the immediate area while also increasing affordable housing opportunities in the community by providing two affordable single-family residences and one affordable residential second unit within the development, where only one unit would be required by the County's pending inclusionary housing requirements. Consistent with Community Plan design standards, the proposed residences would step down the

hillside site, and would share a common driveway to minimize overall grading and tree removal. Finally, the proposed project would be compatible with the height, design, and scale of existing development in the vicinity.

- VIII. WHEREAS the Marin County Planning Commission finds that the proposed Precise Development Plan is consistent with the Marin City Church of God Master Plan through the proposed development of a six unit single family residential subdivision based on the general development scheme that is established in the Master Plan.
- IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the requirements of the RSP (Residential, Single Family Planned) zoning district because: (1) the proposed single family residential use is consistent with the principally-permitted use as established in the Marin City Church of God Master Plan; (2) proposed development would generally be clustered on a stable and accessible portion of the site in a manner that does not result in extensive grading, tree removal, or visual impacts; (3) grading would be limited to that required to accommodate the new driveway and residences and would not change the local topography; (4) the project would not result in significant tree removal or other impacts to wildlife habitat; (5) the proposed buildings would be below the maximum height of 30 feet above natural grade; and (6) the proposed building materials and colors will blend into the natural environment through the use of earth-tone colors and non-reflective finishes and would be compatible with the character of the Marin City community.
- X. WHEREAS the Marin County Planning Commission finds that the project is consistent with findings to approve a Precise Development Plan because the project conforms with Countywide Plan policies and the development criteria of the RSP (Residential, Single Family Planned) zoning outlined above as follows: 1) the proposed development would fall below the maximum density specified by the governing Countywide Plan land use designation; 2) construction of the proposed project would result in uses that are principally permitted pursuant to the Master Plan for the property; 3) the project would result in structures that incorporate characteristics of height, mass, and bulk that are proportionally appropriate to the property and that would maintain adequate setbacks from property lines and other buildings on the subject and surrounding properties; 4) all site improvements would be located solely within the subject property and would not interfere with pedestrian and public utility easements in the vicinity of the project site; 5) the project would not result in significant tree removal or other impacts to wildlife habitat; 6) the design of the proposed building would be compatible with other structures in the Marin City community and would not adversely affect the views, light, air, or privacy of other properties in the vicinity; 7) proposed development would generally be clustered on a stable and accessible portion of the site and grading would be limited to that required to accommodate the new driveway and residences without altering the local topography; 8) the project would not result in significant levels of congestion on surrounding roadways or adverse on-site or off-site parking impacts; and 9) the proposed building materials and colors will blend into the natural environment through the use of earth-tone colors and non-reflective finishes and would be compatible with the character of the Marin City community.
- XI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the requirements to approve a Subdivision (Tentative Map), as established by Section 22.84.060 of the Marin County Code, as follows:

A. The proposed map is consistent with the applicable general and specific plans.

As discussed in Sections VI and VII above, the proposed subdivision is consistent with the Marin Countywide Plan. The 1.77 acre property is located within the City-Centered Corridor, where urban-level development is encouraged in balance with preservation of the environment and community character. The proposed subdivision is consistent with the goals and policies of the Countywide Plan because it provides for additional residential opportunities in the City Centered Corridor without adversely affecting natural resources, agricultural areas, archaeological resources, public open spaces, wetlands and other sensitive habitat areas or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services. The proposed subdivision is consistent with the Marin City Community Plan because it would result in a future increase in the availability of affordable and market rate housing opportunities in an existing residential community. The proposed map is also consistent with the existing land use designations in the Marin Countywide Plan and Marin City Community Plan.

B. The design or improvements of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision is consistent with the Marin Countywide Plan and Marin City Community Plan because the location, layout, and design of the parcels, buildings, vehicular access, utilities, and landscaping will: (1) meet design goals and policies established by these plan documents regarding vegetation preservation, grading, and retention and preservation of the natural character and quality of life in the Marin City area; and (2) satisfy requirements established in Titles 22 (Development Code) and 24 (Development Standards), including those which address building height, off-street parking, and development guidelines minimizing grading and tree removal for future residential improvements.

