



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION ENGEL DESIGN REVIEW AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

Items:	8A & 8B	Application:	DR 98-120
Applicant:	Daniel Kelly, President Eucalyptus Investors, Inc.	Owners:	Douglas B. Engel and Birgitta A. Engel
Property Addresses:	625-637 Eucalyptus Way, Mill Valley	Assessor's Parcels:	049-051-29 through -32
Hearing Date:	July 26, 2004	Planner:	Neal Osborne

RECOMMENDATIONS: Grant a Negative Declaration of Environmental Impact
Approve with Conditions

APPEAL PERIOD: 10 days to the Board of Supervisors

LAST DATE FOR ACTION: 90 days from the grant of Negative Declaration

INTRODUCTION:

Eucalyptus Investors, Inc. President Daniel Kelly requests Design Review approval, on behalf of Douglas B. Engel and Birgitta A. Engel, for the extension of Eucalyptus Way as a "common driveway" to access four vacant lots, and for the construction of one single-family residence on Lot 1. The future development of the other three vacant lots would be subject to subsequent Design Review applications. Additionally, the proposed Eucalyptus Way extension could also provide access to another vacant lot (Assessor's Parcel 049-052-19) owned by Mr. Salvato. The development of the single access driveway and a single-family residence on the Salvato lot would be subject to a separate Design Review as required by the Conditional Certificate of Compliance for this property granted by the Board of Supervisors on November 16, 1999.

The extension of Eucalyptus Way is a proposal to develop a paper street that would provide access to a potential maximum of five vacant lots in the Little City Farms Subdivision in the western portion of Tamalpais Valley. In 1989, the Board of Supervisors acted on an appeal and merged 10 historic subdivision lots into the four Engel lots. The common driveway improvements, the construction of a single-family residence, and the potential for future single-family developments on the four additional lots comprise the full scope of the project subject to environmental review. The common driveway extension is the improvement of a paper street that is subject to Design Review pursuant to Marin County Code Section 22.42.040.

BACKGROUND:

On March 23, 1992, the Planning Commission reviewed and approved a similar Design Review application on this property. On appeal on April 21, 1992, the Board of Supervisors upheld the Planning Commission's approval. A Negative Declaration of Environmental Impact was granted for the previous project. Because no extensions of time were requested and no Grading Permit was obtained to vest the approval, the previous Design Review approval expired on April 21, 1994.

On May 22, 1998, the applicant submitted a new Design Review application and staff prepared a Subsequent Initial Study and draft Negative Declaration. Planning Commission public hearings occurred February 7, 2000, March 27, 2000, April 10, 2000, June 5, 2000, and June 19, 2000. At their June 5, 2000 hearing, the Planning Commission denied the project without prejudice and directed the applicant to revise the project to improve aesthetics and community compatibility, and to provide new geotechnical reports, hydrologic and hydraulic information to verify that the drainage system can adequately handle a 100-year storm event, clarification of the specific standards used to design the retaining walls and repair the slide areas, and clarification of construction procedures to ensure stability during construction. Please refer to Attachments 27, 28, and 43 for pertinent Planning Commission Minutes and Staff Reports.

On October 14, 1999, the Community Development Agency issued a proposed Initial Study and Negative Declaration for review by the public and interested agencies (refer to Attachment 29). This project was continued from the Planning Commission hearing of February 7, 2000, to allow time for preparation of responses to comments received on the Subsequent Initial Study of potential environmental impacts. Correspondence from neighbors, a Registered Civil Engineer and Geotechnical Engineer, and an attorney raised issues regarding the adequacy of the geotechnical studies and the Initial Study, including neighborhood compatibility, noise, visual impacts, and fire access.

The primary issues were:

- Geotechnical and drainage characteristics and the whether the engineering design details of the proposal are sufficient to conclude that the project design would be safe and mitigate all potential environmental impacts pertaining to geology and hydrology.
- Neighborhood compatibility regarding the size and extent of retaining walls.
- Noise from vehicles adjacent to the retaining walls reflecting off a 12-foot tall monolithic wall and impacting the rural character of the neighborhood.
- Visual appearance of the tall and long retaining walls.
- Fire truck access, traffic safety due to common driveway widths, and steepness of common driveways.

Staff reviewed all the comments received and responses are provided in the general responses to comments sections of the previous staff reports. The applicant's geotechnical engineer completed adequate analyses of the geologic hazards of the properties. Miller Pacific Engineering Group is satisfied that the plans and engineering design details are adequate, the project is technically feasible, and that sufficient design standards have been proposed to conclude that the project will be safe with regard to the geotechnical issues (refer to Attachment 31). The Department of Public Works staff also find the engineering reports adequate and recommend project approval with conditions (refer to Attachment 12). No evidence has been submitted that finds the slide repair work, common driveway and residential construction, and drainage improvements would result in significant adverse environmental impacts to neighboring properties. The proposed mitigation measures include enough detail to protect the environment through compliance with performance-based standards. The Department of Public Works, and Building and Safety Division engineering staff would review the specific design of the mitigation measures for conformance with accepted standards at the time of Building Permit and Grading Permit review in accordance with the California Environmental Quality Act ("CEQA").

On October 19, 2000, the applicant submitted revised plans and a portion of the items requested by the Planning Commission. Instead of providing a new geotechnical report, the applicant hired Albert L. Buchignani, Geotechnical Engineer of ALB Associates, Inc. to review all the previous geotechnical reports, studies, and comment letters. Mr. Buchignani determined the previous studies adequate and provided recommendations with specific engineering standards for safe construction of the project (refer to Attachment 32). However, because this response differs from

what the Planning Commission requested, the County hired Miller Pacific Engineering Group to conduct a peer review of Buchignani's report and all the other geotechnical reports for the slide repair, retaining wall, and drainage facilities. On October 8, 2002, Miller Pacific Engineering Group completed an initial peer review report. In response to this report, Buchignani and Larsen Engineering Services submitted additional engineering details and plan revisions. Due to health problems, Mr. Buchignani resigned and the applicant hired Craig Herzog, Geotechnical Engineer of Herzog Geotechnical Consulting Engineers, to be the project geotechnical engineer of record. Mr. Herzog's letter of October 6, 2003, summarizes his work and includes three specific recommendations to improve the integrity of the project design and provide greater safety (refer to Attachment 30).

GENERAL INFORMATION:

Countywide Plan
 Land Use Designation: Single-family Residential, 2 to 4 units per acre (SF5)
 Zoning: Suburban Agricultural, 10,000 square feet minimum lot size (RA:B2)
 Lot size: 3 acres (four parcels)(see Table 1)
 Adjacent Land Uses: Single-family residential, Golden Gate National Recreation Area
 Vegetation: Grasses, pine trees, and oak trees
 Topography and Slope: 25% to 50% upslope adjacent to Eucalyptus Way
 Environmental Hazards: Unstable soil, wildland fire, earthquakes due to the proximity to the San Andreas and Hayward Fault Zones

ENVIRONMENTAL SETTING:

The subject properties are located northeast of the end of the improved portion of Eucalyptus Way in the western portion of Tamalpais Valley. The existing pavement on Eucalyptus Way is 9 feet wide and ends at the entrances to driveways to 617, 619, 620, and 621 Eucalyptus Way. The unimproved road right-of-way turns steeply upslope to the northeast for approximately 930 feet to the boundary of the Golden Gate National Recreation Area, and forms the southern boundary of the subject Engel lots. The lots have upward slopes ranging from 25% to 50%. Present landscaping on the properties consist of grasses, shrubs, and a few small oak and pine trees. Several landslide areas exist on the properties and within the road right-of-way. The largest landslide is located on the southern portion of Lot 1, within the Eucalyptus Way right-of-way, and partially on a portion of the adjacent property at 608 Eucalyptus Way. The Golden Gate National Recreation Area is adjacent to the north and northwest of the subject properties. With exception to the vacant Salvato lot, the adjacent properties to the west, south, and east are developed with single-family residences on approximately 1/4-acre to 1/2-acre lots with similar steep slopes.

