

**MARIN COUNTY PLANNING COMMISSION MINUTES**  
**NOVEMBER 3, 2003**  
**Marin County Civic Center, Room #328 - San Rafael, California**

*Commissioners Present:* Ross Herbertson, Chair  
Allan Berland, Vice  
Hank Barner  
Don Dickenson  
Jo Julin  
Steve Thompson

*Commissioners Absent:* Ray Buddie

*Staff Present:* Alex Hinds, Agency Director  
Brian C. Crawford, Deputy Director of Planning Services  
Dan Dawson, Senior Planner  
Christine Gimmler, Senior Planner  
Jessica Woods, Recording Secretary

*Minutes Approved on:* *November 17, 2003*

Convened at 1:00 p.m.  
Adjourned at 5:01 p.m.

*Meeting Adjourned in Honor of Novato Fire Fighter Doug McDonald  
and in Memory of Novato Fire Fighter Steve Rucker.*

1. ROUTINE TRANSACTIONS:

- a. M/s, Julin/Barner, and passed unanimously of those present, to incorporate Staff Reports into the Minutes. Motion passed 6/0 (Commissioner Buddie not present).
- b. Continuances:

M/s, Dickenson/Julin, and passed unanimously of those present, to continue Item #5 – Fitzgerald Design Review/Certificate of Compliance to the hearing of December 8, 2003. Motion passed 6/0 (Commissioner Buddie not present).

2. COMMUNICATIONS

The Commission acknowledged information regarding the 20<sup>th</sup> Annual Planning Commissioners seminar to be held on December 6., 2003, and a conference on Planning, Zoning, and Eminent Domain to be held on December 10, 11, and 12, 2003 in San Francisco.

3. DIRECTOR'S ORAL REPORT

**San Quentin Vision Plan**

Report on Presentation and discussion of the San Quentin Vision Plan, drafted by the San Quentin Reuse Planning Committee. The Plan sets a policy framework for the reuse of San Quentin State Prison (should the State fully or partially close the facility) which is intended to be incorporated into the Countywide Plan as a special policy area.

Dan Dawson, Senior Planner, summarized the staff report and noted that no action other than discussion and comment is required at this meeting. He explained that the Vision Plan, along with the minutes from this meeting would be presented to the Board of Supervisors. He pointed out that the final recommendations will be considered in the Countywide Plan as a special policy area and be brought back before this Commission and the Board for public hearings as part of the Countywide Plan hearing process early next year. He then provided the Commission with a presentation on the San Quentin Vision Plan for their consideration that included the following key objectives:

1. Natural Systems
2. Built Environment
3. Socio-Economic

Staff then discussed the following with the Commission for their review and consideration:

**I. Introduction**

- Overview
- Background
- Key Trends & Issues
- Regional Context
- Opportunities & Constraint

**II. The Vision for San Quentin**

**III. Natural Systems Objectives & Policies**

- Conserve, enhance, and restore appropriate plant and wildlife habitats including those on hillsides, ridges, and the bay.

- Maximize the benefits of open space areas.
- Maintain or improve existing water quality of the Bay and Corte Madera Creek.
- Reduce potential exposure of site residents and visitors to environmental hazards.

#### **IV. Built Environment Objectives & Policies**

- Create a new, world-class community.
- Provide a variety of parks and green space amenities.
- Promote an interconnected network of streets and paths to provide for a pleasant environment and disperse vehicle traffic.
- Promote improvements to nearby arterials and freeway systems that increase the convenience of the ferry terminal.
- Respect on-site historical resources that tell the story of the prison's history.
- Promote types of housing which support the relation of a pleasant, walkable village.
- Exceed adopted requirements for providing affordable housing.
- Promote alternate modes of transportation so that the majority of trips made in the community are by bus, ferry, biking, walking, or train.
- Utilize creative approaches and design to minimize the amount of parking necessary to have it blend in to the community.
- Promote the use of renewable, low impact building materials.
- Minimize resource consumption in the community
- Promote the development of energy efficient buildings.

#### **V. Socio-Economic Objectives & Policies**

- Provide cultural enrichment opportunities on the site.
- Consider the creation of facilities and housing as part of the new San Quentin that provide education and rehabilitation to inmates, taking advantage of the local prison volunteers populations in Marin County and the Bay Area.
- Provide for the child care and educational needs of the new community and educational opportunities for the community at large.
- Encourage economic diversity.