C. The site is physically suitable for the type of development.

The site is physically suitable for the type of development because each of the development lots will provide an adequate building site for its intended use with County-approved access, utilities, and services being provided without significant disruption to the surrounding natural landscape and character of the Marin City community.

D. The site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed residential density because the proposed subdivision of the 1.77-acre property into six residential parcels (and one remaining church parcel) would meet maximum density requirements set forth by the governing Countywide Plan land use designation and the proposed zoning district and would not create adverse environmental impacts relating to unstable soil conditions, archeological disturbances, and drainage alterations.

E. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no endangered species or habitats (plant or animal) have been found on the subject property, which is a previously disturbed infill site in an existing residential neighborhood.

F. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision, proposed improvements, and future development is not likely to cause serious public health problems because there will be adequate provision of water, sewage, drainage, fire protection, and emergency vehicular access improvements. Additionally, proposed and future residential structures would utilize fire-resistant materials in conformance with the latest Fire Code requirements, and vegetation management techniques would be incorporated to minimize fire hazards in conjunction with proposed and required landscaping.

G. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The design of the subdivision or type of improvement would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because no public access easements exist within the project site. Portions of the southern and western property lines border 10-foot wide pedestrian and public utility easements which are developed with existing walkways that provide access to Drake Avenue from residential areas above the subject property. However, the proposed project would not alter or interfere with these easements in any way.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Marin City Church of God Precise Development Plan 02-3 and Subdivision 02-1 subject to the following conditions:

Marin County Community Development Agency-Planning Division

1. Pursuant to Marin County Code Chapter 22.44, the Marin City Church of God Precise Development Plan 02-3 and Subdivision 02-3 is approved for the subdivision and residential development of a 0.77 acre portion of the 1.77 acre subject property into six residential lots ranging in size from approximately 3,500 to 10,000 square feet and the development of six approximately 1,600 square foot, two-story single family residences with attached garages as shown in the table below. The remaining one-acre portion of the property would continue to support the existing Marin City Church of God and associated parking and access areas.

Lot Number	Lot Size(sqft)	House Size (sqft)
1	43,743	(existing church)
2	6,834	1,594 sqft + 430 sqft garage
3	3,920	1,594 sqft + 442 sqft garage
4	4,836	1,594 sqft + 442 sqft garage
5	4,253	1,617 sqft + 540 sqft garage*
6	3,525	1,593 sqft + 540 sqft garage
7	10,143	1,593 sqft + 540 sqft garage

* Note: Residence on lot 5 includes a 322 square foot studio second unit

The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The subject property is located at **639 Drake Avenue, Marin City**, and is further identified as **Assessor's Parcel 052-130-15**.

2. EXCEPT AS MODIFIED HEREIN, subsequent development, use of, and permits for the subject property shall be in substantial conformance with the following approved Precise Development Plan exhibits in the Community Development Agency – Planning Division.
 - a. “Exhibit A,” consisting of plans entitled “Parsons Place Subdivision, Tentative Map”, consisting of 2 sheets, prepared by Lawrence P. Doyle, submitted July 11, 2002
 - b. “Exhibit B,” consisting of architectural plans entitled “Parson Place Subdivision”, consisting of 6 plan sheets, prepared by Walter and Wager Architects, submitted May 17, 2002
 - c. “Exhibit C,” consisting of two color boards, entitled “Parson Place Subdivision” prepared by Walter and Wager Architects, depicting natural cedar shingle or gray stucco siding, dark gray asphalt roof shingles, and dark green and burgundy painted wood trim.
3. BEFORE ISSUANCE OF BUILDING PERMITS, the applicant shall submit for review and approval of the Community Development Director any changes to originally proposed materials and colors. All structures shall incorporate subdued, nonreflective earthtone colors and materials that blend with surrounding vegetation to the maximum extent feasible. Retaining walls shall be treated with texture, colors and/or landscaping to reduce any visual impacts. The driveway retaining wall shall be constructed of tinted, split-faced concrete masonry. No fencing is proposed or approved as part of this project.