PROJECT DESCRIPTION:

The project is a proposal for Design Review for the construction of a paper street as a “common driveway” that would access a potential maximum of five single-family residences on five existing lots in the Little City Farms Subdivision, and the construction of one single-family residence on Lot 1 (Assessor’s Parcel 049-051-29). The Design Review project is a proposal to improve the Eucalyptus Way road right-of way for access to Lot 1, 2, 3, and 4, and to construct a single-family residence on Lot 1. The improvement of Eucalyptus Way to Lot 1 would allow for future development of access driveways to Lots 1, 2, 3, 4, and the Salvato lot (Assessor’s Parcel 049-052-19) located to the southeast and contiguous to Lot 4. These foreseeable future developments have been considered as part of the project. Specific siting and design of future single-family residences on Lots 2, 3, and 4, and the Salvato lot are not included in this project but would be subject to subsequent Design Review applications. Douglas and Birgitta Engel own Lots 1, 2, 3, and 4, and Michael Salvato owns the other lot. The lot sizes, maximum allowable floor area pursuant to the Tamalpais Area Community Plan and the Salvato Conditional Certificate of Compliance, and existing improvements on the five lots are shown in Table 1.

Table 1. Existing Lot Sizes, Maximum Potential Floor Area, and Existing Improvements

Lot Number	Approximate Lot Size	Maximum Potential Floor Area	Existing Improvements
1	31,436 square feet	4,000 square feet	Vacant, roughly graded trail
2	12,221 square feet	3,100 square feet	Vacant, roughly graded trail
3	16,251 square feet	3,250 square feet	Vacant
4	39,752 square feet	4,500 square feet	Vacant
Salvato Lot	24,279 square feet	1,800 square feet*	Vacant

*1,800 square feet is a condition of the Certificate of Compliance granted by the Board of Supervisors in November 1999

Single-family Residence

The proposal for a 2,973 square foot single-family residence, with an 808 square foot lower level garage, on Lot 1 would have a maximum height of 31 feet above grade and the following property line setbacks: 28 feet front (south), 58 feet side (east), 100 feet side (west), and 51 feet rear (north). The combined floor area, excluding 480 square feet of garage, would be 3,301 square feet with a floor area ratio of 10% on the 31,436 square foot lot. Pursuant to the new 2003 Development Code definition of grade, the maximum height of the proposed residence would be 31 feet above the ground located below the garage slab. By definition, the previous height was measured as 24 feet above grade outside the building (refer to Attachments 7 and 8).

Eucalyptus Way Extension

The Eucalyptus Way extension would result in the construction of a new common driveway, 580 feet in length, and 16 feet in width, surfaced with asphalt pavement (refer to Attachments 6 and 8). Because the Eucalyptus Way road right-of-way turns to the northeast with a very acute angle on a steep slope, the common driveway is proposed upslope of some portions of the original Little City Farms Subdivision right-of-way to decrease the slope and angle of the driveway turn. An offer of dedication to the County of Marin for the additional road right-of-way upslope of the original right-of-way was recorded in 1992. Grading work would consist of approximately 2,570 cubic yards of excavation and 2,580 cubic yards of fill to repair existing slide areas and construct the common driveway on the steep slope. The common driveway would have initial slope of 2%, increase to 21%, reduce to 15.6%, and ultimately maintain 2.5% slope at the upper 250-foot portion fronting Lot 2, Lot 3, and Lot 4. A 190-foot-long stepped concrete retaining wall, with heights of 2 feet to a maximum of 7 feet, would be constructed on the upslope side of the curve at the beginning of the common driveway. Another 85-foot-long concrete retaining wall, stepped back 4 feet from the first wall, with heights of 1 foot to 6.5 feet, would be constructed upslope of the first wall. Two other stepped concrete retaining walls with heights of 3 feet to 6.5 feet would be constructed near the end of the common driveway to provide a hammerhead turnaround that is set into the hill.

Two portions of Eucalyptus Way, from Glenwood Avenue to the beginning of the new common driveway, would be widened from its current approximately 9-foot width to a 16-foot pavement width. A 150-foot long, 3-foot high, wood retaining wall would be constructed on the upslope side of the pavement to accommodate the widening. The existing bamboo hedge on the downslope side of the existing pavement would be removed to accommodate the pavement widening, and new landscaping would be installed.

Drainage Improvements

The project proposes drainage improvements to convey stormwater runoff from the common driveway extension and the residential improvements through a buried 15-inch culvert that would connect to a new 18-inch culvert under the widened portion of the existing Eucalyptus Way. Stormwater would be conveyed through a system of ditches and culverts on the northern side of Eucalyptus Way and Glenwood Avenue to the existing 36-inch culvert under Glenwood Avenue. The applicant proposes improvements to the existing ditches and replacement of culverts to 18-inch reinforced concrete pipes under the driveways of 608 and 606 Eucalyptus Way, and 641, 645, and 647 Glenwood Avenue.

Water Supply

The project is within the Marin Municipal Water District ("MMWD") service area and construction of a water main extension would be required to provide water service to the site. The applicant must enter into a pipeline extension agreement with the MMWD and construct an extension of the water main from the end of the existing main in front of 615 Eucalyptus Way. The water main extension to serve the subject properties would be constructed within the road right-of-way as part of the common driveway extension.

Fire Protection

As required by the Southern Marin Fire Protection District, the maximum slope of the common driveway was reduced to 21% and was widened to 16 feet. Also two new fire hydrants are required to improve fire protection to the area. One hydrant would be located at the beginning of the Eucalyptus Way extension, and one hydrant would be located near the hammerhead turnaround area.

Sanitary Sewer

A 580-foot-long sewer main extension would be constructed under the common driveway and sewer laterals would connect to each single-family residence. The sewer main would connect to the existing main within the Eucalyptus Way right-of-way.

Tree Removal and Replacement

The construction of the common driveway and the residence on Lot 1 would result in the removal of two, 12-inch diameter oak trees. Thirty Coastal Live Oaks trees (15-gallon container size) are proposed along the common driveway extension, and 12 Coastal Live Oak trees are proposed on Lot 1. Three of the oak trees are proposed at the curve above the retaining walls in front of the neighbor's residence at Eucalyptus Way. Twenty-two Myoporum shrubs, 22 Princess Flower, 90 Lantana, and 80 Mexican Brush Sage plants are proposed on the downslope side of Eucalyptus Way to replace the Bamboo hedge.

ENVIRONMENTAL REVIEW:

The 1998 project Subsequent Negative Declaration was circulated for review and comment for a 20-day period pursuant to CEQA Guidelines Section 15162. The Negative Declaration incorporates and sets forth the information contained in the Negative Declaration adopted for the project by the Marin County Board of Supervisors on April 21, 1992 and includes additional analysis of the revised project and recommended mitigation measures to supplement that Negative Declaration. The Negative Declaration adopted in 1992 was essentially for the same common driveway extension project, but the previous Engel Design Review approval expired on April 21, 1994 because a Grading Permit was not obtained and extensions of time were not requested. Because of cumulative traffic and drainage problems in the Tamalpais Valley region, the Tamalpais Area Community Plan (TACP) adopted in 1992, required implementation of a mitigation fee collection program to fund the construction of common driveway and drainage improvements to mitigate cumulative impacts associated with future development within the TACP area. The cumulative impact analysis was based on the projected buildout of the plan area pursuant to the density of development specified by the Countywide Plan, TACP policies, and zoning designations. The Initial Study for the subsequent 1998 project Negative Declaration includes an analysis of the project related impacts for these changed circumstances in the context of cumulative regional impacts. Mitigation measures include fee payments to fund programs that will contribute to regional traffic and drainage improvements. Revisions for the 1998 Subsequent Negative Declaration therefore include new project information, new cumulative significant impacts, and new mitigation measures. Additional analyses of the following topical issues are specifically addressed in the Subsequent Negative Declaration: Project Description, Transportation/Circulation, Geophysical Hazards, and Drainage.

Specific residential designs for all of the lots are not proposed at this time. Therefore, the Subsequent Negative Declaration includes mitigation measures requiring future residential developments of all the individual Engel lots to comply with specific construction design standards to reduce potentially significant impacts to an acceptable level. Based upon a review of Mr. Karp's report, the applicant's geotechnical studies by Herzog Engineering, the applicant's Engineering Geologist's report (Glomb), and the peer review Civil Engineer's report (Lindquist), the Department of Public Works staff concur with Karp's findings that potentially significant impacts regarding geologic hazards could result from the project but can be mitigated to less than significant. No evidence has been submitted to substantiate that the Herzog geotechnical analysis is inadequate and there is not a disagreement amongst experts. The project proposal and mitigation measures are feasible to reduce the potential impacts identified to less than significant and the preparation of an Environmental Impact Report is not necessary. The mitigation measures in the Initial Study address the worst-case situation given the environmental setting of each lot and the potential development of the maximum-sized single-family residence allowable pursuant to the policies of the Tamalpais Area Community Plan for each lot. The future Design Review and Building Permit applications would be reviewed for compliance with these standards, and if the established mitigation standards cannot be satisfied, the Design Review would not be approved and a Building Permit would not be issued.

The current project has been evaluated with an Amendment to the Subsequent Negative Declaration based on the revised plans submitted in October 2000, in response to the Planning Commission's denial without prejudice in June 2000. The revised proposal includes new geotechnical evaluations by Buchignani and Herzog, retaining wall and common driveway design changes, retaining wall pier calculations, a noise study, visual simulations, landscaping plans, and off-site pavement widening. Miller Pacific Engineering Group completed peer review of the revised proposal, the new geotechnical evaluations, and the engineering design plans and calculations. Pursuant to CEQA Guidelines Section 15073.5, the new information would result in no new environmental impacts and recirculation of the Negative Declaration is not required. Staff recommends adoption of the Negative Declaration with the Amendment.

Summary of Issues Raised and Responses to Comments on the Initial Study

Seven letters were received regarding the Initial Study and the proposed Negative Declaration. Many of the comments are similar in nature to the comments raised in Mr. Kavanagh's letter, but other issues and opinions are also presented. (Please refer to the previous Planning Commission Staff Reports in Attachment 43).

Conclusion

The record does not contain, and the County has not been presented with, substantial evidence or expert opinion such that a fair argument, pursuant to CEQA Guidelines Section 15064(f)(1), can be made to require an Environmental Impact Report (EIR). An EIR is required if the agency concludes there is substantial evidence in the record supporting a fair argument that a project may have a significant effect on the environment. Substantial evidence is defined in CEQA Guidelines Section 15384(a) as,

“Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made is to be determined by examining the entire record. Mere uncorroborated opinion or rumor does not constitute substantial evidence.”

The comments received on the Initial Study include opinions from a Civil Engineer and a Geotechnical Engineer that identify deficiencies in the geotechnical analysis and the proposed engineering design of the common driveway, and general comments regarding the adequacy of the analysis and recommendation for a Negative Declaration of Environmental Impact. The applicant's Geotechnical and Civil Engineer prepared responses to the engineer's comments that conclude that the analysis is adequate and the proposed engineering designs mitigate the potential geologic hazards to less than significant. Miller Pacific Engineering Group completed peer review and additional engineering details have been submitted to conclude the project is feasible and can be constructed safely. The County's peer review consultant and the Department of Public Works engineering staff therefore find that all the impacts can be mitigated to less than significant and staff recommends the grant of a Negative Declaration of Environmental Impact. As stated on the previous page, pursuant to CEQA Guidelines Section 15073.5, the new information would result in no new environmental impacts and recirculation of the Negative Declaration is not required.

MERITS ANALYSIS

The previous Design Review approval in 1992 was granted before the adoption of the current update to the Tamalpais Area Community Plan. Staff's review of the project for conformance with the current plan policies finds the project can be approved with a one-foot height reduction in the height of the residence to conform with all the development standards for residential development on properties with greater than 25% slope. As modified by conditions of approval, the single-family residence would have a maximum height of 30 feet above grade and would step up the hill with a series of floor levels and articulated massing. The floor area of 3,301 square feet would be less than the

maximum 4,000 square feet of floor area potentially allowed on a 31,436 square foot property. Finally, the use of dark earthtone colors and landscaping would minimize the visual appearance of the residence, resulting in a development compatible with the surrounding environment.

Visual Resources

The construction of stepped retaining walls and landscape areas for the common driveway extension and turnaround area would result in reasonable access improvements that would not have adverse visual effects to the neighborhood. The Tamalpais Design Review Board recommended approval of the revised plans that provide retaining walls that step up the slope in a series of terraces to reduce the height of the walls and minimize visual impacts. To minimize the potential visual effects of the retaining walls, the applicant proposes to use textured concrete tinted a tan color, and to plant landscaping on the top of the stepped wall, and along the downslope side of the common driveway, to provide a visual screen. Staff recommends Condition of Approval 12 that requires the applicant to submit a revised Landscape Plan that provides for the planting of six 24-inch box oak trees, ten 24-inch box redwood trees, and additional evergreen shrubs along the common driveway. A 3-year Landscape Maintenance Performance Bond is also recommended. To minimize the visual impact of the residence on Lot 1 to the adjacent property to the west and to replace the oak trees to be removed, staff recommends planting three 24-inch box oak trees and additional evergreen shrubs near the west property line of Lot 1. The recommended conditions would ensure that no adverse visual effects would result.

Construction and Traffic Noise

The noise that would result during and after construction of the common driveway and the single-family residences would be objectionable to a number of neighbors.

Michael S. Thill of Illingworth completed a Noise Study and Rodkin Inc. that concluded the new stepped retaining wall would increase sound reflection from vehicles by less than one decibel to approximately 46 decibels, and therefore no substantial noise impacts would result from the project (refer to Attachment 34).

The ambient noise level is less than the 60 dBA Ldn noise standard for residential areas established in the Marin Countywide Plan. Pursuant to Table N-2, "Land Use Compatibility for Community Noise Environments," the existing neighborhood has "Normally Acceptable" Community Noise Levels (Ldn or CNEL). Pursuant to Marin Countywide Plan Policy N-2.1, a one-decibel increase would not exceed the 5-decibel noise level increase significance threshold in an area that is rated "Normally Acceptable". Therefore no significant noise increase would result from vehicular traffic associated with the project. Noise levels within the area are anticipated to increase during construction of the common driveway and the residential improvements, but hours of construction would be limited to the standard construction hours required for discretionary projects. Additionally, the applicant has agreed not work on Saturdays. The permitted hours of construction would be 8:00 A.M. to 5:00 P.M. on weekdays with no work allowed on Saturdays, Sundays, or Holidays. The construction work would be temporary and would result in construction noise levels typical of residential hillside development projects. The recommended condition for a traffic management plan would minimize potential noise conflicts with the scheduling of construction activities in a way that minimizes potential conflicts with surrounding neighbors.

Conclusion

The design of the proposed common driveway improvements and the single-family residential development would be consistent with the goals and policies of the Marin Countywide Plan and the Tamalpais Area Community Plan because tree removal, grading, and environmental impacts are minimized. The off-site pavement widening would improve a portion of Eucalyptus Way that is substandard and would improve traffic safety for the neighborhood with its greater width. The proposed structures would blend into the surrounding environment without adverse visual effects and would be compatible with the neighborhood. The single-family residence would comply with the

Tamalpais Area Community Plan policies for floor area, height, and design on a steep hillside lot. Future development of the remaining three lots would be subject to Design Review to ensure that the residential developments would be compatible with neighborhood. The Design Review findings for this project, as modified by conditions of approval, can be made affirmatively for this development project that would provide access to, and the development of, existing single-family residential properties in the Little City Farms Subdivision of Tamalpais Valley.

RECOMMENDATION:

Staff recommends that the Marin County Planning Commission review the administrative record, conduct a public hearing, consider the proposed Negative Declaration and the comments and responses thereto, and adopt the recommended resolutions adopting a Negative Declaration of Environmental Impact and conditionally approving the Engel Design Review.

- Attachments:
1. Proposed Resolution granting a Negative Declaration for the Engel Design Review
 2. Proposed Resolution recommending conditional approval of the Engel Design Review
 3. Project Location
 4. Assessor's Parcel Map
 5. Geologic Map with Landslides
 6. Improvement Plan -- Eucalyptus Way
 - a. Plan and Profile
 - b. Utilities and Details
 - c. Off-site Improvements
 - d. Section X-X
 - e. Retaining Wall Details and Specifications
 - f. Landscaping Plan, L-1.0
 - g. Landscaping Plan, Off-site Concept Plan
 7. Design of the Proposed Residence (Lot 1)
 - a. Site Plan
 - b. Sections
 - c. Elevations
 - d. Landscaping Plan, L-2.0
 8. Visual Simulations
 - a. Retaining Walls at Curve
 - b. Single-family Residence (on-site)
 - c. Single-family Residence (off-site)
 - d. Bamboo Replacement at Eucalyptus Way Widening (off-site)
 9. ILS Associates, Inc. letters, 7/14/04, 7/9/04
 10. Dennis Wong letter, 7/8/04
 11. Nicola Stiff e-mails, 7/2/04, 10/16/03
 12. Department of Public Works Land Use and Water Resources Division memorandum, 11/6/03
 13. Tam Design Review Board Minutes, 11/5/03
 14. Douglas and Birgitta Engel letter, 9/25/03
 15. Eric Dabanian, Miller Pacific Engineering Group memorandum, 6/6/03
 16. Dennis Kavanagh memorandums and letters, 7/25/03, 6/3/03, 11/12/02, 10/22/02, 10/17/02, 5/30/02, 2/5/02, 12/11/01, 11/16/01, 11/6/01, 7/30/01, 5/30/01, 12/7/00
 17. Steve Radcliffe and Karen Walter letter, 5/20/03
 18. Southern Marin Fire Protection District letters, 5/1/03, 12/5/01
 19. Department of Public Works Traffic Division e-mail and memorandum, 4/22/03, 1/9/02
 20. Larsen Engineering Services Letter of Transmittal, 3/18/03
 21. Golden Gate National Recreation Area letter, 3/11/03

22. Community Development Agency letters, 12/11/02, 1/7/02
23. Marin Municipal Water District letter, 11/15/02
24. George Ford and Karen Cook letter, 8/14/02
25. Paul and Nicola Stiff letters, 9/21/02, 1/5/02
26. I.L. Schwartz Associates, Inc. letter, 6/21/01
27. Marin County Planning Commission Minutes, 6/5/00 and 4/10/00
28. Marin County Planning Commission Resolution, 6/19/00

The following attachments were provided to the Planning Commissioners only. These attachments are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Friday, 8:00 A.M. to 4:00 P.M..

29. Proposed Negative Declaration and Initial Study with Amendment
30. Herzog Geotechnical Consulting Engineers, "Geotechnical Report Update", 10/6/03
31. Miller Pacific Engineering Group, "Geotechnical Peer Reviews", "Geotechnical Responses to Peer Review", and 7/9/03, 12/3/02, and 10/8/02
32. ALB Associates, Inc., "Temporary Shoring Wall, Terraced Walls", "Corrected Response to Geotechnical Peer Review", "Geotechnical Response to Peer Review", "Geotechnical Review of Previous Geotechnical/Geological Reports and Grading Plans", 3/5/03, 11/19/02, 11/4/02, 10/12/00
33. Larsen Engineering Services "Retaining Wall Calculations", Pier-Supported Concrete Retaining Walls Structural Calculations", 4/3/03 and 9/21/01
34. Illingworth and Rodkin, Inc. "Retaining Wall Noise Study and Update", 8/5/02 and 5/2/01
35. Mr. Trees, "Arborist Report and Tree Protection Plan", 5/16/01 and 5/26/00
36. Eric S. Lindquist, Ph.D., P.E., EQE International Engineering, Review of Correspondence and Reports, 1/18/00
37. Jim Glomb, Geotechnical and Environmental Consulting, Responses to Comments and Project Update for the "Geotechnical Investigation, Eucalyptus Way Common Driveway", 1/18/00, 6/4/99, 7/16/98
38. Jim Glomb and Donald Herzog, Herzog Associates Inc., "Geotechnical Investigation Eucalyptus Way Common Driveway," 4/16/90
39. Donn A. Ristau and Nersi Hemati, Donald Herzog & Associates Inc., "Geotechnical Report, End of Eucalyptus," 2/28/86
40. Irving L. Schwartz, I.L. Schwartz Associates, Inc., Responses to Comments and Project Clarifications, 8/10/02, 6/8/99, 2/19/99, 11/24/98
41. Irving L. Schwartz, I.L. Schwartz Associates, Inc., "Eucalyptus Way Preliminary Drainage Calculations," 11/24/98
42. Irving L. Schwartz, I.L. Schwartz Associates, Inc., "Eucalyptus Way Drainage Study and Update," 7/14/04, 6/20/01 and 5/1/91
43. Planning Commission Staff Reports 6/5/00 (with Attachment 3 only) and 4/10/00 (with Attachments 10 and 12 through 20 only), 4/6/00 (Memorandum with all Attachments)
44. List of Neighbors at Site Inspection, 6/3/00
45. Karen Walter letter, 6/1/00
46. Dennis Kavanagh letters, 6/5/00, 6/2/00, 6/1/00, 9/12/00
47. Dan Kelly and Doug Engel letter, 5/24/00

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION GRANTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE ENGEL DESIGN REVIEW

ASSESSOR'S PARCELS 049-051-29 through -32, and 049-052-19

SECTION 1: FINDINGS

- I. WHEREAS Daniel Kelly submitted the Engel Design Review application to develop a paper street that would access a potential maximum of five single-family residences on five existing vacant lots in the Little City Farms Subdivision, and to construct one single-family residence on Lot 1 (AP 049-051-29). The Design Review project is a proposal to improve the Eucalyptus Way road right-of way as a common driveway for access to the lots, and to construct a single-family residence on Lot 1. The improvement of Eucalyptus Way to Lot 1 and widening of existing portions of Eucalyptus Way would allow for future development of access driveways and residential development on Lots 2, 3, 4, and the adjacent Salvato property identified as Assessor's Parcel 049-052-19. The proposed single-family residence on Lot 1 would have 3,301 square feet of floor area, a maximum height of 31 feet, and the following property line setbacks: 28 feet front (south), 100 feet side (west), 58 feet side (east), and 51 feet rear (north). The subject Engel properties are located at 625, 629, 633, and 637 Eucalyptus Way, Mill Valley, and are further identified as Assessor's Parcels 049-051-29 through -32. The Salvato property is located at 640 Eucalyptus Way, and is also identified as Assessor's Parcel 049-052-19.
- II. WHEREAS the Marin County Community Development Agency prepared a Subsequent Initial Study for the project that determined that no significant effects would occur with the implementation of mitigation measures and there is no evidence that the project may have a significant effect on the environment.
- III. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Subsequent Initial Study and Amendment, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- IV. WHEREAS on October 14, 1999, a Subsequent 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 granting final 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 November 4, 1999, the Marin County Planning Commission reviewed and considered the information contained in the Negative Declaration and Initial Study and comments and responses thereto. The current project has been evaluated with an Amendment to the Subsequent Negative Declaration based on the revised plans submitted in October 2000 in response to the Planning Commission's denial without prejudice in June 2000. The revised proposal includes new geotechnical evaluations by Buchignani and Herzog, retaining wall and common driveway design changes, retaining wall pier calculations, a noise study, visual simulations, landscaping plans, and off-site pavement widening. Miller Pacific Engineering Group completed peer review of the revised proposal, the new geotechnical evaluations, and the engineering design plans and calculations. Pursuant to CEQA Guidelines Section 15073.5 the new information would result in no new environmental impacts and recirculation of the Negative Declaration is not required

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Planning Commission hereby makes the following findings:

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, Subsequent Initial Study, and Amendment, 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.

LET IT BE FURTHER RESOLVED that the Marin County Planning Commission hereby grants the Negative Declaration of Environmental Impact for the Engel Design Review application as an adequate and complete environmental document for purposes of approving the project and declares that the Negative Declaration has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

SECTION 3. VOTE

PASSED AND ADOPTED at a meeting of the Planning Commission of the County of Marin, State of California, on the 26th day of July, 2004.

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRPERSON
MARIN COUNTY PLANNING COMMISSION

Attest:

Alex Morales
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION CONDITIONALLY APPROVING THE ENGEL DESIGN REVIEW

ASSESSOR'S PARCELS 049-051-29, -30, -31, AND -32

625, 629, 633, AND 637 EUCALYPTUS WAY, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS Daniel Kelly submitted the revised Engel Design Review application on October 19, 2000 to develop a paper street that would access a potential maximum of four single-family residences on four existing vacant lots in the Little City Farms Subdivision, and to construct of one single-family residence on Lot 1 (AP 049-051-29). The Design Review project is a proposal to improve the Eucalyptus Way road right-of way for access to the lots, and to construct a single-family residence on Lot 1. The improvement of Eucalyptus Way to Lot 1 and widening of existing portions of Eucalyptus Way would allow for future development of access driveways and residential development on Lots 2, 3, 4, and the adjacent Salvato property identified as Assessor's Parcel 049-052-19. The proposed single-family residence on Lot 1 would have 3,301 square feet of floor area, a maximum height of 31 feet, and the following property line setbacks: 28 feet front (south), 100 feet side (west), 58 feet side (east), and 51 feet rear (north). The subject properties are located at 625, 629, 633, and 637 Eucalyptus Way, Mill Valley, and are further identified as Assessor's Parcels 049-051-29 through -32.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on December 6, 1999, and continued public hearings on January 24, 2000, March 27, 2000, April 10, 2000, June 5, 2000, and June 19, 2000 to consider the merits of the original Design Review project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Planning Commission denied the original Design Review project without prejudice on June 19, 2000 and adopted Resolution PC00-024 based on findings that the project, with 12-foot high retaining walls, would be unsightly, would create substantial disharmony in the neighborhood, would be visually and aesthetically incompatible with the residential and scenic character of the neighborhood, and the 12-foot wall could result in the reflection of noise with impacts to adjacent properties.
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on July 26, 2004 to consider the merits of the revised project, and hear testimony in favor of, and in opposition to, the revised project.
- V. WHEREAS the Marin County Planning Commission 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. The current project has been evaluated with an Amendment to the Subsequent Negative Declaration based on the revised plans submitted after October 2000 in response to the Planning Commission's denial without prejudice in June 2000. The revised proposal includes new geotechnical evaluations by Buchignani and Herzog, retaining wall and common driveway design changes, retaining wall pier calculations, a noise study, visual simulations, landscaping plans, and off-site pavement widening. Miller Pacific Engineering Group completed peer review of the revised proposal, the new geotechnical evaluations, and the engineering design plans and calculations. Pursuant to CEQA Guidelines Section 15073.5 the new information would result in no new environmental impacts and recirculation of the Negative Declaration is not required
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the goals and policies contained in the Marin Countywide Plan, because it will:

- A. Improve an existing road right-of-way within the City-Centered Corridor that would provide access to four existing residential building sites and construct a single-family residence on one of the existing building sites.
- B. Provide improvements to a property designated for single-family residential development in the City-Centered Corridor without adversely affecting public open space in the project vicinity.
- C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazards.
- D. Comply with governing development standards related to grading, drainage, flood control and utility improvements as verified by the Department of Public Works.
- E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
- F.
- G. Provide consistency with the land use designation of Single-family, 2 units to 4 units per acre (SF-5).

VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the goals and policies contained in the Tamalpais Area Community Plan, because it will:

- A. Maintain the semi-rural character of the community as defined by the semi-rural residential setting and the quality of the natural environment on adjacent Golden Gate National Recreation Area lands.
- B. Provide improvements to properties designated for single-family residential development without adversely affecting view corridors, ridgelines, or environmental resources.
- C. Provide for residential development that is integrated harmoniously into the neighborhood.
- D. Result in a new 3,301 square foot single-family residence, with a maximum height of 30 feet above grade, that would conform to the maximum floor area standard for a property with greater than 25% slope. The potential maximum floor area for this 31,436 square foot property is 4,000 square feet.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified by conditions of approval, is consistent with the mandatory findings to approve a Design Review (Section 22.42.060 of the Marin County Code), as specified below.

- A. The proposed common driveway extension, retaining walls, and single-family residence would properly and adequately perform or satisfy their functional requirements without being unsightly or creating substantial disharmony with their locale and surroundings because they conform to the Design Review Criteria of the Ridge and Upland Greenbelt Area. The common driveway extension, retaining walls, and single-family residence would not be unsightly and incompatible with the residential and scenic character of the neighborhood because they are designed to minimize visual effects, grading, and tree removal. The 30-foot high, 3,301 square foot single-family residence would have an appropriate scale for the development of the subject 31,436 square foot property with a 10% floor area ratio. Finally, the proposed exterior building materials for the residence include gray/olive wood siding, and black composition roof shingles, and off-white trim that would complement the grassy hillside setting.
- B. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way because the project would result in the improvement of the Eucalyptus Way right-of-way with 16 feet of pavement, and the construction of a single-family residence that maintains substantial property line setbacks, fits into the hillside setting with a low-profile stepped design, minimizes the amount of grading necessary to develop the site, and provides landscaping of the disturbed areas. The project would not interfere with the development or enjoyment of other property in the vicinity.

- C. It will not indirectly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way as stated in Findings VIII (A) and VI (B) above.
- D. It will be properly and adequately landscaped with maximum retention of trees and other natural materials because trees on the property to be disturbed during construction of the project would be protected or reestablished at greater than a 2:1 ratio.
- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).
- F. The proposed development will minimize or eliminate adverse physical or visual effects that might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:
 - 1. The area, heights, mass, materials, and scale of the structures will match the existing structure.
 - 2. Drainage systems and appurtenant structures will not be modified substantially.
 - 3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads) will not be required.
 - 4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft will not be affected.
 - 5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.
- G. The project design includes features that foster energy and natural resource conservation while maintaining the character of the community.
- H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Engel Design Review subject to the following conditions:

Marin County Community Development Agency - Planning Division

1. Design Review 98-120 is hereby approved pursuant to Chapter 22.42 of Marin County Code to construct common driveway improvements to extend the paper street portion of Eucalyptus Way for access to a potential maximum of five single-family residences, and to construct one single-family residence on Lot 1 (Assessor's Parcel 049-051-29). A portion of the existing improved section of Eucalyptus Way would be widened to provide a minimum 16-foot wide common driveway. The approval permits a single-family residence on Lot 1 with 2,934 square feet of floor area, a maximum height of 30 feet, and with the following property line setbacks: 28 feet front (south), 100 feet side (west), 58 feet side (east), and 51 feet rear (north). The subject properties are located at 625, 629, 633, and 637 Eucalyptus Way, Mill Valley, and are further identified as Assessor's Parcels 049-051-29, -30, -31, and -32. The adjacent Salvato property is located at 640 Eucalyptus Way, Mill Valley, and is identified as Assessor's Parcel 049-052-19.

2. EXCEPT AS MODIFIED HEREIN, plans submitted for a Grading Permit and/or Building Permit shall substantially conform to plans and project descriptions on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Design Review Eucalyptus Way Common Driveway and 625 Eucalyptus Way, Mill Valley, California" prepared by Irving L. Schwartz Associates, Inc. and Anthony M. Richards dated received March 20, 2003; and Exhibit B, "Color and Material Samples."
3. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES AND THE GRADING PERMIT FOR THE EUCALYPTUS WAY IMPROVEMENTS, the project sponsor shall submit a report from a Certified Arborist that evaluates the proposed grading work adjacent to the large trees along the west side property line of Lot 1 and the Eucalyptus Way road right of way and recommends procedures to protect the long-term health and stability of the trees. Any procedures recommended shall be evaluated by the Director and Department of Public Works staff Engineer, and if found feasible, the Improvement Plans shall be modified to include the recommended tree protection procedures.
4. BEFORE ISSUANCE OF A BUILDING PERMIT ON EACH LOT OR APPROVAL OF IMPROVEMENT PLANS, the project sponsor shall submit Improvement Plans with detailed design of the retaining walls and common driveway for review and approval by the Marin County Community Development Agency, Planning Division, and the Department of Public Works. The Geotechnical Engineer shall submit a letter indicating that the Improvement Plans conform to the Herzog Geotechnical Investigation Report, and any changes in the site that may have occurred since preparation of that report. The Department of Public Works staff will contact the adjacent property owners when the applicant has submitted the Improvement Plans and will allow for public review of the more detailed plans.
5. BEFORE ISSUANCE OF A BUILDING PERMIT ON EACH LOT OR APPROVAL OF IMPROVEMENT PLANS, the applicant shall submit an excavation, stockpile, and construction plan for review and approval by the Marin County Community Development Agency, Planning Division. The plan shall indicate the location of all excavation, stockpiles, erosion and soil stabilization measures (including control of fugitive dust), and construction schedules. All excavation work shall occur on the subject properties and adjacent properties shall be adequately protected from instability during the construction activities. A debris fence shall be constructed on the downslope side of all construction activities.
6. BEFORE ISSUANCE OF A BUILDING PERMIT OR APPROVAL OF IMPROVEMENT PLANS, the applicant shall submit a Stormwater Pollution Prevention Plan that identifies best management practices and addresses erosion control provisions during construction as well as long-term permanent erosion control mechanisms throughout the property. For example, the design of the drainage system shall meet standard civil engineering specifications in Marin County Code Sections 24.04.520 through 24.04.550, and Sections 24.04.620 through 24.04.627. These sections include Best Management Practices in accordance with the "Baseline Urban Runoff Control Plan for the Cities and County of Marin" and the "Manual of Standards for Erosion and Sediment Control Measures" of the Association of Bay Area Governments. Grading shall not commence in the rainy season from October 15 through April 15. To the extent feasible, no grading shall occur in the rainy season from October 15 through April 15, unless a winter erosion control plan which implements best management practices is specifically approved before the onset of the rainy season by the Department of Public Works for limited work items to prevent erosion and downslope transport of sediments. The extent of limited grading authorized during the period between October 15 and April 15 shall be made at the discretion of the Department of Public Works. This plan shall be submitted to the Department of Public Works, Land Use and Water Resources Division for their review and approval. **Mitigation Measure 3(a)-1.**
7. BEFORE ISSUANCE OF BUILDING PERMITS FOR EACH OF THE FOUR RESIDENCES, the project sponsor shall pay a drainage improvement fee to the Department of Public Works, Land Use and Water Resources Division, for the project's fair share of the cumulative Tamalpais Area Community Plan drainage improvements. The project's fee for each single-family residence is \$1,000. The total fee to be collected for the four residences would be \$4,000. **Mitigation Measure 4(a)-1.**
8. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES, the project sponsor shall pay a traffic improvement fee to the Department of Public Works, Traffic Division, to pay the project's fair share of the cumulative Tamalpais Area Community Plan traffic improvements. The project's fee for

one single-family residence is \$3,306 (based on March 1991 dollars) and shall be adjusted by the Engineering News Record Construction Index to account for construction cost changes from March 1991 until the fee is paid.

Mitigation Measure 6(a)-1.

9. BEFORE ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, the project sponsor shall submit a construction traffic management plan to schedule all construction traffic in coordination with the schedules of affected neighbors. Traffic control personnel will be required for the construction within the existing Eucalyptus Way right-of-way where drainage culverts and utilities would be installed. The construction traffic management plan shall be prepared after consultation with the neighbors regarding their commuting schedules to minimize disruption to their schedules during construction of the common driveway improvements. An on-site construction manager shall be designated in the construction traffic management plan as a contact person available to the respond to neighbors' concerns. Ten days advance notice shall be given in writing to neighbors if traffic delays are anticipated. This plan shall be submitted to the Director and the Department of Public Works for review and approval. **Mitigation Measure 6(b)-1.**
10. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES AND THE EUCALYPTUS WAY IMPROVEMENTS, the project sponsor shall install temporary tree protection fences around the drip line of all trees not approved for removal. The applicant shall protect all the trees not approved for removal at the project site from damage during construction activities. **Mitigation Measure 7(b)-1.**
11. BEFORE ISSUANCE OF A BUILDING PERMIT ON EACH LOT OR APPROVAL OF IMPROVEMENT PLANS, the project sponsor shall submit a tree removal and replanting plan for review and approval by the Marin County Community Development Agency, Planning Division, which specifically addresses the replacement of native trees to be removed. The native oaks proposed for removal shall be replaced at a minimum ratio of 2:1 and shall, to the extent feasible, be replaced with 15-gallon container trees propagated from seeds of native trees from Marin County. The plans shall also include the removal of all French broom from the properties. **Mitigation Measure 1(a)-1 and Mitigation Measure 7(b)-2.**
12. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES AND THE EUCALYPTUS WAY IMPROVEMENTS, the project sponsor shall submit a revised Landscape Plan consisting of primarily drought tolerant and evergreen California native plant species. A minimum of six 24-inch box oak trees, and ten 24-inch box redwood trees, from indigenous species stock shall be provided on the downslope side of the common driveway improvements to screen the retaining walls from neighbors' views. A minimum of three 24-inch box oak trees from indigenous species stock shall be provided at the beginning of the common driveway extension to provide a visual screen of the common driveway from the residence at 620 Eucalyptus Way. Additional evergreen shrubs shall be included in the landscape plan to provide a visual screen of the retaining walls and common driveway. The Improvement Plans and the Landscape Plan for Lot 1 shall be revised to be consistent with the landscape plan for the common driveway extension to include trailing Rosemary plantings on the upslope side of the retaining walls. The revised Landscape Plan for Lot 1 shall include three 24-inch redwood trees and evergreen shrubs along the west property line to create a visual screen of the residential development. Exotic and invasive plant species, such as Myoporum laetum, Leptospernum, Cotoneaster lacteus, and Pittosporum tenuifolium shall be removed from the plans. **Mitigation Measure 7(c)-1.**
13. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES AND THE EUCALYPTUS WAY IMPROVEMENTS, the project sponsor shall submit a written confirmation that all the necessary arrangements have been made and appropriate fees paid to secure a sewer main extension to serve the proposed residences.
14. BEFORE ISSUANCE OF A BUILDING PERMIT FOR EACH OF THE FOUR RESIDENCES AND THE EUCALYPTUS WAY IMPROVEMENTS, the project sponsor shall prepare and record a Maintenance Agreement for the four properties that outlines their responsibilities for long-term maintenance of the common driveway extension, retaining walls and all associated drainage improvements. The agreement shall be reviewed and approved by the Director prior to recordation.
15. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENCE ON LOT 1, the applicant shall submit a revised material sample for the roof shingles for review and approval of the Director. The shingles shall be a

black color as approved by the Tam Design Review Board. Exhibit B shall be modified to include the black roof shingle material sample approved and the green shingles shall be deleted.

16. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENCE ON LOT 1, the applicant shall submit revised plans of the single-family residence, to the Director for review and approval that indicate a reduction in the maximum height to 30 feet above grade. Exhibit A shall be modified to include the revised design of the residence, after the Director's approval.
17. The Building Permit plans must indicate a minimum of two fire hydrants located within the project site capable of providing 750 gallons per minute water flow. **Mitigation Measure 9(e)-1.**
18. Fire sprinklers, non-combustible roofing, spark arrestors on all chimneys, and a remotely located second means of egress from each floor above the first shall be required for all new residences constructed. **Mitigation Measure 9(e)-2.**
19. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director. **Mitigation Measure 14(a)-1.**
20. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENCE ON LOT 1, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Director. Exterior lighting shall be permitted for safety purposes only, must consist of low intensity fixtures, and must be hooded and directed downward unless otherwise approved by the Director.
21. BEFORE ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, the applicant shall revise site plan or other first sheet of the office and job site copies of the Building Permit and Improvement Plans to list these Design Review Conditions of Approval as notes.
22. Construction activity is permitted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. No work is permitted on Saturdays, Sundays, or Holidays. The applicant shall develop a construction traffic management plan consistent with these work hours. At the applicant's request, the Director may administratively authorize minor modifications to these hours of construction.
23. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored safely on site in accord with the recommendations of the Public Works Department so that pedestrians and vehicles may pass safely at all times. Construction vehicles shall not stack up on Eucalyptus Way during delivery of materials or access to the site. The applicant shall be responsible for notifying residents on Eucalyptus Way about the common driveway work schedule.
24. All soils disturbed by development of the project shall be seeded or planted with native plants indigenous to the site to control erosion.
25. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
26. All utility connections and extensions serving the project shall be installed underground to the extent feasible.
27. All flashing, metal work and trim shall be an appropriately subdued, nonreflective color.
28. The street addresses of the future residences to be accessed from the Eucalyptus Way common driveway extension shall be:

- a. Assessor's Parcel 049-051-29 (Lot 1) -- 625 Eucalyptus Way, Mill Valley
 - b. Assessor's Parcel 049-051-30 (Lot 2) -- 629 Eucalyptus Way, Mill Valley
 - c. Assessor's Parcel 049-051-31 (Lot 3) -- 633 Eucalyptus Way, Mill Valley
 - d. Assessor's Parcel 049-051-32 (Lot 4) -- 637 Eucalyptus Way, Mill Valley
 - e. Assessor's Parcel 049-052-19 (Salvato Lot) -- 640 Eucalyptus Way, Mill Valley
29. All future development of the subject properties shall be subject to Design Review approval. Plans submitted for Design Review shall reflect construction plans that preserve the physical characteristics of the site as well as the semi-rural character of the area. The Design Review plans submitted should:
- a. minimize tree removal;
 - b. minimize grading;
 - c. provide consistency with the character of the area in terms of building bulk, height, massing, earthtone colors, and appropriate building materials and lighting which respect the semi-rural nature of the area;
 - d. generally include low profile one- and two-story level forms which are stepped down the hill to conform to the surrounding natural terrain;
 - e. have roofs pitched that match the slope and direction of the surrounding natural terrain;
 - f. provide exterior walls and roofs composed of a series of elements that break up the visual bulk and massing of the buildings; and
 - g. avoid excessive cantilevers or overhangs on downhill elevations to minimize the apparent massing of buildings. **Mitigation Measure 1(a)-3.**
30. The residential development of Lots 1, 2, 3, and 4 shall be subject to Design Review pursuant to Board of Supervisors Resolution 89-35. The maximum height of the residences above grade shall be 30 feet, and the site drainage improvements, as recommended in the Herzog Eucalyptus Way Geotechnical Investigation Report, shall be installed. These improvements include roof mounted rain gutters and other drainage improvements to collect rain and groundwater and convey it to the storm drainage system.
31. BEFORE FINAL INSPECTION OF THE GRADING PERMIT, the applicant shall call for a Community Development Agency, Planning Division staff inspection of the landscaping and the project at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the final inspection and imposition of hourly fees for subsequent inspections.
32. BEFORE FINAL INSPECTION OF THE GRADING PERMIT, the applicant shall enter into a minimum 3-year landscape maintenance performance agreement with the County that requires protection of all existing trees and maintenance of all replacement trees and landscaping in a healthy condition, as checked and verified by a certified Arborist or landscape professional.
33. BEFORE FINAL INSPECTION OF THE RESIDENCE ON LOT 1, the applicant shall call for a Community Development Agency, Planning Division staff inspection of the landscaping and the project at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the final inspection and imposition of hourly fees for subsequent inspections.
34. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.

Department of Public Works, Land Use and Water Resources Division

35. BEFORE ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT, the applicant shall complete or submit the following for the common driveway extension:
- a. Improvement Plans for the common driveway extension. Upon review of the more detailed plans, design modifications may be required as necessary to comply with Title 24 standards. The Improvement Plans shall include the following:

- i) A note stating, "The owner shall be responsible for repairing damages to the common driveway and its related facilities resulting from the construction activities prior to completion of the Eucalyptus Way improvements".
 - ii) Show location and limits of all existing landslides outlined in the soil report along with the proposed repairs. The Improvement Plans shall also show cross-sections and details of all repair areas, fill areas and cut areas.
 - iii) The Plans shall be reviewed and approved by the Soils Engineer for general conformance to the recommendations of the soil reports. Approval shall be indicated by a letter from the Soils Engineer signed and stamped or by a wet stamp and signature on the Improvement Plans.
 - iv) Include a note stating that the Project Engineer or the Soils Engineer shall perform site inspections of all grading activities and drainage improvements. At the end of the project the Project Engineer or the Soils Engineer shall certify in writing that all of the grading and drainage for the project was conducted in accordance with approved plans and his/her field directions.
- b. A Geotechnical Engineer and an Engineering Geologist shall review the limits of the landslide shown on the grading plans in order to determine if the grading plans require modification to show correct landslide limits. The improvement plans by I.L. Schwartz associates Inc. dated May 19, 1998, shall incorporate all the recommendations made by HERZOG Geotechnical Consulting Engineer, Geotechnical Report dated October 6, 2003.
 - c. The plans shall incorporate temporary shoring near the property corner of 620 Eucalyptus Way. The shoring plan shall be reviewed by a Geotechnical Engineer and incorporate their recommendations. The Geotechnical Engineer shall also comment on the need and method, if necessary, to monitor the slope on 620 Eucalyptus Way.
 - d. The grading plans shall incorporate the geotechnical recommendations in ALB Associates, Inc. letter dated November 4, 2002.
 - e. The Civil Engineer shall review and comment on the Hydrology and Drainage recommendations in the Miller Pacific Peer Review dated October 8, 2002.
 - f. Prior to the commencement of any work, the owner shall document by photographs or video, the existing condition of Eucalyptus Way, Glenwood Avenue and Eastwood Way.
 - g. The Improvement Plans shall include a cross-section of the site retaining walls along with the Engineer's calculations.
 - h. The culvert below 647 Glenwood Avenue shall be increased to an 18-inch R.C.P. Additional rock rip-rap shall be required as necessary at the inlet and outlet of the existing 36-inch R.C.P. under Glenwood Avenue.
 - i. The Developer shall prepare and record a Maintenance Agreement for Lots 1 through 4 fronting the Eucalyptus Way extension that documents their responsibilities for long-term maintenance of the common driveway extension, and associated retaining walls and drainage improvements. The agreement shall be reviewed and approved by the Department of Public Works prior to recordation. The document shall be recorded prior to the completion of the common driveway improvements or occupancy of the first residence, whichever is sooner.
 - j. The Developer shall provide one week written notice prior to commencement of work to all property owners affected by construction of off site drainage improvements.
 - k. As part of the Improvement Plan review and approval, a \$20,000 cash refundable site deposit prior to the commencement of any work shall be required.
 - l. All new easement or offer of dedication shall be recorded.
 - m. A Building Permit application(s) for the retaining walls shall be submitted prior to approval of the Improvement Plans.
36. BEFORE ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT for the single-family residence, the applicant shall complete or submit the following:
- a. A Stability Report prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of placing a building on the site and identify any drainage or soils problems, which the design of the project must accommodate.
 - b. The site and common driveway retaining walls, drainage and grading plans must be designed by a registered civil engineer. Plans must have his/her signature and wet stamp.

- c. A separate Building Permit is required for site and common driveway retaining walls with a height more than 4 feet (or 3 feet when there is a surcharge).
- d. The plans for the house and common driveway improvements must be reviewed and approved by a Registered Soils Engineer. Proof of same may be by his/her stamp and signature on the plans or by letter signed and wet stamped.
- e. Submit engineer's calculations for the site and common driveway retaining walls signed and stamped by the engineer.
- f. The site plans must show topography, site drainage, and location of the proposed site retaining walls.
- g. Plans must show the driveway profile, slope, drainage, and approach to the street. The driveways shall comply with Title 24 standards.
- h. Erosion and Siltation Control Plan shall be submitted.
- i. Pay Public Transportation Facilities Fees in accordance with Marin County Code Chapter 15.07.
- j. Revise plans "Eucalyptus Way" by Schwartz and Associates, landscape Architecture, received 11/21/02 by CDA so that driveway elevations conform with plans "625 Eucalyptus Way" by Minton Associates received 12/03/98 by CDA and "Eucalyptus Way Common Driveway" by I.L. Schwartz and Associates received 12/04/01 by CDA. In addition landscape plans shall be revised to provide adequate traffic sight distance at the new Eucalyptus Way extension.

37. BEFORE FINAL INSPECTION, the applicant shall complete or submit the following:

- a. The owner shall be responsible for repairing all damages to the existing Eucalyptus Way common driveway and its associated improvements resulting from construction.
- b. The owner shall complete all common driveway improvements and a letter from the Civil Engineer verifying that all work associated with the common driveway improvements was completed according to plan and field directions.
- c. The Developer shall provide a 1½-inch overlay on the existing Eucalyptus Way.

Southern Marin Fire Protection District

- 38. BEFORE FRAMING, install two Jones Model 3760 fire hydrants to be spaced at 350 intervals and capable of providing a flow at the site of 1,000 gallons per minute. Hydrant placement (including water main extension) shall be reviewed and approved by the District and the Marin Municipal Water District.
- 39. BEFORE FINAL INSPECTION, the applicant shall receive authorization from the Fire District, and verification of such authorization shall be presented to the Director, that the project complies with all District regulations.

Marin Municipal Water District

- 40. Water service to the property will require a pipeline extension from the end of the district's facilities at 615 Eucalyptus Way. The applicant must enter into a pipeline extension agreement with the District. Said agreement must be approved by the District's Board of Directors. All costs associated with a pipeline extension are borne by the applicant.
- 41. Upon completion and acceptance of the pipeline extension facilities, the property will be eligible for water service upon request and fulfillment of the following requirements:
 - a. Complete a Standard Water Service Application.
 - b. Submit a copy of the building permit.
 - c. Pay appropriate fees.
 - d. Comply with the District's rules and regulations in effect at the time service is requested.
 - e. All landscape and irrigation plans must be designed in accordance with the District Landscape Ordinance 385. Before issuing a new irrigation water service, the applicant must receive District approval regarding the project's working drawings for planting and irrigation systems.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Engel Design Review approval by obtaining a Grading Permit for the common driveway improvements, a Building Permit for the single-family residence, and substantially completing all of the approved work before July 26, 2006, or all rights granted in this approval shall lapse unless the applicant applies for an extension in writing with the payment of the appropriate fee, at least 10 days before the expiration date above, and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Board of Supervisors. A Petition for Appeal and a \$700.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 P.M., August 5, 2004.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 26th day of July 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRPERSON
MARIN COUNTY PLANNING COMMISSION

Attest:

Alex Morales
Recording Secretary