#### **VI. Appendix: The Ahwahnee Principles**

- Preamble
- Community Principles
- Regional Principles
- Implementation Strategies

Chair Herbertson asked staff to explain the anticipated ownership structure. Mr. Hinds responded that the State would go through a formal referral process and would desire a specific plan that spelled out the entitlements before making the property available to the private sector. Ultimately, it is envisioned that some or almost all or portions of the property could be purchased by private entities. He believed a redevelopment agency could play an important role, but it is unlikely it could afford to purchase the entire project.

Chair Herbertson discussed the concept of a “world-class community” and noted his excitement. He asked staff if there was any thought in terms of keeping it “real” rather than a “display piece.” Mr. Hinds explained that there was a lot of discussion around transportation and affordable housing. Also, the discussion centered around regional benefits and responsibilities that focused on transportation, housing, renewable energy, culture and rehabilitation.

Chair Herbertson commented on the proposed transit hub and expressed concern for traffic impacts. Mr. Hinds pointed out that the Vision Plan committed to not worsen the level of service as well as acknowledging that there must be basic infrastructure improvements for the automobile and for public transportation.

Staff stated that site design is critical in terms of locating parking and he felt that some existing trips on Sir Francis Drake could be reduced through good site design.

Commissioner Julin desired to know the definition of a “world-class” community. Mr. Hinds responded there is no specific definition. He explained that this is a unique site and pointed out as an example that San Francisco is considered a world-class city.

Commissioner Berland noted his excitement for the Vision Plan and agreed with the idea of having a substantial amount of affordable housing. He pointed out that the entitlements given to the property would dictate how much it would cost a developer to purchase the property. He also felt cul-de-sacs would provide for less traffic and believed they should be considered. Mr. Dawson responded that the community itself should be open and well connected within itself. Mr. Hinds stated that as long as the internal streets are connected for pedestrians and bicycles, then cul-de-sacs could be considered.

Commissioner Dickenson commented on traffic and transportation and felt San Quentin is not connected with Marin in terms of traffic and that a significant amount of existing traffic probably comes from and goes to the East Bay over the Richmond Bridge. He asked staff if the traffic studies would include an analysis of where the existing traffic is traveling. Mr. Hinds responded that the new development must meet specified baseline levels and major studies would need to be conducted before this Plan went any further.

Commissioner Dickenson discussed the Vision Plan Polices and believed many are questionable. He felt that if the ferry terminal is relocated, the use of the existing ferry terminal property should be addressed to determine what would occur at that location. Mr. Hinds responded that the intent of the Committee’s recommendation included the following points: 1) any proposed development should not make the situation worse in any regard; and 2) the desire is that if the project is not done correctly, then it should not be developed at all. He further explained that the idea was to establish a bold and exiting plan.

Commissioner Dickenson commented on meeting the existing housing needs and felt this world-class village would be desirable for those commuting to San Francisco. He also expressed concern for the net increase in affordable housing because of the new on-site jobs. Mr. Hinds responded that a minimum of 25% of these housing units should be affordable. He further stated his opinion that affordable housing could be limited to those that live or work currently in Marin County, which would be legal and logical.

Commissioner Thompson pointed out that he attended a few sessions on this subject and was really impressed with the manner in which the public and staff handled a very complex situation. He also gave credit to Supervisor Kinsey and Supervisor Rose. He expressed concern for page 10 regarding a base number of 2,100 residential units located in the transit village, yet there is no reference to the density of the entire project, and no statement about balance between residence, commercial, cultural and live/work places, which he believed should be included. Mr. Hinds explained that there was some language in the Vision Plan regarding determining the right balance for commercial and cultural types of uses in the Specific Plan.

Commissioner Thompson agreed with the Vision Plan, but was hopeful that it would reach for higher densities. He also stated that since this is not a specific plan, it should not include any specific numbers. He further suggested using the term “Exceptional Place” rather than “World-Class.”

The hearing was opened to public testimony.

Karen Nygren, Tiburon resident, pointed out that the document would be included in the County General Plan, and if not done appropriately, the County would lose control in terms of polices, zoning, and land use designation. She believed they must review this site as to how it relates to the quality of life of Marin County. She also felt that the ultimate density would be driven by the price that the State desired to receive from this property. She then discussed traffic congestion and pointed out that much reverse commute would take place

because the job market is moving north. She further desired a reuse of this particular site, but questioned the reuse.

Roger Roberts, San Rafael resident, agreed that this is an extraordinary and exceptional site that requires that level of planning. He discussed page 1 of the staff report and noted that there are also 100-acres of submerged land. He discussed the policy statements on pages 2 & 4 of the Vision Plan relative to a standard policy for not reusing the property in any way that would require additional resource use, which he felt is dangerous language to use as a basis for a planning policy moving forward. He urged the Commission to consider transportation seriously before advancing this Plan publicly and in Sacramento. He discussed Policy BE-1.8 on page 10 of the Vision Plan and suggested that it be changed to read, *“focus the greatest density centered around the transit hub with density and height decreasing outward from the center.”* He also commented on Policy BE-8.2 on page 12 that referred to receiving Federal, State, regional and local funding for the creation of affordable and special needs housing and felt they should encourage the State to dedicate or contribute land for the purpose of creating affordable housing, which should be incorporated in that policy, if the Steering Committee agreed. He then provided the Commission with a letter from the Marin Conservation League that was submitted to the Steering Committee for their consideration that included the following language:

Community Marin’s recommendation for possible reuse of the San Quentin property states:

*“Any redevelopment of the site raises significant traffic and circulation concerns. High-density commercial and residential development of the site would be out of character with Marin and inappropriate. The entire site should be master planned to promote a unified and balanced use of the land and bay frontage. Historic buildings and all submerged portions of the site should be preserved.”* The Community Marin report also recommended that *“the historic character of the adjacent San Quentin Village should be preserved.”*

The hearing was closed to public testimony.

Commissioner Julin noted her appreciation for the format and graphics of the report.

Commissioner Berland believed the Vision Plan is extraordinary and agreed with the statement that the State should be encouraged to donate land for affordable housing. He further believed more research must be done on the likelihood of the various pieces coming into place such as transportation.

Commissioner Barner stated that if there is development of housing, consideration should be given to alleyways. He also expressed concern for traffic congestion in terms of the art programs because critical mass is needed. He noted that the program is very desirable, but careful balancing must be considered.

Chair Herbertson expressed concern for critical mass as well. He also desired to know the amount of residents needed to support a market, gas station, school, and medical clinic, which should be done before this Plan provides specific numbers. He then discussed the sequence of governing issues and most decisions would be made based on economics and felt those decision-making issues are crucial to the success of this project. He further believed bicycle circulation should be considered with this project as well as some areas designated for pedestrian use only.

Commissioner Thompson believed adding numbers are premature at this point and suggested removing the numbers until there is a specific plan. He believed a transit village is a great idea. He further suggested emphasizing the pedestrian and bicycle plans.

Commissioner Dickenson stated that the Plan is based on a number of problematic assumptions. He added that the term “world-class” is very seductive but needs a critical mass. He noted that the site is isolated and pointed out that there are no incentives for those not to use their vehicle. He further added that the major

concern is that the Plan as presented is not supported by the public and will delay the Countywide Plan hearing process.

Mr. Hinds appreciated all the comments that the Commission and public provided.

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

Commissioner Barner provided the Commission with material titled "Cowgirl Creamery Takes Best of Show at ACS Conference" for the Commission's review.

5. DESIGN REVIEW/CERTIFICATE OF COMPLIANCE: FITZGERALD

Continued hearing to consider a Design Review application and Certificate of Compliance proposing to construct a new, 2,508 square-foot, single-family residence with a 545 square foot attached garage on a vacant lot. The proposed residence would have a maximum height of approximately 25.5 feet above grade. A 12-foot high retaining wall would be located within 3 feet of the southeasterly property line. Pursuant to Marin County Code Section 22.82.025, Design Review is required for the development of this lot because it is substandard in size (less than 50% of that required by the governing R-1:B-4 zoning district regulations). The subject property is located at **50 Bayview Drive, San Rafael**, and is further identified as **Assessor's Parcel 186-132-20**.

M/s, Dickenson/Julin, and passed unanimously of those present, to continue this matter to the hearing of December 8, 2003. Motion passed 6/0 (Commissioner Buddie not present).

- 6A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: MARIN CITY CHURCH OF GOD REZONING/MASTER PLAN/DEVELOPMENT PLAN/SUBDIVISION
- 6B. REZONING/MASTER PLAN/DEVELOPMENT PLAN/SUBDIVISION: MARIN CITY CHURCH OF GOD

Hearing to consider applications proposing to subdivide a 1.77 acre property at 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. The new residences would be served by an 18-foot wide common driveway off Drake Boulevard. The current zoning requires a minimum lot size of 7,500 square feet. Therefore, to accommodate the proposed project, the applicant is requesting that the property be rezoned to a planned district zoning. The subject property is located at **639 Drake Avenue, Marin City**, and is further identified as **Assessor's Parcel 052-130-15**.

Prior to taking action on the merits of the project, the Planning Commission will consider the grant of a Negative Declaration of Environmental Impact for this project.

Christine Gimmler, AICP, Senior Planner, summarized the merits of the proposed project, as set forth in the staff report.

Commissioner Barner requested that the conditions include language regarding interior fire sprinklers as well as a condition that prohibits the installation of private gates at the entrance to the subdivision. He expressed concern regarding the calculations that were made in terms of density of the site and suggested changing the zoning to reflect the density resulting from six units on 0.77-acres. Staff stated that the size of the entire property is normally taken into account, but that using the methodology suggested, there would be remaining development potential not being addressed in relation to future development on the Church parcel.

Commissioner Dickenson discussed the existing landing and stairway, which would encroach into the property line. Staff responded that she was unaware of that aspect and suggested adding a condition requiring that the proposed property line either be adjusted to accommodate the stairway or that the encroachment be removed before issuance of the permits. Hhe also noted that it would make sense to provide a pedestrian easement from the proposed driveway to the existing walkway bordering the property.

Commissioner Thompson expressed concern for the two sets of vertical retaining walls. Staff responded that adequate landscape screening would create a more attractive appearance.

Commissioner Berland also objected to the density calculations used for this site and felt they might be setting a bad precedent. He suggested adding a condition prohibiting further subdivision of the property. He also discussed the livability of a 322-square-foot unit and suggested expanding the second unit, if possible.

Chair Herbertson opened the public hearing on this item, and seeing none, he closed the public portion of the testimony and brought the matter back to the Commission for discussion and action.

Commissioner Dickenson expressed support for the project and felt the architect did an excellent job with the project design. He had no objection to the density, and confirmed that staff had used a conventional method in defining it. He reiterated the need to either remove the stairway or adjust the property line in relation to the landing from the portable building. He also desired the ability to walk from the end of the driveway to the sidewalk. He then agreed to provide the applicant the option to increase the floor area by moving back into the unexcavated space, if so desired, with a higher retaining wall to create a one-story corner in order to gain another 50 square feet.

Fred Small, applicant, expressed his willingness for an agreement to extend a walk way from the driveway to connect to the sidewalk with the understanding that they would not own that portion, but make it useable. Chair Herbertson responded that the Commission would leave that issue to staff's discretion. Staff stated that there might be problems with that agreement, which would need to be investigated.



Commissioner Thompson recommended a condition requiring maintenance of the path by the six properties.

Chair Herbertson explained that he is comfortable with the size of the second unit and agreed with providing the applicant the option of increasing the floor area.

Commissioner Barner asked staff to explore whether there is a more appropriate location for the utilities rather than under the driveway. Staff responded that utilities are commonly located within driveway easements.

Staff summarized the modifications made by the Commission that would be incorporated into the motion as follows: adding a condition regarding the property line adjustment or removal of the existing landing and stairs; providing a pedestrian access easement from the driveway to the existing pedestrian walkway; language to provide the applicant the option to increase the size of the second unit to a maximum of 400 square feet; adding a condition prohibiting construction of a gate across the driveway at the intersection with Drake Avenue; and if required by the Fire Department, residential fire sprinklers shall be installed.

Commissioner Barner corrected Page 8 under 19C of the Resolution to strike out the word "*painted*" and on Page 9 under "e" to change the words "*Road Commission*" to "*Road Commissioner.*"

Commissioner Thompson requested verification of the maintenance agreement regarding the path. Mr. Crawford responded in the affirmative by indicating that it could be included in the roadway maintenance agreement required by DPW.

M/s, Dickenson/Julin, and passed unanimously of those present, to recommend that the Board approve a resolution adopting a Negative Declaration and Environmental Impact for the Marin City Church of God Rezoning, Master Plan, Precise Development Plan and Subdivision based on the findings set forth therein. Motion passed 6/0 (Commissioner Buddie not present).

M/s, Dickenson/Julin, and passed unanimously of those present, to recommend that the Board adopt ordinances rezoning the property and establishing a Master Plan based on the findings and subject to the conditions as modified. Motion passed 6/0 (Commissioner Buddie not present).

M/s, Dickenson/Julin, and passed unanimously of those present, to recommend that the Board adopt the Resolution approving the proposed Marin City Church of God Precise Development Plan and Subdivision based on the findings and subject to the conditions as modified. Motion passed 6/0 (Commissioner Buddie not present).

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-026

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

NOES:

ABSENT: Buddie

---

ROSS HERBERTSON, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

---

Jessica Woods  
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-027

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 retain 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**.

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.

2. 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.
3. 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.
4. 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: Herbertson, Berland, Barner, Dickenson, Julin, Thompson  
NOES:  
ABSENT: Buddie

---

ROSS HERBERTSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

---

Alexandra Morales  
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-028

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 retain 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. The driveway serving the approved subdivision shall not be gated.
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. If desired by the applicant, the approved second unit may be increased in size to a maximum of 400 square feet, subject to review and approval of the Community Development Director.
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. Prior to recordation of the Final Map, the plans shall be revised to ensure that improvements on Lot 1 (“church lot”) including the landing and stairway serving the accessory church building, do not encroach onto Lot 7. Alternatively, the encroaching structures may be removed. In addition, the Final Map shall be revised to include a pedestrian easement providing pedestrian access between the approved driveway and the existing pedestrian walkway bordering the southern property line.
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. Residential fire sprinklers shall be installed in the approved structures, if required by the Fire Department.

- 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 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

21. 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 Commissioner.
  - 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. The maintenance agreement shall also address maintenance of those portions of the existing pedestrian walkways located on the subject property. 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.
- l. The Improvement Plans shall provide a physical connection for pedestrians from the terminus of the driveway to the existing pedestrian walkway bordering the property to the south.

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

NOES:

ABSENT: Buddie

---

ROSS HERBERTSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

---

Jessica Woods  
Recording Secretary

7. APPROVAL OF MINUTES – OCTOBER 20, 2003

M/s, Barner/Berland, and passed unanimously of those present, to approve the Minutes of October 20, 2003 as modified. Motion passed 6/0 (Commissioner Buddie not present).

8. UPDATE ON BOARD OF SUPERVISORS ACTIONS

October 28, 2003: Raabe Design Review Appeal (Kentfield) granted with modifications to the project; Inclusionary Housing Ordinance adopted; Code Enforcement options; Wood Smoke Ordinance adopted

November 25, 2003: Tobias Variance Appeal (Lucas Valley); San Quentin Vision Plan

9. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

November 17, 2003

San Quentin Vision Plan Presentation (Alternative Date)

Oak View Master Plan/Tentative Map (Lucas Valley) (Tentatively Scheduled)

Pappas Design Review

December 8, 2003

Countywide Plan Update presentation

St. Vincent's Notice of Violation for unauthorized grading

Ricardo/Fitzgerald Design Review/Certificate of Compliance (San Rafael)

Staff suggested the possibility of a special meeting to consider the Strawberry View Control Ordinance. The Commission agreed that having a longer agenda for the December 8<sup>th</sup> meeting would be preferable to scheduling special meeting on December 1, 2003. Staff and the Commission then discussed the Planning Commission hearing schedule for 2004, including special meetings that would be held to consider the Countywide Plan.

In response to concerns raised by Commissioners regarding adequate preparation time for review of materials for the Countywide Plan meetings, staff stated that said materials would be provided a few months in advance of the meetings.