4. Use and development of the subject property shall include a minimum of two single family residences and one residential second unit that are affordable to low or very low income households. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the approved residences, the applicant shall submit proof of recordation of Deed Restrictions or other documentation as approved by the Community Development Director, which restrict in perpetuity the three residential units on approved Lots 5 and 7 to persons at or below low-income levels as defined by the U.S. Department of Housing and Urban Development (HUD) in its definition of "low-income families" at 24 CFR 92.2. One of the three units may be rented to the church pastor/assistant pastor if the household income of the church pastor/assistant pastor meets the low-income threshold as defined above. The Deed Restrictions shall be submitted for review and approval of the Community Development Director prior to recordation and shall contain initial and periodic monitoring provisions to verify compliance with this condition, including the provision of annual reports regarding the occupants income, race, ethnicity, household composition, move in or move out date, and occupation. Verification of tenant income shall be provided annually with the report. The applicant shall comply with federal and state Fair Housing laws.
5. The subdivider must file a Final Map with the County Recorder to record the subdivision approved herein. The required Final Map must be in substantial conformance with Exhibit "A," including, but not necessarily limited to, the proposed lot lines, easements, and building envelopes. Prior to recordation of the Final Map, the Final Map must be submitted to the County Surveyor for review and approval. Final Map data and form must be in compliance with provisions of Chapters 20.36 and 20.40 of the Marin County Code.
6. The Marin City Church of God Subdivision approval must be vested by recordation of the required Final Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the subdivider and payment of the appropriate extension fee for a period not to exceed an aggregate of three years beyond the expiration date. Extension of the Subdivision approval may be permitted pursuant to applicable State law.
7. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the subdivider defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Marin City Church of God Subdivision, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
8. The subdivider shall construct or cause to be constructed all improvements required by Title 20 (Subdivision), Title 24 (Development Standards), and any improvements shown on or required as a condition of approval of the Subdivision approved herein, including site grading, utilities, drainage, stream stabilization, and roadway improvements. Prior to recordation of the Final Map and commencement of any construction work, the subdivider shall submit Improvement Plans for review and approval of the Marin County Department of Public Works, as specified in Title 24 of the Marin County Code. The required subdivision improvements must be completed before occupancy of any new structure within the subdivision.
9. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addresses for the approved lots shall be as follows:

Lot #	Street Address
1	659 Drake Avenue (formerly 639)
2	647 Drake Avenue
3	645 Drake Avenue
4	641 Drake Avenue
5	651 Drake Avenue
6	655 Drake Avenue
7	657 Drake Avenue

Alternatively, the subdivider may submit for review and approval an application to name the common driveway shared by Lots 2 through 7. In this case, the address of Lot 1 (on which the church is located) would remain 639 Drake Avenue, while Lots 2 through 7 would be assigned appropriate numerical addresses off the newly named street

10. BEFORE APPROVAL OF IMPROVEMENT PLANS AND ISSUANCE OF A GRADING PERMIT, the following items must be submitted to the Community Development Agency, Planning Division:
 - a. Verification from the Marin Municipal Water District, which confirms that all required legal, financial, and construction agreements have been applied for and completed to install new water distribution facilities for the approved lots.
 - b. Verification from the Marin County Fire Department, which confirms that all required legal, financial, and/or construction agreements have been applied for and completed.
 - c. Verification from the Sausalito-Marín City Sanitary District, which confirms that all required legal, financial, and/or construction agreements have been applied for and completed to install new sewer connections for the approved lots.
 - d. Verification from Pacific Gas and Electric, which confirms that all required legal, financial, easements, contracts, and construction agreements have been applied for and completed to provide underground power lines serving the approved lots.

11. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. Lighting shall be selected to avoid high-angle, high-candela distribution patterns. A cut (specification) sheet shall be included in the Building Permit plans for all exterior lights.

12. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a final landscape plan for review and approval by the community Development Director. The plan shall be based on the palette depicted in the Landscape Plan contained in “Exhibit B” and shall specify the exact type, size, and location of all landscape components of this project. The landscaping plan shall encompass all areas exposed, graded, or disturbed as a result of construction and grading activities and shall specify the installation of ground cover on all disturbed soils and all slopes. Native, non-invasive, and deer-resistant species shall be utilized.

13. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a “Statement of Conformance” prepared by a certified or licensed landscape design professional which confirms that the approved landscaping plan conforms to the design requirements contained in Chapter 23.10 (Water Efficiency in Landscaping) of the Marin County Code. Alternatively, the applicant may satisfy this requirement by submitting a letter from the Marin Municipal Water District confirming project compliance with the district’s landscape water efficiency regulations.

14. PRIOR TO ISSUANCE OF A BUILDING PERMIT for any of the approved residences, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
15. Construction activity shall be limited to the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday. No construction activities shall be permitted on Sundays or federal holidays. The hours of construction may be modified administratively on a case-by-case basis by the Community Development Director for due cause.
16. 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.
17. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
18. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrian and vehicles can pass safely at all times. The number of construction vehicles shall be limited to the minimum number necessary to complete the project.
19. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, the following requirements shall be satisfied
 - a. 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.
 - b. 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.
 - c. All exterior flashing, sheet metal, or metal work shall be painted an appropriately subdued, non-reflective color.
 - d. All utility connections and extensions serving the project shall be installed underground.
20. 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.
21. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS APPROVAL, the Notice of Decision for the Marin City Church of God Rezoning/Master Plan/Development Plan/Subdivision approval shall be recorded against the title to the subject property.

Department of Public Works-Land Use and Water Resources

22. BEFORE APPROVAL OF IMPROVEMENT PLANS OR ISSUANCE OF GRADING OR BUILDING PERMITS, the following requirements of the Marin County Department of Public Works, Land Use and Water Resources Division must be satisfied:

- a. Improvement plans shall be prepared in accordance with Marin County Code (MCC) Title 22, Article VI (Subdivisions), and must conform to MCC Title 24, Development Standards or as approved by the Department of Public Works.
- b. The Improvement plans shall show the driveway profile, cross section, slopes, drainage, approaches, and improvements.
- c. Provide an Erosion and Sediment Control Plan as part of the Improvement Plans.
- d. The applicant shall apply for a Building Permit for retaining walls, as required under applicable Uniform Building Code.
- e. An Encroachment permit shall be required for any work within the right-of-way and is subject to review and approval by the road commission.
- f. The project sponsor shall submit a maintenance agreement(s) that provides for the ability of the drainage and roadway improvements to be maintained by the associated parcel. Such agreement shall be provided to the Department of Public Works for review and approval. The agreement(s) shall be recorded concurrent with the Final Map.
- g. The applicant shall note the height of the retaining wall where it terminates at Drake Avenue on the grading plan. Additionally, all plans in the application shall have the revised retaining wall configuration as shown on the Vesting Tentative Map prepared by Lawrence Doyle.
- h. The type "C" wall above the roadway shall be no higher than 4 feet.
- i. As submitted on Sheet A-1, the sidewalk on the east side of the driveway shall be 4 feet wide.
- j. All retaining walls shall be on the subject property, not the public right-of-way.
- k. The street name sign, if any, shall be placed at the street intersection. The word "private" shall be placed on the sign.

SECTION III: VESTING

NOW, THEREFORE BE IT RESOLVED that the Marin City Church of God Subdivision/Precise Development Plan shall be vested within three years from the date of approval by recording a Final Map, securing and maintaining Building Permits for the approved residences, and substantially completing approved work in accordance with the Building Permits 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 Subdivision and Precise Development Plan extension of not more than three years may be granted for cause pursuant to Section 22.84.140 and 22.44.050 of the Marin County Code.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 3rd day of November 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary