



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION OAKVIEW MASTER PLAN, LAND DIVISION, AND AMENDMENT TO ENVIRONMENTAL IMPACT REPORT

Item No:	2.	Application No:	MP 95-001/LD 95-001
Applicant:	Irving Schwartz	Property Owners:	Virginia Daphne and Edward Bacciocco
Property Address:	200 Lucas Valley Road, San Rafael	Assessor's Parcel:	164-270-03
Hearing Date:	December 6, 2004	Planner:	Thomas Lai

RECOMMENDATION:	Recommend approval of the project to the Board of Supervisors
LAST DATE FOR ACTION:	180 Days from certification of the Final Environmental Impact Report

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed project to the Board of Supervisors. The Master Plan would establish a conceptual plan for the ultimate buildout of the 106.3-acre property with 28 residential units and a 150-unit assisted living facility. The proposed Land Division would divide the property into two lots that would subsequently be developed separately for the residential and assisted living uses. The project would also provide public benefits associated with the proposed dedication of over 63% of the property for open space, the proposed construction of improvements to an existing creekside trail, the voluntary dedication of land for future freeway interchange improvements including provisions for a future bicycle and pedestrian trail connection between the Marinwood and Lucas Valley communities, and the development of affordable housing and housing that would serve a special needs population for seniors. Additionally, as modified by recommended conditions, the Master Plan would be required to incorporate a number of sustainable building components and to lay the foundation for future development that conserves non-renewable energy and natural resources and utilizes a pedestrian-oriented neighborhood design.

PROJECT SUMMARY:

The project includes a Land Division (Tentative Map) application to subdivide the 106.3-acre property into two lots for future residential and assisted living developments. Proposed Lot 1 would reserve 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Proposed Lot 2 would reserve 11.0 acres for a 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan designates an area for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The Master Plan includes standards for the future residences, including proposed building envelopes, maximum height, general design and massing, and a maximum floor area of 4,500 square feet per home, excluding garage space for two vehicles. The assisted living component of the Master Plan would provide for future development of a 150-room retirement community with 75 independent living units with kitchens, and 75 assisted living units with administrative and support services. Access to the future

assisted living facility would be provided by a private roadway extension to Marinwood Avenue south, across Miller Creek.

GENERAL INFORMATION:

General Plan Land Use Designation: PR (Planned Residential, one to ten units per acre)

Zoning: RMP-1.38 (Residential, Multi-Family Planned District, 1.38 units per acre)

Lot size: Approximately 106.3 acres

LOCATION:

The Oakview project site is located at the northwest corner of the Lucas Valley Road / Smith Ranch Road / Highway 101 interchange in the unincorporated community of Marinwood. The 106.3-acre site is located north of Lucas Valley Road and west of Highway 101, and is bordered by Miller Creek (north), Lucas Valley Road (south), Highway 101 (east), and existing residential development along Erin Drive, Lisa Court, and Elvia Court (west). Properties across Lucas Valley Road to the south of the site are located within the City of San Rafael. (Please refer to Attachment 8.)

The project site is adjacent to commercial development and condominiums across Miller Creek (north), office buildings across Lucas Valley Road (south), Highway 101 (east), and residential development (west). North of the property beyond Miller Creek are the Marinwood Plaza shopping center and Casa Marinwood and Roundtree residential developments. South across Lucas Valley Road, two large office buildings are located adjacent to Highway 101. A State-operated truck scale is located east and adjacent to the site on southbound Highway 101. Adjacent to the site on the west is the unincorporated Marinwood community of single-family homes. Two streets in the existing residential neighborhood (Erin Drive and Ellen Drive) dead-end at the site boundary. Marinwood Avenue also dead-ends at the site.

ENVIRONMENTAL SETTING:

The site contains a major north-trending hill with several lateral spurs and their associated swales. Elevations along the hill top vary from approximately 250 to 307 feet above sea level. Elevations within the swales vary from approximately 50 to 150 feet. Slopes within the swales are gentle to moderate, from a 7:1 (horizontal : vertical) to a 4:1 ratio. The intervening slopes between the lower hill flanks and hill top generally are moderately steep to steep (2:1 ratio to 1-1/2:1 ratio). About two-thirds of the site has heavy tree cover, and the remainder is grassland. The upper elevations are heavily vegetated, primarily with oak trees and associated understory vegetation. The lower parts are covered with annual grasses. Miller Creek, which generally forms the northern site boundary, is the only "blue line" stream (based on the United States Geological Survey maps) on the property. Except for Miller Creek, no actual watercourses run through the site, but shallow swales collect and direct runoff to the site boundaries.

PUBLIC NOTICE:

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

PROJECT DESCRIPTION:

The application includes a proposed Master Plan and Land Division (Tentative Map) that would divide the 106-acre site into two lots for future development of a residential subdivision and an assisted living facility. The Master Plan proposes development of the project site with 28 single-family detached housing units and a 150-unit, 94,400 square foot assisted living facility. The Tentative Map would divide the property into two lots in order to initiate the development process. (Please refer to Table 1 for a summary of the proposed land areas and to Attachment 10 for the project plans.)

1. Proposed Lot 1 would include 15.3 acres reserved for 28 future detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements for a total of 51.9 acres. The residential units would be built at the southwest end of the site, adjacent to the existing Marinwood subdivision. The largest residential lot would be approximately 36,240 square feet, the smallest would be about 18,080 square feet, and the average lot size would be about 23,500 square feet. Vehicular access to the 28 future lots would be provided off Las Gallinas Avenue via an extension to Erin Drive, a public street. A 10-foot wide pedestrian and emergency vehicle access easement would connect the Erin Drive extension to Ellen Drive. A second emergency vehicle access would be provided between future Lots 19 and 20 to the proposed open space area above the residential area. Emergency-access-only connections would be provided to Erin Drive and Lucas Valley Road. The future roadway extension would have a 50-foot right-of-way with 28 feet of paved width that would terminate in a 75-foot diameter cul-de-sac.

The Master Plan includes architectural standards for the future residences. The general concept for housing units is to conform to site contours as much as possible. Structures and roof forms would be stepped up or down slopes in order to minimize the apparent size of structures and to minimize obstructing views from adjacent buildings. Houses would have hip, gable, or shed roof forms. Large expanses of wall area would be discouraged to avoid the appearance of massive structures. Exterior siding materials would consist generally of wood, stone, or stucco, and the design concept is intended to encourage the use of earth and grey tone materials and colors while discouraging the use of overly brilliant or contrasting colors. The proposed maximum floor area, excluding a garage for two cars, is proposed to be 4,500 square feet. The proposed maximum height of main buildings above existing grades would be 30 feet, and conceptual building envelopes are included that would maintain general setbacks of 20 feet from the front property lines, eight feet from the side property lines (20 feet for the street side of corner lots), and a rear yard setback of 20 percent of the lot depth, up to a 25-foot maximum. With exception to future Lots 11, 12, and 13 (which abut adjoining lots), all lots would be encumbered with a 50-foot wide private open space easement at the rear of the property. Improvements outside the building area and the private open space easement would be limited to landscaping, retaining walls up to four feet in height, walkways, and fences. The final layout of the lots, building envelopes and easement would be established as part of the future Precise Development Plan and Tentative Map review for the residential portion of the Master Plan.

A conceptual landscape plan has been submitted in connection with the Master Plan. None of the existing trees would be removed in conjunction with the residential component of the Master Plan. The plan includes street trees that would be planted along the residential streets in a formal pattern utilizing medium height, deep rooting, canopy trees (such as Holly or Scarlet Oak). A 50-foot wide landscape buffer would be established along the edge of the property directly adjacent to the existing residences on Ellen Drive and Lisa Court. Within this buffer, there would be a 20-foot wide landscape easement. Random, informal clusters of drought-tolerant native trees and shrubs would be planted within a 20-foot wide easement in this buffer area along the fence line.

2. Proposed Lot 2 would consist of 11.0 acres reserved for a 94,400 square foot future assisted living facility, 34.6 acres of open space (including a wetland mitigation area), and 8.8 acres for future freeway interchange improvements for a total of 54.4 acres. The assisted living development would provide a maximum of 150 residential units with 75 independent units with kitchens for independent seniors and 75 without full

kitchens, for less independent seniors. Access to the 94,400 square foot facility would be provided via an approximately 1,400 foot extension to Marinwood Avenue, across Miller Creek, to a new 24-foot wide private roadway that would follow approximately the 60-foot contour elevation and terminate in two 80-foot diameter culs-de-sac, including one before and one past the future 81-space parking area. The conceptual plan includes a landscaped berm area between the future assisted living facility and Highway 101. In order to minimize exposure to mobile noise sources from the freeway, the applicant proposes to limit outdoor areas to the rear (backside) of the future assisted living facility, to utilize sound-rated windows throughout the building, and to utilize a fixed window design on the freeway side of the building

The general concept for the assisted living facility includes a low-slung structure that steps up the hill and maintains a maximum height of 30 feet. A total of 23 predominantly bay and oak trees would be removed in conjunction with this component of the project. The majority of the trees removed are located in the vicinity of the roadway and bridge improvements near Miller Creek. The conceptual landscape plan includes predominantly slope plantings for erosion control along the Highway 101 boundary. Clusters of native oaks would be provided for screening. The parking lots would be landscaped with deep rooting, deciduous, canopy-type trees (such as Red Oak, European Hackberry, and Chinese Pistachio), with other trees used sparingly as accents for seasonal color.

The assisted living facility is consistent with the “Medical Services – Extended Care” land use category, which is a conditionally-permitted use under the RMP zoning district. A Use Permit is not proposed or required at this time since the project does not include details of the assisted living program. In conjunction with the future Precise Development Plan review of a specific building and site design for this facility, a Use Permit would be required in order to establish appropriate land use controls on the intensity of this use.

Table 1: Summary of Land Uses

Land Use	Acreage
Lot 1	
Residential Area (28 units)	15.3 acres
Open Space	
Parcel A	33.1 acres
Parcel C	1.1 acres
Interchange Area A'	0.6 acres
Public Right-of-Way	1.8 acres
<i>Subtotal</i>	<i>51.9 acres</i>
Lot 2	
Assisted Living Area	11.0 acres
Open Space Parcel B	34.6 acres
Interchange Area B'	8.8 acres
<i>Subtotal</i>	<i>54.4 acres</i>
Total Oakview Project Site	106.3 acres

Public Uses

The project includes a voluntary dedication of approximately 9.4-acres of land adjacent to the Highway 101 / Lucas Valley Road southbound lanes for future construction of southbound freeway off- and on-ramps. The project also includes proposed improvements to the existing pedestrian path along the south side of Miller Creek between the extension of Marinwood Avenue and Las Gallinas Avenue. The proposed Tentative Map designates two open space parcels, Parcels A and B, totaling 67.7 acres, that would be offered for dedication in fee simple to a public agency, such as the Marinwood Community Services District or the Marin County Open Space District.¹ Additionally, the Tentative Map designates a bicycle and pedestrian easement along the future roadway that provides access to the assisted living facility with a 10-foot wide extension beyond the southernmost cul-de-sac, and through the proposed freeway interchange area to Lucas Valley Road.

Grading

The conceptual grading plan seeks to balance graded material on-site to the extent feasible. An estimated 2,540 cubic yards of cut material and 6,320 cubic yard of fill would required to build roads to the 28 future residential lots. Estimated quantities of cut and fill for the roadway and parking lot that would serve the future assisted living facility would be 29,800 cubic yards of excavation and 27,100 cubic yards of fill. Retaining walls ranging in height from four to 10 feet are proposed upslope and downslope of the roadway that provides access to the assisted living facility.

Drainage

The conceptual drainage plan proposes the installation of drainage facilities in roadways and on some lots to accommodate building development and completion of interceptor ditches that are missing from the existing drainage system, which were all constructed in the late 1950's. Proposed roadways would collect stormwater and transport it via curbs and gutters to storm drains. Downstream of the existing and proposed storm drain systems, stormwater would be conveyed by culverts or vegetated swales to either Miller Creek or to culverts under Highway 101. For the current project design, all residential lots are situated upslope of roads and would drain to the roads. This would decrease the amount of water flowing to the existing interceptor ditch system behind homes on Ellen Drive, Lisa Court, and Elvia Court. The drainage system proposed for the project's residential area has been designed to reduce the amount of surface water flowing toward the existing residential subdivision by collecting it in new facilities to be built on the project site. Newly constructed roadways and their associated underground drainage facilities would collect a certain amount of existing stormwater flows that apparently seep underground to the existing residences below the site. Drainage facilities for the assisted living facility would collect sheet-flow from hillside drainage behind the building, transport it to a drainage system which also collects water from the parking area, and transport it via culverts and vegetated swales either to the existing culverts under Highway 101 or directly to Miller Creek.

Public Utilities and Services

The project is proposed to be provided with sanitary sewer service by the Las Gallinas Valley Sanitary District (LGVSD). The site is proposed to be annexed into the service boundaries of the LGVSD and connected with existing facilities. Water for domestic and fire protection purposes would be provided by the Marin Municipal Water District (MMWD) through an extension of existing MMWD facilities. The Marinwood Community Service (MCSD) would provide fire protection, street lights, parks, and recreation services for the project. Police protection would be provided by the Marin County Sheriff's Department.

¹ The 67.7 acres of proposed public open space does not include Open Space Parcel C, which consists of 1.1 acres of land that would be used as a landscape buffer within the future subdivision on Lot 1.

NEXT STEPS:

The project includes the proposed Master Plan, which provides the conceptual development plan that would establish the overall residential density, land uses, and development parameters for future development of the single-family residential and assisted living components of the project. The Land Division (Tentative Map) would allow the property to be divided into two lots to facilitate future development of the two project components by different entities. Following project approval, the property will seek approval from the Local Agency Formation Commission for annexation into the Las Gallinas Valley Sanitary District to obtain sanitary sewer service. Future development of the residential component of the project would require approval of a Precise Development Plan and a Tentative Subdivision Map that would subdivide the proposed lot into 28 lots. Future development of the assisted living component of the project would require approval of a Precise Development Plan and a Use Permit. The recommended Master Plan approval would not be vested until these future entitlements are approved and all conditions of the Master Plan approval are properly satisfied.

BACKGROUND:

1. Original 1983 Application

The history of development proposals on the property extends back to 1983, when the property owners initially submitted an application to the City of San Rafael for a General Plan Amendment to allow a mixed-use residential and commercial development. This was done pursuant to the Local Agency Formation Commission's dual annexation policy because the property is located within the city's sphere of influence and would normally be annexed where a development requires urban levels of services. The original 1983 proposal included 117 residential units (103 single-family and seven affordable duplex units) on 45.5 acres of land, 199,800 square feet of office and commercial space on 18.9 acres of land, and 41.6 acres of open space. (Please refer to Attachment 22a.) An Administrative Draft Environmental Impact Report (EIR) was prepared but not circulated for public review and comment. At the time, the project was put on hold pending the City's completion of an update to its General Plan. As a result of the update, the San Rafael General Plan 2000 established a hillside/residential land use designation over the property with a density range of between 0.5 to two units per acre. This would have allowed between 53 to 212 housing units on the 106-acre site, with no commercial uses. In 1989, at the request of the Marinwood residents and the County, the City of San Rafael agreed to waive annexation of the property into the City, subject to certain conditions that were set out in a joint Memorandum of Understanding (MOU) with the County. (Please refer to Attachment 21.) In the MOU, the County agreed to impose requirements for traffic improvements and traffic impact fees consistent with the City's transportation plans as part of the County's review of any proposed development of the site. (Please refer to the discussion of annexation issues contained in the Project Analysis section of this report for a detailed discussion of the MOU.)

2. 1994 Application

In response to the Memorandum of Understanding (MOU) between the County and City, the property owners submitted an application to the County for approval of a Master Plan, Use Permit, and Land Division in June 1994. The 1994 application included 71 single-family residences and two office buildings totaling 94,400 square feet, and proposed to set aside 52.9 acres of open space and nine acres of land for a future freeway interchange at the Highway 101 / Lucas Valley Road interchange. (The freeway interchange area was previously proposed for development of an office building in the original 1983 application.) (Please refer to Attachment 22b.) Parking for the office development would be provided by 378 on-site parking spaces. A Draft EIR was prepared for the project and circulated for public review and comment. The Draft EIR identified a number of significant environmental impacts associated with the project, including, but not limited to visual and geotechnical impacts. The Draft EIR also evaluated a number of project alternatives, and identified a mitigated alternative that would satisfy the project's objectives and reduce all significant impacts associated with the proposed project by utilizing a design concept that accounts for the site's natural resource opportunities and its surrounding land uses. The

mitigated alternative reduced the residential density to 29 single-family residences that is confined to a lower elevation on the property and sited to minimize tree removal, site grading, and wetland impacts. Following the Planning Commission's public hearing on the Draft EIR in November 1996, the property owners requested that the County temporarily suspend processing of the application in order for the project team to respond to the issues raised in the Draft EIR and the public comments.

3. 1999 Application

In June 1999, the property owners submitted a new Master Plan, Use Permit, and Land Division (Vesting Tentative Map) to the County for the development of the property. The project design incorporated elements that were identified by the 1995 Draft EIR's environmentally-superior mitigated alternative. The Master Plan proposed development of the property with 28 single-family residential units and 94,400 square feet of offices in two buildings. Proposed Lot 1 would include 15.3 acres reserved for 28 detached single-family residential lots, 1.8 acres of public right-of-way, and 34.8 acres of open space for a total of 51.9 acres. Access to eight of the 28 lots would be provided from an extension to Erin Drive, while the remaining 20 lots would be accessed from a new roadway that would extend off Lucas Valley Road. Proposed Lot 2 would consist of 20.1 acres reserved for 94,400 square feet of administrative/professional office development, and 34.3 acres of open space for a total of 54.4 acres. The 94,400 square feet of offices would be spread out over two structures on the Highway 101 frontage containing 80,000 square feet and 14,400 square feet of floor area each. All open space areas would be deeded or offered for dedication to the Marin County Open Space District, the Marinwood Community Services District, or a similar public entity. (Please refer to Attachment 22c.)

A Revised Draft EIR was prepared for the project and circulated for public review and comment. The Planning Commission conducted a public hearing on the Revised Draft EIR in May 2001, and a Final Supplemental EIR was completed and circulated in June 2002. In response to comments received on the Revised Draft EIR, the property owners proposed as an option the use of the two office buildings as an assisted living residential use. The larger of the two structures, providing 80,000 square feet of floor area, would be used to house the facility, while the smaller, 14,400 square foot structure would be used to house administrative and support services. A total of 150 units would be provided, including 75 independent senior units, and 75 less independent senior units. Parking would be provided by 186 on-site spaces. Although the assisted living was proposed as an option by the property owners for evaluation in the EIR, the formal project proposal for two office buildings, totaling 94,400 square feet, remained unchanged. On August 5, 2002, the Planning Commission held a meeting to consider the adequacy of the EIR and a recommendation certification of the document to the Board of Supervisors. The meeting was continued in order for staff to provide additional information on issues of concern that were identified by the Commission, including short and long-term cumulative traffic impacts, clarification of the difference in methodologies used to conduct cumulative traffic analysis, and additional details of the assisted living option. Following preparation of the Final EIR Response to Comments, the Planning Commission conducted a meeting on February 24, 2003 and recommended certification of the Final EIR to the Board of Supervisors.

4. Amended Application

On April 18, 2003, the property owners submitted a revised application to the County, formally requesting that the project be modified to: (1) replace the two office buildings, totaling 94,400 square feet with one, 94,400 square foot, 150-unit assisted living facility, to be located on the site of the previously-proposed 80,000 square foot office building; (2) designate the site of the previously-proposed 14,400 square foot office building as a site for wetland mitigation purposes; and (3) eliminate the proposed roadway connection to Lucas Valley Road, thereby providing access to all 28 future single-family lots via the proposed extension to Erin Road. The property owners also proposed to replace the Vesting Tentative Map with a Tentative Map. The Tentative Map would still seek division of the 106-acre property into two lots. A supplemental traffic report was prepared to evaluate the effects of rerouting traffic from all 28 future

single-family lots to the Las Gallinas Avenue intersection. On June 24, 2004, the property owners submitted a letter request offering a voluntary dedication of the approximately 9.4-acre future highway interchange area that is located at the Highway 101 / Lucas Valley Road interchange. The modified project represents the currently-proposed development proposal. Table 2 below provides a summary of the various development proposals for the property.

By substituting the assisted living development for the office development the property owners seek to: (1) reduce grading and site disturbance associated with future construction of one assisted living building (as opposed to two) and associated parking areas; (2) reduce the amount of trees that would be removed and increase the amount of land area that is available for on-site wetland mitigation purposes; (3) reduce the amount of traffic that will be generated and its potential impacts to local roadways; and (4) reduce the extent of development along the site's frontage on Highway 101.

Table 2: Development Summary

	1983	1994	1999	2003
Number of Residences	117	71	28	28
Size of Office	199,800 sq. ft.	94,400 sq. ft.	94,400 sq. ft.	Not Applicable
Size of Assisted Living Facility	Not Applicable	Not Applicable	Not Applicable	94,400 sq. ft.
Number of Non-residential Parking Spaces	Not specified	378	378	81
Open Space Acreage	41.6 acres	52.9 acres	69.1 acres	67.7
Number of Trees Removed	1,800	820	35	23
Amount of Grading	Cut: 305,000 cy Fill: 135,000 cy	Cut: 88,220 cy Fill: 82,780 cy	Cut: 33,240 cy Fill: 27,100 cy	Cut: 32,340 cy Fill: 33,420 cy

ENVIRONMENTAL REVIEW:

The Oakview Final EIR was completed and recommended for certification by the Planning Commission to the Board of Supervisors as adequate and complete for the purposes of making a decision on the proposed project pursuant to the California Environmental Quality Act (CEQA). Since then, the project as been amended at the request of the property owners to incorporate the assisted living option that was evaluated in the EIR. An Amendment to the EIR has been prepared to evaluate refinements to the project that were submitted prior to certification of the EIR. The Amendment to the EIR found that the 2003 amended application does not trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the revisions do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of any environmental impacts. The analysis evaluated the amended application with respect to all the topical issues that were evaluated in the EIR, including geology and soils, hydrology and drainage, biological resources, visual and aesthetic quality, transportation and circulation, air quality, noise, public services, and costs and revenues. (Please refer to Attachment 4 and the previously-circulated EIR and EIR Response to Comments Amendment.) The proposed Amendment to the EIR found that the modified project would represent the environmentally-superior alternative of all of the alternatives and options that were evaluated, that it would not result in greater impacts than the original project, and that in some cases, the impacts would be reduced. The following provides a summary of some of the key areas of environmental impact that were evaluated in the EIR and the proposed amendment.

1. Geology

The EIR found that the proposed development would either avoid or proposed work that would stabilize areas of instability and reduce the potential for significant impacts that are related to geological factors. The property is underlain primarily by unnamed sandstone and shale bedrock deposits from the Franciscan complex. The EIR evaluated the presence of several landslide deposits near the proposed development areas and identified mitigations that would ensure that the potential areas of geological instability would be repaired as part of the project's proposed comprehensive grading plan to ensure that no impacts from landslides, grading, or erosion would occur. Two of the four mapped ancient bedrock landslides are located near future building sites within the residential component of the Master Plan. These include the area near future Lots 6 through 17 and Lots 19 and 20. Additional geotechnical investigations of these areas found that the former area was found to be underlain by a dormant ancient bedrock landslide deposit, while the latter area was determined not to be an ancient landslide. There are also several smaller bedrock landslides and debris flows that were found near Lots 5 and 6 and the future assisted living facility. The EIR found that potential impacts associated with development near the areas of previous soils instability could be reduced to a less-than-significant level through repair of the landslide areas using standard grading and landslide repair techniques, including removal and recompaction of loose materials, keying and benching, and installation of subdrains and surficial drainage systems. Related mitigations requiring the final construction plans to incorporate measures to minimize impacts associated with hillside creep conditions, seismic movement, and rockfall impacts would ensure that future development of the residential and assisted living components of the Master Plan would not result in significant impacts associated with geological factors. (Please refer to the EIR Chapter 5.1 [Geology and Soils] for a detailed analysis of this issue.)

2. Hydrology

The EIR found that the proposed development would increase surface stormwater flows from the property into existing off-site drainage systems but that there would not be significant impacts associated with hydrological factors if appropriate mitigations are incorporated into the final drainage plans. The project grading, construction of impervious surfaces, and installation of a storm drainage system would increase site peak flow rates by up to 69.4%. The EIR found that the project would exacerbate flooding conditions in portions of the adjacent Marinwood subdivision due to inadequate storm drainage capacities and gaps in the existing cross-slope interceptor ditches above the adjoining properties, including the area behind 282 Ellen Drive and in the vicinity of 1 Erin Drive and 291 Elvia Court. Additionally, part of the existing Ellen Drive's storm drain system, consisting of an existing 18-inch reinforced concrete along the rear of 281 Ellen Drive, is undersized, while stormwater flows that are conveyed by the Ellen Drive storm drain system would eventually reach the existing, substandard three-foot by six-foot boxed culvert under Highway 101 along Lucas Valley Road. The EIR identified two mitigations that would reduce peak flow impacts, including: (1) construction of a stormwater detention/treatment basin at in order to fully attenuate 100-year peak flows to pre-project levels and thus reduce pressure on the downstream storm drainage system at the Highway 101 box culvert; and (2) upgrading the existing storm drain pipe along the rear of 281 Ellen Drive and repairing gaps in the existing concrete, cross-slope interceptor ditch adjacent to the existing homes on Erin Drive, Elvia Court, and Ellen Drive. Implementation of the mitigations that have been identified by the EIR would ensure that potentially-significant impacts associated with hydrologic factors would be reduced to a less-than-significant level. (Please refer to the EIR Chapter 5.2 [Hydrology and Drainage] for a detailed analysis of this issue.)

3. Biology

Biological factors that were evaluated in the EIR included project impacts to special status and native vegetation, wildlife, and wetlands. The following provides a summary of each of these issues.

a. Vegetation

The EIR reviewed the project for potential impacts to special status and native plant species. According to the California Natural Diversity Database, no special status plant species have been reported on the property or immediate vicinity. However, the EIR noted that project grading may affect the oak woodland and native grasslands and identified mitigations to: (1) require the preparation of a detailed Landscape and Vegetation Management Plan to provide for the re-establishment of native vegetation on graded slopes around the periphery of the development area; (2) utilize native plantings for restoration and enhancement purposes; and (3) provide for the salvage of suitable native plants for reuse. In order to mitigate the loss of 23 predominantly oak and bay trees that would be removed primarily for the construction of the roadway and bridge crossing at Miller Creek, the EIR identified a mitigation that would require a 2:1 tree replacement program as part of the Landscape and Vegetation Management Plan. The EIR also found that the proposed development would affect an estimated minimum of 1.6 acres of native grasslands, consisting mainly of purple needlegrass and California oatgrass. Although the conceptual building envelopes generally avoid most of the native grassland stands, such as the large stand above Lots 2 to 7 of the residential subdivision, the EIR noted that landscape improvements and other modifications by future lot owners could result in the eventual elimination of the native grasslands on these lots. In order to mitigate the loss of native grasslands, the EIR identified mitigation measures that would require the replacement of native grasslands at a 1:1 ratio which would: (1) meet or exceed the cover class lost; (2) emphasize the use of purple needle grass and California oatgrass in the replanting plan; and (3) require deed restrictions over certain of the residential lots to prevent possible removal of native grasslands in conjunction with proposed landscape improvements. Implementation of the identified mitigations would ensure that potentially-significant impacts associated with the loss of trees and native grasslands are adequately mitigated. (Please refer to the EIR Chapter 5.3 [Biological Resources] for a detailed analysis of this issue.)

b. Wildlife

The EIR reviewed the project for potential impacts to special status wildlife species. The property includes a variety of habitat area for wildlife, consisting of open grassland, woodland, and riparian stream corridors. Although the varied vegetation and limited human activity contribute to the site's relatively high wildlife habitat value, no special status animal species have been reported on the property or found in the immediate vicinity according to the California Natural Diversity Database. However, the EIR noted that raptors and other bird species of concern may occasionally forage in the grasslands and open woodlands of the site. While the proposed development would reduce the extent of foraging habitat for raptors and other bird species of concern, no direct impacts on essential habitat features would result. Because there exists a slight possibility that one or more species of raptor may establish a nest in the vicinity of the development area prior to construction, the EIR identified a mitigation that would require pre-grading raptor surveys to confirm the presence or absence of active nests and to limit grading in the vicinity of any nest until the young have fledged. Implementation of the identified mitigation would ensure that potentially-significant impacts associated with construction impacts on nesting raptors would be reduced to a less-than-significant level. (Please refer to the EIR Chapter 5.3 [Biological Resources] for a detailed analysis of this issue.)

c. Wetlands

The EIR reviewed the project for potential impacts on wetlands and freshwater seeps. A total of 2.62 acres of jurisdictional wetlands exist on the 106.3-acre property, including approximately 2.26 acres of scattered freshwater seeps that are populated with various wetland indicator plant species. The EIR identified three types of potential impacts to wetlands including loss of approximately 1.39 acres of the scattered freshwater seep habitat, possible modifications to accommodate the Miller Creek crossing, and indirect impacts associated with the increased potential for erosion and water quality degradation.

The most significant impact would be associated with the loss of the active spring and estimated 0.62 acres of freshwater seep habitat in the southwestern portion of the site in conjunction with the future residential development (near Lots 14 to 25) and approximately 0.64 acres of scattered seasonal wetlands near the assisted living development. Although the project has designated an on-site wetland mitigation site near the northeastern corner of the site (on the site of the previously-proposed 14,400 square foot commercial building), the EIR noted that this area would not be of sufficient size or quality to accommodate a minimum of 2.78 acres of wetland mitigation that would be required, based on the Countywide Plan's 2:1 wetland replacement ratio. Therefore, the project would likely utilize one or more off-site areas to compensate for the loss of the wetlands. Off-site wetland mitigation is allowed under the Countywide Policy EQ-2.43 to the extent the project has met the requirements to first avoid wetlands, followed by restoring and enhance wetlands on-site, and demonstrated that complete restoration of wetlands loss on-site is not possible without affecting the project's objectives. The EIR determined that the project complies with this policy to the extent it would avoid 1.23 of the 2.62 acres of wetlands on the property, it would restore and enhance wetlands on-site to the extent feasible at a designated wetland mitigation area, and it would provide for mitigation of wetlands off-site for the balance of the required wetland replacement at the required 2:1 ratio. Implementation of the mitigations identified in the EIR to compensate for the limited loss of wetlands would ensure that potential impacts on wetland resources are reduced to a less-than-significant level. (Please refer to the EIR Chapter 5.3 [Biological Resources] and the EIR Amendment for a detailed analysis of this issue.)

The EIR noted that the project would comply with the Countywide Plan's Stream Conservation Area (SCA) policies by locating the residential and assisted living development outside of the 100-foot wide SCA along Miller Creek. Creek crossings and habitat restoration activities are consistent with the SCA policies. However, potential impacts may result from the development of the Miller Creek crossing unless mitigated by the use of a bridge or arched culvert crossing that would minimize possible fill and creek disturbance impacts. Construction within the SCA would be required to utilize the minimum roadway width standards that is permitted by County Code and permitted only during the low flow period in the creek (from June through October). Abutments to the upper channel banks would be prohibited, and construction debris would be kept outside of the creek channel through use of silt fencing or similar means, and replacement riparian plantings with an emphasis on native trees and shrub species would be required to compensate for any loss of vegetation within the SCA. Additionally, recognizing that steelhead trout are known to pass through Miller Creek, and the creek also contains habitat area for other listed species such as the western pond turtle, California red-legged frog, the foothill yellow-legged frog, and to a lesser extent, the California freshwater shrimp, the EIR required that the creek crossing be designed in a manner that would avoid impeding the movement of both fish and wildlife along the creek channel, and prohibits the use of drop structures in the design of the bridge. Implementation of these mitigations would ensure that the design of the future Miller Creek crossing utilizes the best available techniques to minimize impacts to the riparian resources. (Please refer to the EIR Chapter 5.3 [Biological Resources] for a detailed analysis of this issue.)

4. Traffic and Circulation

The EIR found that traffic from the proposed development would not affect, either individually or cumulatively, traffic congestion levels on roadways in the surrounding Marinwood community provided the project proposed and required mitigations are implemented. The project, which includes the 28 future single-family residential units and a 94,400 square foot assisted living facility, would generate fewer daily and peak hour trips than the previous project proposal, which included a 94,400 square foot general office use in lieu of the assisted living use. (Please refer to Table 3.)

Table 3: Comparison of Trip Generation Rates

Proposed Land Use	Size/Units	Daily Trips	Morning Peak Hour Trips	Evening Peak Hour Trips
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Single-Family Housing	28	321	29	34
Assisted Living Facility	150	414	26	41
TOTAL	178	735	55	75

Original Land Use	Size/Units	Daily Trips	Morning Peak Hour Trips	Evening Peak Hour Trips
Single-Family Housing	28	321	29	34
Office	94	1,266	178	185
TOTAL	N/A	1,587	207	219

a. Background

The EIR evaluated the project's effects on the major streets and intersections in the vicinity of the project site, including Miller Creek Road and Lucas Valley Road (and their interchanges with Highway 101), Las Gallinas Avenue, Marinwood Avenue, and Los Gamos Road. The County utilizes a Level of Service (LOS) D or better as the acceptable level of service for all unincorporated streets. (Please refer to Countywide Plan Policy T-1.1) A project's impacts on an intersection is considered to be significant if it causes the intersection, or a movement of the intersection, to fall below a LOS D. The County also considers any further delay at an intersection at or below LOS E to be a significant impact. For unsignalized intersections, the County considers an impact to be significant if a movement of the intersection falls below LOS D and if the delay at an intersection which is at or below LOS E is increased. The City of San Rafael's traffic standard would also be considered due to the Memorandum of Understanding between the City and the County and because a substantial portion of the Lucas Valley Road frontage for the property is located within the City of San Rafael. According to the EIR, the City employs a mid D LOS standard (32.5 seconds delay or less) for signalized intersections within the Northgate Activity Center Plan, which includes the Lucas Valley Road-Smith Ranch Road / Highway 101 interchange area. If a signalized intersection deteriorates below a LOS D as a result of a project, the impact is considered significant. If the intersection is already operating below a LOS mid D and the project results in increase delay, regardless of whether the LOS changes, the impacts would also be considered significant.

b. Intersection Impacts

The EIR evaluated the project's impacts on nine intersections within the project's study area for project-induced impacts, short-range cumulative impacts, and long-range cumulative impacts. Short-range project impacts include an analysis the traffic generated by the project in conjunction with existing traffic conditions. Short-range cumulative impacts include the project's traffic in conjunction with other approved and under review projects. Long-range cumulative impacts include the project's traffic based on the approximate potential buildout under the City of San Rafael's General Plan, including development at the St. Vincent's/Silveira properties.² (Please refer to Chapter 5.5 [Transportation and Circulation] of the EIR and the Amendment to the EIR for a detailed analysis of the transportation and circulation issues.)

The EIR determined that the project would result in a deterioration of the LOS at the five study area intersections and identified mitigations that require the project to either construct the required traffic improvements or pay its fair share contribution towards required traffic improvements in order to eliminate the significant traffic impacts. Tables 4 through 6 identify those intersections which would be adversely affected by the proposed project under existing, short-range cumulative, and long-range cumulative conditions. With exception to those intersections noted in the tables below, the EIR found

² The Final EIR Response to Comments Amendment utilized a significantly higher residential density on the St. Vincent's / Silveira than that which may occur due to removal of the property from the City of San Rafael's sphere of influence.

that the other three remaining intersections within the study area, consisting of Lucas Valley Road / Miller Creek Road, Lucas Valley Road / Las Gallinas Avenue, and Highway 101 Northbound Ramps / Smith Ranch Road, would all operate at acceptable levels of service under both project-induced, short-range cumulative, and long-range cumulative impact scenarios.

Table 4: Existing Plus Project Impacted Intersections (*delay is measured in seconds*)

Intersection	Existing AM		Project AM		Existing PM		Project PM	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
101 Southbound Ramps/Miller Creek Road								
Southbound Left	F	>60	F	>60	B	7.8	B	8.2
Intersection Average	F	>60	F	>60	A	1.5	A	1.4
Lucas Valley Road / Los Gamos Drive								
Northbound Left	F	>60	F	>60	E	31.2	E	32.8
Westbound Left	E	37.3	E	40.8	A	4.6	A	4.6
Intersection Average	D	23.1	D	29.3	A	4.6	A	4.7
Miller Creek Road / Marinwood Avenue	E	40.7	F	46.8	B	7.7	B	9.1

Table 5: Short-Range Cumulatively Impacted Intersections (*delay is measured in seconds*)

Intersection	No Project AM		Project AM		No Project PM		Project PM	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
101 Southbound Ramps/Miller Creek Road								
Southbound Left	F	>60	F	>60	B	7.8	B	8.2
Intersection Average	F	>60	F	>60	A	1.5	A	1.5
Lucas Valley Road / Los Gamos Drive								
Northbound Left	F	>60	F	>60	E	37.6	E	39.7
Westbound Left	E	40.8	E	44.8	B	5.1	B	5.1
Intersection Average	E	31.9	E	41.8	B	5.4	B	5.5
Miller Creek Road / Marinwood Avenue	E	42.8	F	53.8	B	7.3	B	9.1

Table 6: Long-Range Cumulatively Impacted Intersections (*delay is measured in seconds*)

Intersection	No Project AM		Project AM		No Project PM		Project PM	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
101 Northbound Ramps/St. Vincent's Drive								
Northbound Left Turn	E	36.1	E	42.1	F	>60	F	>60
Intersection Average	B	6.4	B	7.5	F	>60	F	>60
101 Southbound Ramps/Miller Creek Road								
Southbound Left	E	38.9	E	42.3	F	>60	F	>60
Southbound Right	F	>60	F	>60	B	5.6	B	5.9
Intersection Average	F	57.3	F	>60	D	20.3	D	28.8
Miller Creek Road / Marinwood Avenue	F	>60	F	>60	B	9.8	C	12.3
Miller Creek Road / Las Gallinas Avenue	E	34.4	F	45.1	A	4.3	A	4.6

The following provides an analysis of the mitigations that have been identified by the EIR for each of the intersections that would be significantly affected by the project.

1. Highway 101 Northbound Ramps / St. Vincent's Drive (Miller Creek Road)

The Highway 101 Northbound Ramps / St. Vincent's Drive intersection consists of an unsignalized intersection where the Highway 101 northbound on-ramp forms the northbound leg of the

intersection. The EIR found that this intersection currently operates at an acceptable LOS C or better under the project-induced and short-range cumulative impacts scenarios. However, in the long-range cumulative impacts scenario analysis, the EIR found that project-generated traffic added to the long-range cumulative base would result in an increased delay at the northbound left-turn movement, which is projected to deteriorate from a LOS E to a LOS F. The project would be required to pay its fair share towards the signalization of this intersection, which would amount to 6% of the design and construction budget, in order to improve the LOS to a D or better and mitigate the cumulative long-range impacts.

2. Highway 101 Southbound Ramps / Miller Creek Road

The Highway 101 Southbound Ramps / Miller Creek Road intersection consists of a four-leg unsignalized intersection where the southbound on-ramp forms the southbound leg of the intersection. The southbound left-turning movements function at a LOS F during the morning peak period as a result of the large number of vehicles that exit southbound Highway 101 and re-enter the freeway by passing through this intersection. The EIR found that the project would result in further deterioration of the LOS F level of service for the southbound left-turn / through movement during the morning peak period under the project-induced impact and short-range cumulative impact scenarios. In the long-range cumulative impact scenario, the southbound right turn would also deteriorate to a LOS F. The project would be required to pay its fair share towards the signalization of this intersection, which would amount to 60% of the design and construction budget, in order to improve the LOS to a D or better and mitigate the identified impacts.

3. Miller Creek Road / Marinwood Avenue

The Miller Creek Road / Marinwood Avenue intersection consists of a four-leg all-way stop unsignalized intersection which experiences a substandard LOS E during the morning peak period. The EIR found that the project will result in a significant impact on this intersection by causing the LOS to deteriorate from a LOS E to a LOS F under project-induced, short-range cumulative, and long-range cumulative impact scenarios. Signalization of this intersection would be required to be undertaken in conjunction with the future development of the assisted living facility in order to adequately mitigate the project's impacts at this intersection.

4. Miller Creek Road / Las Gallinas Avenue

The Miller Creek Road / Las Gallinas Avenue intersection consists of a four-leg all-way stop unsignalized intersection which currently operates at a LOS D during the morning peak hour. The EIR found that the project would increase traffic volumes at this intersection during the morning and afternoon peak periods but that the additional traffic would not result in a significant increase in the level of service under both the project-induced and short-range cumulative impacts scenarios. However, in the long-range cumulative impacts scenario analysis, the EIR found that project-generated traffic added to the long-range cumulative base would result in deterioration in the level of service from a LOS E to a LOS F. The project would be required to pay its fair share towards the signalization of this intersection, which would amount to 5% of the design and construction budget, in order to improve the LOS to a D or better and mitigate the cumulative long-range impacts. Although signalization has been identified for this intersection, the ultimate traffic improvement that may be developed at this intersection would include consideration of potential alternatives, including a traffic circle, that would provide an equivalent or better means of mitigating the impacts from the project and other future projects that may be developed at buildout conditions. Additional analysis of the traffic improvement that is necessary at this intersection, including an evaluation of its environmental effects, would be required and public input obtained before a decision is made on a suitable alternative. Nonetheless, the project would be responsible to contribute its fair share toward funding for the future traffic improvements at this intersection to

cover the costs of any alternative equivalent or more effective mitigation in order to ensure that the cumulative impacts of this project would be mitigated to less-than-significant levels. through contribution toward the funding of the future installation of a traffic signal or an acceptable alternative.

5. Lucas Valley Road / Los Gamos Drive

The Lucas Valley Road / Los Gamos Drive intersection consists of an unsignalized T-intersection which experiences considerable delays during the morning and afternoon peak periods. Although the project would not cause a further deterioration below a LOS E and LOS F in the afternoon and morning peak periods, respectively, the EIR found that the additional delays caused as a direct impact from the project and as part of the short-range cumulative project impacts would represent significant impacts that would need to be mitigated through the installation of a traffic signal at this intersection.

The original mitigation that was identified in the EIR required the project to pay its fair share toward the signalization of the Lucas Valley Road / Los Gamos Drive intersection, which would amount to 38% of the design and construction budget. The traffic impact fees collected would satisfy the project's obligations under the County's Transportation Facilities Fees Ordinance which would fund the improvements that are identified in the Northgate Activity Center Plan for this area. The southbound Highway 101 off-ramp project is identified as a major component of the Northgate Activity Center Plan. This improvement would include construction of the southbound off-ramp that would intersect with the Lucas Valley Road / Los Gamos intersection to create a four-leg signalized intersection, acquisition of land for the off-ramp, and widening of the Smith Ranch Road underpass. In the 2003 amended application, the applicant proposes a voluntary dedication of an approximately 9.4-acre portion of the property to the County or the California Department of Transportation (Caltrans) for construction of the future freeway interchange improvements. The Amendment to the Final EIR found that this alternative mitigation would provide an equivalent or more effective means of mitigating the significant traffic impacts that were identified in the Final EIR. A recent appraisal of the interchange's land area by Caltrans noted a current market value of approximately \$4 million dollars. By proposing the voluntary dedication of the land for the future interchange improvements, the project would provide a mitigation with greater financial value than the project's payment of its fair share obligations for installation of a signal at the Lucas Valley Road / Los Gamos Drive intersection. Additionally, County Counsel has advised staff that there is insufficient nexus for the County to exact and require dedication of the land for the future interchange as a condition of approval. Based on the factors noted above, the voluntary dedication of land for the future freeway interchange development would satisfy the project's obligations to mitigate its direct and short-range cumulative impacts at the Lucas Valley Road / Los Gamos Drive intersection because it would fund a larger component of the Northgate Activities Center Plan which includes both the freeway off-ramp and the signalization improvements at this intersection.

c. Circulation Impacts

The EIR evaluated the impacts from the future 28-unit residential development on proposed Lot 1 on the intersection of Erin Drive / Las Gallinas Drive as well as the Elvia Court / Las Gallinas Avenue and Lucas Valley Road / Las Gallinas Avenue intersections and found that it would not result in significant delays that would lead to a level of service below a LOS D under either project-induced impacts or long-range cumulative conditions. However, the EIR noted that the primary traffic circulation problem within the immediate vicinity occurs on Las Gallinas Avenue during the weekday morning commute period in conjunction with highway bypass commute traffic and traffic associated with Miller Creek School. Vehicles attempting to turn left from Erin Drive onto Las Gallinas Avenue would experience extended periods of delay on days when traffic on Highway 101 is congested, and commute traffic utilizes Las Gallinas Avenue and Miller Creek Road to bypass this congestion. However, the additional delays associated with southbound traffic from Erin Drive is not considered a significant environmental effect. Although the situation could be avoided by allowing only right-turn in and right turn out movements to and from Erin Drive through installation of a raised median area on Las Gallinas Avenue, the EIR noted that this may cause an inconvenience to residents of Elvia Court because some of the traffic may use Elvia Court, which is the next street that intersects Las Gallinas Avenue to the north, as a turnaround to enter the southbound direction on Las Gallinas Avenue. The Department of Public Works – Traffic Division staff has considered the potential of limiting the turning movements in and out of Erin Drive and concluded that on balance, the inconvenience caused would more than outweigh the advantages that would be gained during those limited periods when traffic on Las Gallinas Avenue is congested due to bypass freeway traffic.

5. Noise

The EIR evaluated the project's impacts relative to exposure to traffic noise. The existing noise environment at the property is dominated primarily by vehicular traffic on Highway 101 and to a lesser extent by automobile traffic on Lucas Valley Road and Las Gallinas Avenue. The County does not have a noise ordinance; however, the Noise Element from the Countywide Plan establishes noise and land use compatibility criteria. The Noise Element's criteria establishes a 60 dBA³, exterior noise level and a 45 dBA interior noise level for residential development that is exposed to transportation-generated noise. The EIR found that future Lots 27 and 28 of the residential component of the Master Plan would be exposed to a Ldn⁴ that exceeds 60 dBA due to the site's proximity to Lucas Valley Road and that the site of the future assisted living facility would be exposed to a Ldn in excess of 65 dBA due to the site's proximity to Highway 101. Implementation of mitigations identified in the EIR, including installation of a solid property line privacy fence on Lots 27 and 28 and use of mechanical ventilation into the second floors for the future residences on these lots would ensure that outdoor and indoor noise levels would not exceed the 60 dBA criteria. Due to the sensitivity of the future population that would occupy the assisted living facility, the project includes proposed noise attenuation measures, including: (1) use of sound-rated windows; (2) use of non-openable (sealed) windows on the Highway 101 frontage of the building; and (3) use of a conceptual building design that locates outdoor living areas on the westerly (backside) of the building and away from the freeway. The proposed measures would ensure that the interior and exterior noise levels at the assisted living facility would comply with the Countywide Plan's noise criteria, and no additional mitigation measure would be required. Based on the foregoing factors, the project is not expected to result in exposure by future residents to excessive noise levels. (Please refer to the EIR Chapter 5.7 [Noise] for a detailed analysis of this issue.)

³ The A-weighted sound level (dBA) reflects a method used to quantify sounds based on frequencies that are weighted to the sound levels that are most perceptible to the human ear.

⁴ The Ldn reflects an average of A-weighted noise levels during a 24-hour period.

6. Public Services

The EIR found that adequate public services would be available to service the development, and a cost-revenues analysis indicates that the project would pay its fair share of the cost of providing public services. The Marinwood Community Services District (Marinwood CSD) would provide fire protection, street lights, and parks and recreation services for the project. Police protection would be provided by the Marin County Sheriff's Department. Marin Municipal Water District has the capacity to provide water for domestic and fire protection purposes, while Las Gallinas Valley Sanitary District would provide sanitary sewer service. The Marinwood CSD has commented that the proposed project would create new demands on the equipment, personnel, and facilities for the Marinwood Fire Department and has requested that the project pay mitigation fees in order to offset the additional burden on the Fire Department that would be created by the assisted living facility use. Because the property owners have paid taxes and fire service charges at a lower rate, reflecting the undeveloped nature of the property, the tax and service charge contributions from the property are lower than that which have been provided from existing development. Although the CSD has requested that mitigation fees be collected in order to be placed in reserve for capital equipment replacement and upgrades, it did not stipulate the amount of money that would be necessary to offset the additional impact. The EIR's evaluation of the project found that the development would likely result in increased demand for fire department service calls, which may in turn, required additional staff, equipment, and/or facilities. However, the EIR found that the increased costs for fire protection would be offset from the increase in total revenues to the Marinwood Fire Department of approximately \$44,300 from additional taxes and fees that would be collected. Consequently, the EIR found that, the project would not result in substantial adverse physical impacts associated with new or altered facilities for the Marinwood Fire Department. (Please refer to the EIR Chapters 5.8 [Public Services] and 5.9 [Costs and Revenues] for further discussion of this issue.)

Based on the proposed Amendments to the EIR that have been prepared, the Environmental Coordinator finds that the EIR is adequate and complete and contains sufficient information about the project's environmental impacts in order for an informed decision to be made on the proposed project. The EIR evaluated the proposed project at an equivalent level of detail as the originally-proposed office component of the Master Plan and found that it would not result in new or greater environmental impacts than those that were identified for the original project. The assisted living use would result in impacts that are similar to, and no greater than those that were identified for the original commercial project, and adequate mitigations have been identified to ensure that all significant, adverse effects associated with the assisted living option would be reduced to less-than-significant levels. The project does not trigger a need for additional environmental review because the no new information relating to new or more severe impacts to those addressed in the previous EIR. Furthermore, the supplemental information presented does not require additional mitigation or substantial changes to the mitigation measures in the EIR, and appropriate mitigation measures have been incorporated into the recommended conditions of project approval.

PROJECT ANALYSIS:

During the processing and review of the Oakview application and the preparation of the EIR, a number of concerns were expressed by residents and organizations about the project's environmental impacts and merits. These letters have either been included in the EIR for the project or included as attachments to this staff report. Many project merits issues raised by the public involve environmental issues that are discussed in the EIR and adequately addressed through mandatory mitigations. There are, however, a number of merits issues that are discussed in the following section of this report. Issues discussed include the following: (1) land use and zoning; (2) annexation; (3) community character; (4) wetlands; (5) inclusionary housing; and (6) sustainability.

1. Annexation Issues

The 106-acre property is located within the Sphere of Influence for the City of San Rafael and within the Countywide Plan's urban service area for San Rafael. The urban service area is that area within the City's sphere of influence where urban development could be accommodated given the availability of services and revenues. The Countywide Plan Community Facilities Policy CF-1.4 states that development proposals for vacant unincorporated lands within an urban service area should seek annexation to the city, unless the city signifies that it does not desire to annex the lands. Recognizing that the property is integrally related to the adjoining Marinwood community, that portions of the property have open space value that benefit Marinwood residents, and that services are available from the Marinwood Community Services District as well as the Marinwood Fire Department, the County and the City of San Rafael entered into a joint Memorandum of Understanding (MOU) in 1989 whereby the City agreed to formally refuse annexation of the project site unless annexation of the Marinwood community is approved by a majority of the residents. In entering into the MOU, the City also agreed to request that the Marin Local Agency Formation Commission not require annexation to the City as part of the proposed annexation of the property into the Las Gallinas Valley Sanitary District. (Please refer to Attachment 21.)

The MOU requires the County to review of development applications to ensure compliance with certain mutually-agreed upon stipulations, including an agreement for the County to: (1) work with the City to facilitate transfer to the City and/or County of that portion of the property which has been designated for construction of a future southbound Highway 101 / Lucas Valley Road off-ramp interchange; (2) require payment of traffic mitigation fees that are established by the City's General Plan into any project approval to help pay for interchange improvements at the Lucas Valley Road / Los Gamos Drive / Highway 101 interchange; (3) require sprinkler systems for all new residential structures that are approved at the site; (4) coordinate development approvals with the City to assure that the traffic level of service would not result in a level of service below a mid-D level at the Lucas Valley Road / Highway 101 interchange; and (5) to require all public improvements (including street, curbs, gutters, sidewalks, drainage facilities, and traffic signalization) to be designed and built to the City's public improvement standards or to a standard mutually agreed upon by the City and County.

The proposed Oakview development would comply with the terms of the MOU between the City and County, as set forth below. (Written correspondence from the City staff confirming this position, based on earlier conversations with County staff, will be available prior to the hearing.)

- a. First, the property owners have agreed to provide a voluntary dedication of 9.4-acres of land area at the intersection of Highway 101 / Lucas Valley Road to facility the development of southbound on- and off-ramps which would comply with the City's long-range plans for this intersection. The proposed dedication would confer a substantial public benefit by facilitating the ultimate development of the Highway 101 / Lucas Valley Road interchange project.
- b. Since signalization of the Lucas Valley Road / Los Gamos Drive interchange would likely be included in the interchange improvements, and recognizing the substantial public benefit associated with the voluntary land dedication, the City and County have agreed that additional traffic mitigation fees for the Lucas Valley Road / Los Gamos Drive intersection would not be required at this time to comply with the terms of the MOU.
- c. The County's Residential Sprinkler Ordinance would apply to all new residential development at the site, therefore ensuring compliance with the third stipulation of the MOU, as set forth above.
- d. The EIR has evaluated the project's effects on the level of service at the Lucas Valley Road / Highway 101 interchange and found that it would not substantially deteriorate below a mid-D level of service on a project-specific and cumulative basis. The EIR found that the project would result in a LOS D (35.9 second delay) at the 101 Northbound Ramps/Smith Ranch Road during the morning peak (under the

short-range cumulative scenario) and a LOS D (34.9 second delay) at the Lucas Valley Road / Los Gamos intersection during the morning peak (under the long-range cumulative scenario). (The City's mid-D LOS, as specified in the MOU, would allow for a maximum 32.5 second delay.) By providing the land for the interchange, the project would facilitate the development of the interchange which will improve the overall LOS conditions. Additionally, the EIR's cumulative analysis was undertaken prior to the change in the City's policies governing the St. Vincent's/Silveira site and was based on 75 percent of the Congestion Management Agencies' growth projections for the site that included 1,476 units. This density is far greater than that which is likely to occur, given the County's policies. Finally, the City has recently changed the mid-LOS D policy criteria in its recently adopted General Plan (General Plan 2020) to utilize a LOS D for all intersections, except freeway on- and off-ramps. Given all of the above factors, the project is found to be consistent with the MOU for acceptable level of service conditions at the Lucas Valley Road / Highway 101 interchange.

- e. Finally, the project has been designed to incorporated public improvements that meet the City's standards.

For the reasons set forth above, the approval of the project would ensure compliance with the MOU.

2. Countywide Plan and Zoning Land Use Issues

The proposed project will result in a mix of residential and institutional uses that are consistent with the City Centered Corridor's Planned Residential (PR) land use designation for the property. The residential density of 0.97 units per acre (based on 103 residential units including 28 single-family residential units and 75 independent assisted living units) is within the density range of between one unit per acre to one unit per 10 acres that is established by the PR land use designation. The 94,400 square foot assisted living facility represents a 2% non-residential floor area ratio on the 106.3-acre property, which is within the low end of the PR land use designation's 1% to 9% floor area ratio range. The Master Plan proposes a mixed-use development that includes principally-permitted residential and conditionally-permitted assisted living uses under the governing RMP-1.38 (Residential Multiple Planned, 1.38 units per acre maximum density) zoning district. The resulting density of 103 units would be less than the 146 unit maximum potential density under the zoning. Therefore, the proposed density is consistent with both the Countywide Plan's land use designation as well as the property's zoning district. Because the zoning district's density would allow for a higher residential density of 146 units than the Countywide Plan's PR land use designation's 106 unit density, a recommended condition of approval would exhaust the potential residential development by requiring the property to be rezoned to a RMP-0.9689 (Residential Multiple Family Planned, 0.9689 units per acre maximum density) or equivalent zoning district to reflect the 103-unit residential density that is established by the conceptual Master Plan prior to subsequent approval of either the residential or assisted living components of the Master Plan, whichever occurs first.

3. Community Character

- a. Residential Subdivision

The project includes proposed architectural standards for the future 28 single-family residences. By siting the development at the base of the west-facing hillside adjacent to the existing Marinwood subdivision and below the main ridgeline that divides the Oakview property between its Marinwood and the Highway 101 frontages, there would be minimal distant visual impacts to the broader Marinwood community. The potential impacts would be concentrated on the immediate homes that are adjacent to and below the proposed residences as well as to passersby traveling on local roads. The Master Plan includes general design criteria which are appropriate for the hillside character of the property. These include siting the structures to conform to the site contours, by stepping building and roof elements to minimize the appearance of mass and bulk, encouraging the use of roof elements that incorporate hip, gable, or shed elements to minimize obstruction of views from adjacent buildings, and

discouraging the use of large expanses of wall area. The conceptual building envelopes would maintain adequate setbacks to property lines that are compatible with the R-1 (Single-family Residential) zoning district that governs the surrounding area and would not encroach into the RMP zoning district's ridgeline area. Although the proposed 30-foot maximum building heights reflect the County's standard for requiring Design Review and is below the 35-foot maximum building height that applies to the Marinwood community, staff is recommending that the maximum limit be reduced to 25 feet for the future homes on Lots 1 through 12 due to their elevated site elevations and proximity to existing homes below on Ellen Drive and Lisa Court.

Although the final design of the residences would be determined through the subsequent Precise Development Plan review, the proposed maximum floor area of 4,500 square feet per lot, excluding garage space for two cars, would likely result in building sizes that are out of character with the surrounding residential subdivisions in Marinwood. Assuming minimize two-car garage sizes of 400 square feet, a maximum building area of 4,900 square feet could be attained for each of the future 28 lots. A survey of 926 properties in the surrounding Marinwood community utilizing information available from the County's Assessor's Office yields an average building area (inclusive of garage space) of 2,088 square feet on an average lot size of 9,148 square feet. (Please refer to Attachment 23.) Under the R-1 zoning district's permitted 30% floor area ratio, the maximum building area of a residence on an average-sized lot in the Marinwood community would be 3,284 square feet. Although the proposed lot sizes, which range from 18,080 square feet to 36,240 square feet with an average size of 23,499 square feet, are substantially larger than the average lot size in the neighborhood, the proposed maximum sizes for the future homes would still be more than twice that for the average home size in the neighborhood. Given the property's hillside setting, future development of substantially larger homes on the project site could result in visual incompatibilities with the surrounding neighborhood.

In order to ensure that the future development is more in character with the surrounding Marinwood community, staff is recommending that the proposed maximum size of the future homes be reduced to address the issue of community compatibility. For the future lots (Lots 1 through 12) that are immediately upslope from the existing single-family residences on Ellen Drive and Lisa Court, staff is recommending a maximum building area inclusive of garage space of 3,000 square feet per lot, with allowance for an increase of up to 500 square feet of living area for a second unit plus a one-car garage space of 180 square feet. The allowance for additional floor area represents an incentive for future owners to incorporate second units into the design of the homes and implements the Countywide Plan's policies of encouraging the development of second units as a means of providing potential affordable housing opportunities. For proposed Lots 13 to 28, which do not immediately adjoin the surrounding lots off Ellen Drive and Lisa Court, and which incorporate larger lot areas averaging 25,572 square feet (compared with an average lot size of 20,137 square feet for Lots 1 to 12), staff is recommending that the maximum building area inclusive of garage space be limited to 3,500 square feet per lot, with an additional 580 square feet of floor area for a second unit plus one-car garage. Staff's recommended maximum home sizes with, and without second units, would be more compatible with the potential maximum home size in the surrounding community of 3,284 square feet (based on a 30% maximum floor area ratio and an average lot size of 9,148 square feet) factoring in both the maximum home size and the floor area ratios. Overall, the modified maximum potential size of the 28 future residences would result in a potential development that is more compatible in terms home size, mass, and bulk with the surrounding Marinwood community. (Please refer to Table 7 for a summary of the preceding analysis.)

Table 7: Summary of Development Potential Analysis

	Existing Average Building Area	Average Lot Size	Maximum Potential Building Area	Maximum Total Floor Area Ratio ⁵
Marinwood Subdivision	2,088 sq. ft. (1,946 sq. ft. median)	9,148 sq. ft. (8,276 sq. ft. median)	3,284 sq. ft.	30%
Proposed Project	Not Applicable	23,499 sq. ft.	4,900 sq. ft.	21%
Project as Recommended	Not Applicable	23,499 sq. ft.	<u>Without Second Units</u> 3,000 sq. ft. (Lots 1-12) 3,500 sq. ft. (Lots 13-28) <u>With Second Units</u> 3,680 sq. ft. (Lots 1-12) 4,180 sq. ft. (Lots 13-28)	12.7% (Lots 1-12) 14.9% (Lots 13-28) 15.7% (Lots 1-12) 17.8% (Lots 13-28)

Recognizing the infill nature of the residential development, staff is recommending that the final layout of the residential subdivision and the design of the future homes incorporate the following traditional neighborhood design and pedestrian-friendly principles.

- Lot sizes and configurations should provide for a variation in building setbacks from the street.
- There should be a variation in building heights with a mixture of one- and two-story, split level designs that reflect the hillside topography.
- Buildings should address the street at a pedestrian scale utilizing architectural elements, such as covered porches, verandas, projecting bay windows, recessed openings, and site trellises and covered walkways.
- Garage and parking areas should be deemphasized by recessing the garage doors from the front wall of the residence, locating garages as a detached or attached element toward the rear of the residence, utilizing side-entry garage designs, and sharing driveways, whenever feasible.
- Second floors should be setback from the lower, street level of the residence and from the side property lines, where feasible in order to avoid large expanses of exterior wall areas in a single plane.
- Roof forms and roof lines should be broken into a series of smaller building components to reflect the surrounding natural landscape and should generally follow the direction of the natural slope.
- Outdoor spaces should be incorporated into the design of the residence through limited site terracing and integration of outdoor spaces into rooftop terraces at lower stories, porches, and verandas.
- Site improvements, such as patios, should minimize the use of paved (impervious) areas.
- Exterior colors should be coordinated with the predominant colors and values of the surrounding landscaping utilizing earthtone wall colors and darker roof colors.
- The street design should be pedestrian-friendly through use of traffic calming measures such as landscaped islands and variations in pavement material, whenever feasible.

Based on the foregoing analysis, the recommended limits to the size of the 28 future residences and the use of traditional neighborhood design principles would result in a development that is more compatible with the surrounding community character and that provides a high quality suburban environment for the future residents.

⁵ The total floor area ratio includes all living and garage spaces and is based on the average lot size.

b. Assisted Living Facility

The proposed 94,400 square foot future assisted living development would be located on the Highway 101 frontage to the property. Continuous strip development and sprawl along the Highway 101 corridor is discouraged by the Countywide Plan (Community Facilities Policy CD-2.4) and are not appropriate for commercial and higher intensity residential development. Although the development area is located at the base of the hill, below the transitional woodland-grassland edge of the site, the size and mass of the building would be prominently visible from both north- and south-bound motorists and distant development on the east side of the highway. However, this factor alone does not represent a significant visual impact because the building size and form would be similar to a number of commercial office buildings that have been built adjacent to Highway 101. The conceptual building design depicts a stepped building design with maximum building heights not exceeding the zoning district's 30-foot height limit. The 81-space parking area in front of the building would be screened from the highway by the proposed berm, and landscape plantings, upon maturity, would soften and screen views of the facility and private frontage roadway. By designating a central location along the property's Highway 101 frontage for the future assisted living facility and by maintaining the existing natural undeveloped character of the adjoining grasslands and oak-studded hillsides, the project would minimize the appearance of a continuous strip development along the Highway 101 corridor. Additionally, the assisted living use of this facility is appropriate given the site's close proximity to existing commercial and transit opportunities located to the north both in and near the Marinwood shopping center and the presence of similarly sized assisted living facilities across Highway 101 to the east as well as to the south of the property in the Northgate neighborhood of the City of San Rafael. Based on the factors discussed above, the assisted living component of the project would not result in visual or community compatibility impacts to surrounding areas and represent an appropriate type of use within an existing urbanized setting.

4. Inclusionary Housing

The proposed project is subject to the County's inclusionary housing ordinance (Marin County Code Chapter 22.22) which requires that developments of two or more residential units designate 20% of the number of lots or units for development of units that are affordable to low or very low income households. The applicant proposes to satisfy this requirement by payment of in-lieu housing fees, which are currently established as \$99,900 per unit. Marin County Code Section 22.22.020.D requires provision of inclusionary units within the proposed development and establishes payment of in-lieu fees as the lowest preference for compliance. Based on this, the proposed project would be subject to provision of six of the 28 future single-family units and 15 of the 75 future independent assisted senior units as inclusionary units that shall be affordable to very low and low income households. The actual means of compliance with the inclusionary ordinance would be determined at the time of the Precise Development Plan review and may include dedication of six lots to the County for future construction of affordable ownership and/or rental units or construction of the actual units for sale or rental at affordable rates by the developer. Second units shall not be counted toward the project's inclusionary requirements. Arrangements for at least 15 affordable assisted care units shall be determined at the time of review for the Precise Development Plan and Use Permit. Staff is recommending that the Master Plan be condition to stipulate that in no case shall the number of inclusionary residential and assisted living units that are required for the development be less than that which is required currently.

5. Sustainability

The proposed project would result in land uses that would require additional sources of energy and resources. Consistent with the County's support for sustainable environments and in order to ensure that the future development incorporate features that will conserve non-renewable energy and natural resources, staff is recommending that the project be required to incorporate a number of sustainable (green) building

requirements. The County's existing single-family residential energy efficiency ordinance would apply to the proposed construction of any new single-family residence that is larger than 3,500 square feet to require that the energy usage be equivalent to that of a 3,500 square foot residence. In addition, the future residences would be required to attain a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines and shall incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials. For the future assisted living facility, staff is recommending that the building be designed to meet the Silver rating criteria of the Leadership in Energy and Environmental Design (LEED) green building standards and incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials. For the future residential subdivision, staff is recommending that the Precise Development Plan designate a certain percentage of the units to include installation of a solar energy system, such as a solar electric system (photovoltaics) or solar thermal system based on the solar potential analysis that was prepared by the Community Development Agency staff. (Please refer to Attachment 24.) This requirement is feasible for at least 18 of the 28 proposed lots, based on a preliminary solar potential analysis that was conducted by staff. This analysis found that the areas occupied generally by Lots 9 to 18 of the Master Plan meet the optimal conditions for solar energy systems given such factors as topography, orientation to solar access, and vegetation conditions, while Lots 5 to 8, 19, 20, 27, and 28 occupy areas of the property with moderate solar potential. Compliance with these requirements would ensure that the future development would incorporate features that will conserve non-renewable energy and natural resources.

COUNTYWIDE PLAN ANALYSIS:

The Marin Countywide Plan (CWP) functions as the general plan for the unincorporated areas of the County. The project site is located within the City Centered Corridor where the County's broad objectives and policies allow for urban-level development that is balanced with preserving the environment, community character, and transportation systems. There is an overall emphasis in the CWP's City Centered Corridor policies on urban quality as contained in the Community Development, Environmental Quality, Transportation, and Housing elements. As modified by mandatory EIR mitigation measures and recommended conditions of approval, this project would substantially conform with the following general CWP goals by: (1) conserving and enhancing the high quality of the natural environment and striving for high quality in the built environment; (2) creating a mix of housing opportunities for an economically and socially diverse population; (3) achieving resource conservation; and (4) managing growth by coordinating development with adequate public services and preserving natural resources. These main goals are achieved through the implementation of specific objectives, policies, and programs concerning environmental quality, community development, transportation, housing, noise, environmental hazards, agriculture, community facilities, parks and recreation, trail, and economic issues outlined in the CWP. The following provides a summary of the project's consistency with applicable CWP policies.

1. The proposed project will result in a mix of single-family and assisted living uses that are consistent with the City Centered Corridor's Planned Residential (PR) land use designation for the property. The residential density of 0.97 units per acre (based on 103 residential units including 28 single-family residential units and 75 independent assisted living units) is within the density range of between one unit per acre to one unit per 10 acres that is established by the PR land use designation. The 94,400 square foot assisted living facility represents a 2% non-residential floor area ratio on the 106.3-acre property, which is within the low end of the PR land use designation's 1% to 9% non-residential floor area ratio range. (*Environmental Quality Policy EQ-1.1 and Community Development Policies CD-1.1, CD-8.5, CD-10.2*)
2. The proposed project is consistent with the CWP's Stream Conservation Area ("SCA") policies. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. Streams and their riparian and woodland habitat are irreplaceable and should be protected as essential environmental resources because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of

human communities. No development is proposed within the SCA, with exception of a future bridge and roadway crossing, which is an allowed use within the SCA. Mitigations established in the EIR would require that the bridge or arched culvert crossing of Miller Creek be designed to minimize disturbance to riparian vegetation and disturbance to the creek channel and to replace all trees and shrubs that are removed within the SCA. The project would also include erosion control measures to minimize surface runoff and deposit of sediment into Miller Creek. (*Environmental Quality Policies EQ-1.1, EQ-2.3, EQ-2.4, EQ-2.5, EQ-2.8, EQ-2.9, EQ-2.10, EQ-2.11, EQ-2.18, EQ-2.18, EQ-2.19, EQ-2.20, EQ-2.21, EQ-2.22, EQ-2.23, EQ-2.24, EQ-2.26*)

3. The project would comply with the CWP's policies to minimize or prevent air, water, and noise pollution and comply with applicable air quality standards. The project would incorporate measures to reduce dust generation during construction, to minimize soils erosion that could affect water quality, and to incorporate measures to the design and construction of the future structures to minimize noise impacts. Although the project would convert an existing intermittent drainageway to a storm drain system, the EIR found that the project would not result in substantial alterations to the natural drainage systems. (*Environmental Quality Policies EQ-2.75, EQ-2.78, EQ-3.2*)
4. The project would be consistent with the CWP's policies which discourage development in natural resource areas and CWP's restrictions on development in areas which contain special status species and migratory species and significant natural areas, wetlands, riparian habitats, and freshwater habitats. The EIR found that the project would have less-than-significant impacts on all special-status species and communities and would not cause irreversible damage to hydrological or biological processes. Any active raptor nests that are established within the vicinity of proposed grading would result in the implementation of measures to avoid impacts to the nest until the young birds have fledged the nest. Mitigations requiring the project to minimize disturbance of the wildlife corridor along Miller Creek would minimize potential impacts on fish and wildlife species. (*Environmental Quality Policies EQ-2.87, EQ-2.88, EQ-3.4, EQ-3.6, Community Development Policy CD-2.7*)
5. The project would not affect geologic, archaeological or historic sites. The project would not affect potential archaeological or cultural resources since none were found at the site. Native grasslands and freshwater seeps and wetlands that are removed by the project would be required to be replaced at a ratio of 1:1 for native grasslands and 2:1 for wetlands. The conceptual landscape plan includes a stipulation that non-native plants will be discouraged and/or prohibited. (*Environmental Quality Policies EQ-3.5, EQ-3.13, EQ-3.27, EQ-3.30*)
6. Consistent with applicable CWP policies, the project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and would result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. Although some incursion into sensitive woodland habitat, native grasslands, freshwater seeps and wetlands would occur, the EIR would require that residential building envelopes be revised to minimize tree removal and for grassland and wetland restoration to be incorporated into the final design of the project. The project would avoid known geologic hazards, including ancient bedrock landslides. (*Environmental Quality Policy EQ-3.8, Community Development Policy CD-2.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.4*)
7. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP's Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. (*Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4, EH-6.1, EH-6.3*)

8. The EIR includes mitigations that would ensure that the project would not contribute to the incremental increase in non-point stormwater contaminant on surrounding water bodies or increase the potential for flooding hazards. These include the required construction of stormwater detention/treatment basins to minimize impacts associated with increases in peak flows as well as implementation of stormwater pollution prevention measures. (*Environmental Quality Policy EQ-2.31, Environmental Hazards Policy EH-8.6*)
9. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. Public services are available to serve the development. The Marinwood Community Services District would provide parks and recreation and fire protection services. The Marin Municipal Water District has sufficient water supplies for domestic and fire protection purposes to service the proposed development. Sewage treatment is proposed to be provided from the Las Gallinas Sanitary District. The Dixie Elementary School District and the San Rafael High School District have adequate capacity to accommodate the additional students that are expected to be generated by the proposed project. The project would also provide adequate recreation, open space, and public access through designation of 67.7 acres for open space along with trail improvements along Miller Creek and future pedestrian and bicycle connections through the site. (*Environmental Quality Policies EQ-2.27, EQ-3.9, EQ-3.10, EQ-4.1, and Environmental Hazards Policy EH-11.3*)
10. The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The project complies with the visual quality policy by minimizing tree removal to 23 trees. The visual impact analysis contained in the EIR evaluated the project's day- and night-time impacts would result in less-than-significant impacts. Requirements to reduce the size of the future homes would ensure that the development is compatible with the surrounding community as well as the hillside character of the property. (*Environmental Quality Policies EQ-3.11, EQ-3.14, EQ-3.25*)
11. The project has been designed to minimize the amount of grading and to limit it to the construction of building pads, streets, and parking areas. Retaining wall construction has either been avoided due to the proposed slopes, or minimized to the extent feasible. Much of the proposed grading is necessary for remediation of on-site landslides to remove geotechnical hazards. (*Environmental Quality Policy EQ-3.16*)
12. The project would provide a mix of single-family and assisted living facilities which increase both housing and jobs opportunities in the City Centered Corridor near transportation and transit facilities. Compliance with the County's inclusionary housing requirements would provide affordable residential and assisted living units. The assisted living facility would result in limited numbers of new service jobs that would benefit from the site's proximity to existing transit, retail and commercial uses nearby. (*Community Development Policies CD-2.1, CD-2.2, CD-2.3, CD-2.4, CD-3.5*)
13. The project would be required to comply with the County's energy efficiency ordinance, Marin Green Home Rating System, and the Leadership in Energy and Environmental Design standards, and to partly utilize alternative energy sources, such as photovoltaic systems, to minimize the project's energy consumption. These measures, include, but are not limited to, use of energy-saving measures such as "Energy Star" rated appliances, avoidance of paints and stains containing Volatile Organic Compounds, and use of water conserving landscapes and low flush toilets and low flow shower heads. (*Community Development Policy CD-4.1, Housing Element Policies H2.4, H2.5*)

14. The project would comply with CWP standards for traffic congestion by ensuring that traffic generated by the project and by cumulative development in the area would result in intersection levels of service of “D” or better. (*Transportation Policies T-1.1, T-1.3*)
15. Mitigations identified by the EIR and proposed in the project would ensure that the development complies with the CWP’s noise guidelines for acceptable exterior and interior noise levels. The mitigations include installation of noise-buffering property line fencing, use of sound-rated windows, siting outdoor living spaces away from noise generators, and adherence to residential construction hours that would minimize noise impacts. (*Noise Policies N-1.1, N-2.1, N-2.4*)
16. The proposed project would incorporate architectural standards and maximum home sizes that would ensure that the future development would be designed to reflect a sensitive transition in scale from and compatibility with the surrounding neighborhood, utilizing high quality, pedestrian-oriented site planning and architectural designs. (*Housing Element Policies H2.2, H2.3*)
17. The project would comply with the CWP’s policies by providing inclusionary housing units that would be affordable to very low and low income households and by incorporating potential second units to the future design of the residential component of the Master Plan. The assisted living component of the project would also address a special needs population. (*Housing Element Policies H3.19, H3.26, H4.1, H4.2*)
18. The project is consistent with the CWP’s policy for establishing zoning densities within the Urban Service Area that would provide for less intensive development than that which would be allowed for an adjoining city. Under the RMP-1.38 (Residential Multiple-family Planned, 1.38 units per acre maximum density) zoning designation for the property, the 103-unit project would result in a density of 0.97 unit per acre, which would be less intensive than the two units per acre maximum density that would be allowed under the city’s Hillside Residential land use designation for the property, which would provide for up to 212 residential units. (*Community Facilities Policy CF-1.1*)
19. Based on the cost-revenues analysis that was prepared as part of the EIR, the project would pay its fair share of the cost of public services. (*Community Development Policy CD-7.3, Community Facilities Policy CF-5.2*)
20. Although the CWP does not designate any trails through the project site, the Master Plan proposes to improve the existing pathway along Miller Creek and to dedicate a pedestrian and bicycle trail easement that would connect Marinwood Avenue with Lucas Valley Road. (*Trails Policy TR-1.3*)

CONCLUSION:

The proposed development of the Oakview property has evolved over the last 20 years and been modified a number of times to respond to community and environmental concerns. The proposed Master Plan incorporates a conceptual plan for the buildout of the property that is based on the environmentally-superior project alternative option that was evaluated in the Environmental Impact Report. All potentially-significant environmental impacts associated with the development will be reduced to less-than-significant levels through incorporation of the EIR mitigations into the recommended conditions of approval. The project is consistent with the Marin Countywide Plan and the requirements of the Residential Multiple-family Planned zoning district and would provide a range of public benefits, including dedication of over 63% of the land for public open space, dedication of land that would accommodate construction of an important freeway interchange, provisions for a future bicycle and pedestrian trail connection between the Marinwood and Lucas Valley communities, completion of a public creekside trail, and development of affordable housing and housing that would serve a special needs population for seniors. Additionally, as modified by recommended conditions, the Master Plan would be required to incorporate a number of sustainable building components and to lay the foundation for future development that conserves non-renewable energy and natural resources and utilizes a pedestrian-oriented community design.

If approved, the proposed Master Plan would be vested upon approval of a Precise Development Plan and Use Permit for the assisted living facility component and a Precise Development Plan and Tentative Subdivision Map for the residential component. Both these subsequent applications would be subject to review and approval by the Planning Commission.

RECOMMENDATION:

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

1. Recommend that the Board of Supervisors adopt a resolution approving an Amendment to and Certifying the Final Environmental Impact Report (Attachment 1);
2. Recommend that the Board of Supervisors adopt an Ordinance approving the proposed Oakview Master Plan (Attachment 2); and.
3. Recommend that the Board of Supervisors adopt a Resolution conditionally approving the proposed Oakview Land Division (Attachment 3).

- Attachments:
1. Proposed Resolution Recommending that the Board of Supervisors adopt a resolution approving an Amendment to and Certifying the Final Environmental Impact Report for the Oakview Master Plan and Land Division
 2. Proposed Resolution Recommending that the Board of Supervisors adopt an Ordinance approving the Oakview Master Plan
 3. Proposed Resolution Recommending that the Board of Supervisors adopt a Resolution approving the Oakview Land Division
 4. Oakview Final Environmental Impact Report Amendment
 5. Dowling Associates, Inc. Traffic Analysis, (6/25/03)
 6. Larry Kennings Letter, (4/17/03)
 7. Irving Schwartz Letters, (6/24/04, 11/12/04)
 8. Location Map
 9. Assessor's Parcel Map
 10. Project Plans
 11. Department of Public Works Memorandum, (10/28/03)
 12. Department of Public Works Traffic Division Memorandum (11/16/04)
 13. City of San Rafael Letter, (forthcoming)
 14. Marinwood Community Services District Letter, (2/28/04)
 15. Marin County Open Space District Letter, (11/15/04)
 16. Marinwood Fire Department Letter, (11/6/03)
 17. Marin Municipal Water District Letter, (5/6/03)
 18. Maurice Monson Letter, (4/26/03)
 19. Stanley Farber Letter, (4/27/03)
 20. Jocelyn Moss Letter, (11/17/04)

(The following documents have been provided only in the staff report packets to the Planning Commission members. Copies of the documents are available for review at the Community Development Agency from 8:00am to 4:00p.m. daily.)

21. Marin County Board of Supervisors Resolution 89-326 and Memorandum of Understanding with the City of San Rafael
22. Background Plans
 - a. 1983 Project Site Plan

- b. 1994 Project Site Plan
- c. 1999 Project Site Plan
- 23. Marinwood Property Data
- 24. Community Development Agency Solar Development Potential Analysis, (11/8/04)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN AMENDMENT TO AND CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OAKVIEW MASTER PLAN 95-001 AND LAND DIVISION 95-001

200 LUCAS VALLEY ROAD, SAN RAFAEL
ASSESSOR'S PARCEL 164-270-03

SECTION I: FINDINGS

- I. WHEREAS, in May 1995, Virginia Daphne and Edward Bacciocco submitted a Master Plan, Subdivision Tentative Map, and Use Permit application proposing to subdivide a 106.3-acre subject property located in the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange into two parcels for future residential and office building development. The project proposed 71 single-family detached housing units, two office buildings totaling 94,400 square feet of office space, 52.9 acres of open space and 9.0 acres for Highway 101 freeway interchange reserve. A Draft EIR on the 1995 proposal was prepared and circulated in September 1996 to members of the Planning Commission, Board of Supervisors, State Clearinghouse, State and local agencies, property owners and other interested groups and individuals for a 45-day public review and comment period. The Draft EIR determined that there were 12 unavoidable impacts resulting from the proposed project, including policy inconsistencies and unresolved issues regarding geotechnical stability of the site. The Planning Commission conducted a public hearing on the Draft EIR in November 1996. Substantial comment on the Draft EIR was received from the public and Agencies during the public review period and at the hearing on the Draft EIR. In November 1996, after reviewing the Draft EIR findings and comments, the project sponsor requested the County suspend review of the proposed project to consider development of a revised project plan to address the issues raised by the EIR. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as **200 Lucas Valley Road, San Rafael**, and further identified as **Assessor's Parcel 164-270-03**.
- II. WHEREAS, between 1996 and 1999, the project sponsor conducted additional geotechnical work on the site and developed a revised project design. The design and layout of the project was substantially changed and an application depicting the currently proposed project was submitted to the County in April 1999 and determined complete in July 1999. The project as revised in 1999 proposes to subdivide the 106.3-acre subject property into two parcels. Parcel 1 would include 15.3 acres reserved for eventual site development with 28 detached single-family residences, 1.8 acres of public right of way and 34.8 acres of open space for a total of 51.9 acres. Parcel 2 would consist of 20.1 acres reserved for eventual development of 94,400 square feet of administrative/professional office development, 9.0 acres reserved for future interchange improvements to U.S. Highway 101, and 34.3 acres of open space for a total of 54.4 acres.
- III. WHEREAS, CEQA requires re-noticing and recirculation of an EIR when significant new information is added to the Draft EIR after it has been released for public review but prior to its certification. The County and Project Sponsor agreed that the substantial revisions to the previous project design and layout constituted significant new information and that the Draft EIR should be revised and recirculated for public review and comment. The County selected an environmental consultant and the project sponsor submitted the funds necessary to initiate preparation of the revised project EIR.
- IV. WHEREAS, A Notice of Preparation (NOP) for the Recirculated Draft Revised EIR was issued in August 1999 for a 30-day public comment period. A public scoping session on the Draft EIR was conducted in the

Community on January 26, 2000, to further identify environmental issues and concerns of the public for evaluation in the EIR.

- V. WHEREAS, the Draft EIR and a Notice Of Completion (NOC) and notice of public hearing on the Draft EIR were distributed on March 28, 2001, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, surrounding property owners, and other interested groups and individuals. The Notice of Completion and notice of public hearing was published in a newspaper of general circulation to begin a 45-day public review and comment period on the adequacy of the Draft EIR. The public review and comment period ended on May 7, 2001 and was re-noticed and extended for an additional seven days, ending on May 14, 2001.
- VI. WHEREAS, on May 7, 2001, the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the Draft EIR. Oral and written comments were presented at the hearing. Following the close of the public hearing, the Commission directed that a Final EIR Response to Comments be prepared after the close of the comment period on the Draft EIR.
- VII. WHEREAS, on May 14, 2001, the public review and comment period on the Draft EIR was closed, and written comments were received on the Draft EIR until 4:00 p.m. on that date. Following the close of the public review period, meetings were held with the project sponsors representatives to discuss significant issues raised in comments on the EIR from the City of San Rafael, County Planning Commissioners, and other commentors regarding the need for on-site affordable housing, transportation, circulation and traffic count concerns, wetlands restoration, energy analysis and project energy efficiency, visual analysis, and incompatibility of the project's proposed office uses with City Plan Policies. The project sponsors agreed to submit project design options for residential and affordable housing use in lieu of the proposed office buildings and optional wetland restoration plans and to fund additional updated transportation and circulation analysis and visual and energy analysis for the design options. Completion of the EIR and project processing were put on hold pending submittal of project design options.
- VIII. Whereas, the project design options were submitted in June 2002 and included a optional design for an assisted living residential use in lieu of the proposed office use that is intended to be compatible with the residential land use designation in the City's General Plan and proposed as an option to affordable housing. The project sponsor also submitted an optional wetlands restoration plan that includes off site wetlands restoration and incorporates all of the other wetlands mitigation measures recommended in the Draft EIR.
- IX. Whereas, the Final EIR response to comments provides a "Master Response" that evaluated options to the project at a similar level of analysis as the proposed project and determined that the options to the project do not result in any new or more severe significant impacts from those identified in the Draft EIR. The Final EIR found that potential traffic and circulation, hydrology, geology and soils, seismicity, vegetation and wildlife, cultural, air quality and service effects would be similar to or less than the project as proposed and that the mitigation recommended in the Draft EIR would still be required. The Final EIR evaluated noise impacts to the assisted living residential option and determined that potentially significant interior noise exposure could be reduced to insignificance by mitigation measures for design of the buildings incorporating sound rated windows and mechanical ventilation. The Final EIR Master Responses also incorporates additional detailed transportation and circulation, visual and energy analysis of the project and determines that there are no new or more severe significant impacts from those identified in the Draft EIR. The Master Responses incorporating the project option and additional analysis result in only minor clarifications, additional information, and minor changes to the text of Final EIR. None of these changes to the EIR introduce new or more severe impacts, nor are they substantial enough to trigger CEQA requirements for recirculation of the document for additional public review as a Revised Draft EIR.
- X. WHEREAS, on June 27, 2002, the Final EIR, Response to Comments and a notice of distribution of the Final EIR for review and notice of a public meeting of the Planning Commission to consider recommendation for certification of the Final EIR were distributed to members of the Planning Commission, Board of

Supervisors, State Clearinghouse, state and local agencies and special districts, EIR commentors, and other interested groups and individuals. Notice of distribution of the Final EIR for review and notice of the public meeting of the Commission to consider recommendation for certification of the Final EIR was published in a newspaper of general circulation to begin a 14-day public review and comment period on the Final EIR ending on July 12, 2002. Prior to the July 12 ending date, the Final EIR comment period was re-noticed and extended for an additional 14 days at the request of the community.

- XI. WHEREAS, the extended 28-day comment period on the Final EIR was closed on July 26, 2002 and written comments were received on the Final EIR until 4:00 p.m. on that date. These comments primarily address concerns regarding the merits of the project and/or design considerations for approval or disapproval. Since the comments result in only minor clarifications and insignificant changes to the Final EIR, they do not trigger CEQA requirements for recirculation of the document for additional public review and do not prevent certification of the EIR as adequate and complete.
- XII. WHEREAS, on August 5, 2002, the Marin County Planning Commission conducted a public hearing to consider a recommendation to the Board of Supervisors to certify the Final EIR. The Final EIR and comments on the Final EIR together with staff's report recommending certification of the Final EIR were provided to the Commission.
- XIII. Whereas, the Marin County Planning Commission considered the written comments and received additional testimony on the Final EIR at the August 5th hearing. After taking into consideration all the information presented and expressing individual comments and concerns, the Commission closed the public hearing, directed staff to provide additional information to clarify impact analysis and respond to environmental issues raised over the adequacy of the Final EIR and continued action on the Commission's recommendation for certification of the Final EIR to a future date. The additional information requested included an update to the cumulative impact analysis to include new developments in the area and clarification of traffic impact review methodologies used.
- XIV. Whereas, Community Development Agency Staff and the EIR consultants prepared a Final EIR Response to Comments Amendment dated December 2002 that provides responses to all of the environmental issues raised in the written comments, public testimony and comments and concerns of Commissioners on the Final EIR. The Final EIR Response to Comments Amendment and a notice of distribution and notice of a public meeting of the Planning Commission to consider recommendation for certification of the Final EIR were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, EIR commentors, and other interested groups and individuals. Notice of distribution of the Final EIR Response to Comments Amendment and notice of the public meeting of the Commission to consider recommendation for certification of the Final EIR was published in a newspaper of general circulation.
- XV. Whereas, on February 24, 2003, the Marin County Planning Commission conducted a public meeting and recommended that the Board of Supervisors certify the Final EIR. The Final EIR and Final EIR Response to Comments Amendment, together with staff's report recommending certification of the Final EIR were provided to the Commission. The Final EIR and Final EIR Response to Comments Amendment was determined not to trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the information contained in these documents do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of an environmental impacts.
- XVI. WHEREAS on April 18, 2003, the project sponsor submitted a revised application to the County that reflects the assisted living design option that was evaluated in the Final EIR and Amendment. The revised proposal seeks to: (1) replace the two office buildings, totaling 94,400 square feet with one, 94,400 square foot, 15-unit assisted living facility, to be located on the site of the previously-proposed 80,000 square foot office building; (2) designate the site of the previously-proposed 14,400 square foot office building as a site for wetland mitigation purposes; and (3) eliminate the proposed roadway connection to Lucas Valley Road,

thereby providing access to all 28 future single-family lots via the proposed extension to Erin Road. The project sponsor also proposed to replace the proposed Vesting Tentative Map with a Tentative Map. The Tentative Map would still seek division of the 106-acre property into two lots. A supplemental traffic letter report was also prepared to evaluate the effects of rerouting traffic from all 28 future single-family lots to the Las Gallinas Avenue intersection. On June 24, 2004, the applicant submitted a letter request offer a voluntary dedication of the approximately 9.4-acre future highway interchange area that is located at the Highway 101 / Lucas Valley Road interchange. The revised project would subdivide the 106.3-acre property into two lots for future residential and assisted living development. Proposed Lot 1 would reserve 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Proposed Lot 2 would reserve 11.0 acres for a 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan designates an area for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The Master Plan includes standards for the future residences, including proposed building envelopes, maximum height, general design and massing, and a maximum floor area of 4,500 square feet per home, excluding garage space for two vehicles. The assisted living component of the Master Plan would provide for future development of a 150-room retirement community with 75 independent living units with kitchens, and 75 assisted living units along with administrative and support services. Access to the future assisted living facility would be provided by a private roadway extension to Marinwood Avenue south, across Miller Creek.

XVII. WHEREAS a second Amendment to the FEIR was prepared for the revised project. On December 6, 2004, the Marin County Planning Commission conducted a public meeting to consider and recommend the proposed Amendment to the FEIR for certification by the Board of Supervisors. The Final EIR, Final EIR Response to Comments Amendment, and the Amendment to the Final EIR, together with staff's report recommending certification of the Final EIR were provided to the Commission.

XVIII. WHEREAS, the Marin County Planning Commission has reviewed and considered the information in the Draft EIR, Final EIR, Final EIR Response to Comments Amendment, Amendment to the FEIR, Final EIR Appendices, and EIR administrative record, for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures. The Amendment to the FEIR found that the amended application does not trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the revisions do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of an environmental impacts. The Planning Commission has considered and will continue to consider the information contained in the project's environmental documents prior to making recommendation to the Board of Supervisors regarding the project.

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

1. Notice of the Planning Commission hearing on the Draft EIR and meeting to certify the Final EIR was given as required by law and the actions were conducted pursuant to State CEQA Guideline Sections 15088, 15088.5, 15089, 15090.
2. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft EIR and to submit written comments on the adequacy of the Final EIR for certification. These opportunities for comment meet or exceed the requirements of CEQA and the County Environmental Review procedures.
3. The Oakview project Final Environmental Impact Report consists of the Final EIR, Final EIR Response to Comments Amendment, the Amendment to the Final EIR and appendices, and the Mitigation Monitoring and Reporting program.
4. All comments submitted during the public review and comment period on the Draft EIR, the public hearing on the adequacy of the Draft EIR conducted by the Planning Commission and the public review and

comment period on the Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR were responded to adequately.

5. The Planning Commission was presented with all of the information in the administrative record, testimony, and EIR documents for the project Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR, and the Commission has reviewed and considered the information contained in these documents; and
6. The Final EIR has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, and reflects the independent judgment of the County of Marin. The Planning Commission has considered and will continue to consider the information contained in the Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR prior to making recommendation to the Board of Supervisors regarding the project.

NOW, THEN LET IT BE FURTHER RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors certify the Final Environmental Impact Report for the Oakview project Master Plan and Land Division (Tentative Map) as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and is adequate and complete for consideration in making a decision on the merits of the project.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 6th day of December, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE APPROVING THE OAKVIEW MASTER PLAN 95-001

200 LUCAS VALLEY ROAD, SAN RAFAEL
ASSESSOR'S PARCEL 164-270-03

SECTION I: FINDINGS

- I. WHEREAS Irving Schwartz, submitted a Master Plan application, on behalf of Virginia Daphne and Edward Bacciocco, proposing the development of a 28-unit residential subdivision and assisted living facility on a 106.3-acre property. A concurrent Land Division application would divide the property into two lots. Proposed Lot 1 would reserve 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Proposed Lot 2 would reserve 11.0 acres for a 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan designates an area for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The Master Plan includes standards for the future residences, including proposed building envelopes, maximum height, general design and massing, and a maximum floor area of 4,500 square feet per home, excluding garage space for two vehicles. The assisted living component of the Master Plan would provide for future development of a 150-room retirement community with 75 independent living units with kitchens, and 75 assisted living units along with administrative and support services. Access to the future assisted living facility would be provided by a private roadway extension to Marinwood Avenue south, across Miller Creek. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as **200 Lucas Valley Road, San Rafael**, and further identified as **Assessor's Parcel 164-270-03**.
- II. WHEREAS a Final Environmental Impact Report (EIR) was prepared for the project for compliance with the California Environmental Quality Act (CEQA). The Draft EIR, Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR have been reviewed and considered by the Planning Commission for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures. The Planning Commission has adopted a separate resolution finding that the Amendment to the Final EIR does not trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the revisions do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of an environmental impacts.
- III. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on December 6, 2004 to consider the merits of the proposed project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).
 - A. The project will result in a mix of single-family and assisted living uses that are consistent with the City Centered Corridor's Planned Residential (PR) land use designation for the property. The residential density of 0.97 units per acre (based on 103 residential units including 28 single-family residential units and 75 independent assisted living units) is within the density range of between one unit per acre to one

unit per 10 acres that is established by the PR land use designation. The 94,400 square foot assisted living facility represents a 2% non-residential floor area ratio on the 106.3-acre property, which is within the low end of the PR land use designation's 1% to 9% non-residential floor area ratio range. (*Environmental Quality Policy EQ-1.1 and Community Development Policies CD-1.1, CD-8.5, CD-10.2*)

- B. The project is consistent with the CWP's Stream Conservation Area ("SCA") policies. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. Streams and their riparian and woodland habitat are irreplaceable and should be protected as essential environmental resources because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of human communities. No development is proposed within the SCA, with exception of a future bridge and roadway crossing, which is an allowed use within the SCA. Mitigations established in the EIR would require that the bridge or arched culvert crossing of Miller Creek be designed to minimize disturbance to riparian vegetation and disturbance to the creek channel and to replace all trees and shrubs that are removed within the SCA. The project would also include erosion control measures to minimize surface runoff and deposit of sediment into Miller Creek. (*Environmental Quality Policies EQ-1.1, EQ-2.3, EQ-2.4, EQ-2.5, EQ-2.8, EQ-2.9, EQ-2.10, EQ-2.11, EQ-2.18, EQ-2.18, EQ-2.19, EQ-2.20, EQ-2.21, EQ-2.22, EQ-2.23, EQ-2.24, EQ-2.26*)
- C. The project would comply with the CWP's policies to minimize or prevent air, water, and noise pollution and comply with applicable air quality standards. The project would incorporate measures to reduce dust generation during construction, to minimize soils erosion that could affect water quality, and to incorporate measures to the design and construction of the future structures to minimize noise impacts. Although the project would convert an existing intermittent drainageway to a storm drain system, the EIR found that the project would not result in substantial alterations to the natural drainage systems. (*Environmental Quality Policies EQ-2.75, EQ-2.78, EQ-3.2*)
- D. The project would be consistent with the CWP's policies which discourage development in natural resource areas and CWP's restrictions on development in areas which contain special status species and migratory species and significant natural areas, wetlands, riparian habitats, and freshwater habitats. The EIR found that the project would have less-than-significant impacts on all special-status species and communities and would not cause irreversible damage to hydrological or biological processes. Any active raptor nests that are established within the vicinity of proposed grading would result in the implementation of measures to avoid impacts to the nest until the young birds have fledged the nest. Mitigations requiring the project to minimize disturbance of the wildlife corridor along Miller Creek would minimize potential impacts on fish and wildlife species. (*Environmental Quality Policies EQ-2.87, EQ-2.88, EQ-3.4, EQ-3.6, Community Development Policy CD-2.7*)
- E. The project would not affect geologic, archaeological or historic sites. The project would not affect potential archaeological or cultural resources since none were found at the site. Native grasslands and freshwater seeps and wetlands that are removed by the project would be required to be replaced at a ratio of 1:1 for native grasslands and 2:1 for wetlands. The conceptual landscape plan includes a stipulation that non-native plants will be discouraged and/or prohibited. (*Environmental Quality Policies EQ-3.5, EQ-3.13, EQ-3.27, EQ-3.30*)
- F. Consistent with applicable CWP policies, the project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and would result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. Although some incursion into sensitive woodland habitat, native grasslands, freshwater seeps and wetlands would occur, the EIR would require that residential building envelopes be revised to minimize tree removal and for grassland and wetland restoration to be incorporated into the final design of the project. The project would avoid known geologic hazards, including ancient bedrock landslides. (*Environmental Quality Policy EQ-3.8, Community Development Policy CD-2.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.4*)

- G. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP's Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. (*Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4, EH-6.1, EH-6.3*)
- H. The EIR includes mitigations that would ensure that the project would not contribute to the incremental increase in non-point stormwater contaminant on surrounding water bodies or increase the potential for flooding hazards. These include the required construction of stormwater detention/treatment basins to minimize impacts associated with increases in peak flows as well as implementation of stormwater pollution prevention measures. (*Environmental Quality Policy EQ-2.31, Environmental Hazards Policy EH-8.6*)
- I. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. Public services are available to serve the development. The Marinwood Community Services District would provide parks and recreation and fire protection services. The Marin Municipal Water District has sufficient water supplies for domestic and fire protection purposes to service the proposed development. Sewage treatment is proposed to be provided from the Las Gallinas Sanitary District. The Dixie Elementary School District and the San Rafael High School District have adequate capacity to accommodate the additional students that are expected to be generated by the proposed project. The project would also provide adequate recreation, open space, and public access through designation of 67.7 acres for open space along with trail improvements along Miller Creek and future pedestrian and bicycle connections through the site. (*Environmental Quality Policies EQ-2.27, EQ-3.9, EQ-3.10, EQ-4.1, and Environmental Hazards Policy EH-11.3*)
- J. The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The project complies with the visual quality policy by minimizing tree removal to 23 trees. The visual impact analysis contained in the EIR evaluated the project's day- and night-time impacts would result in less-than-significant impacts. Requirements to reduce the size of the future homes would ensure that the development is compatible with the surrounding community as well as the hillside character of the property. (*Environmental Quality Policies EQ-3.11, EQ-3.14, EQ-3.25*)
- K. The project has been designed to minimize the amount of grading and to limit it to the construction of building pads, streets, and parking areas. Retaining wall construction has either been avoided due to the proposed slopes, or minimized to the extent feasible. Much of the proposed grading is necessary for remediation of on-site landslides to remove geotechnical hazards. (*Environmental Quality Policy EQ-3.16*)
- L. The project would provide a mix of single-family and assisted living facilities which increase both housing and jobs opportunities in the City Centered Corridor near transportation and transit facilities. Compliance with the County's inclusionary housing requirements would provide affordable residential and assisted living units. The assisted living facility would result in limited numbers of new service jobs that would benefit from the site's proximity to existing transit, retail and commercial uses nearby. (*Community Development Policies CD-2.1, CD-2.2, CD-2.3, CD-2.4, CD-3.5*)

- M. The proposed 94,400 square foot future assisted living development would be located on the Highway 101 frontage to the property. Continuous strip development and sprawl along the Highway 101 corridor is discouraged by the Countywide Plan and are not appropriate for commercial and higher intensity residential development. Although the development area is located at the base of the hill, below the transitional woodland-grassland edge of the site, the size and mass of the building would be prominently visible from both north- and south-bound motorists and distant development on the east side of the highway. However, this factor alone does not represent a significant visual impact because the building size and form would be similar to a number of commercial office buildings that have been built adjacent to Highway 101. The conceptual building design depicts a stepped building design with maximum building heights not exceeding the zoning district's 30-foot height limit. The 81-space parking area in front of the building would be screened from the highway by the proposed berm, and landscape plantings, upon maturity, would soften and screen views of the facility and private frontage roadway. By designating a central location along the property's Highway 101 frontage for the future assisted living facility and by maintaining the existing natural undeveloped character of the adjoining grasslands and oak-studded hillsides, the project would minimize the appearance of a continuous strip development along the Highway 101 corridor. Additionally, the assisted living use of this facility is appropriate given the site's close proximity to existing commercial and transit opportunities located to the north both in and near the Marinwood shopping center and the presence of similarly sized assisted living facilities across Highway 101 to the east as well as to the south of the property in the Northgate neighborhood of the City of San Rafael. Based on the factors discussed above, the assisted living component of the project would not result in visual or community compatibility impacts to surrounding areas and represent an appropriate type of use within an existing urbanized setting. (*Community Development Policy CD-2.4*)
- N. The project would be required to comply with the County's energy efficiency ordinance, Marin Green Home Rating System, and the Leadership in Energy and Environmental Design standards, and to partly utilize alternative energy sources, such as photovoltaic systems, to minimize the project's energy consumption. These measures, include, but are not limited to, use of energy-saving measures such as "Energy Star" rated appliances, avoidance of paints and stains containing Volatile Organic Compounds, and use of water conserving landscapes and low flush toilets and low flow shower heads. (*Community Development Policy CD-4.1, Housing Element Policies H2.4, H2.5*)
- O. The project would comply with CWP standards for traffic congestion by ensuring that traffic generated by the project and by cumulative development in the area would result in intersection levels of service of "D" or better. (*Transportation Policies T-1.1, T-1.3*)
- P. Mitigations identified by the EIR and proposed in the project would ensure that the development complies with the CWP's noise guidelines for acceptable exterior and interior noise levels. The mitigations include installation of noise-buffering property line fencing, use of sound-rated windows, siting outdoor living spaces away from noise generators, and adherence to residential construction hours that would minimize noise impacts. (*Noise Policies N-1.1, N-2.1, N-2.4*)
- Q. The proposed project would incorporate architectural standards and maximum home sizes that would ensure that the future development would be designed to reflect a sensitive transition in scale from and compatibility with the surrounding neighborhood, utilizing high quality, pedestrian-oriented site planning and architectural designs. (*Housing Element Policies H2.2, H2.3*)
- R. The project would comply with the CWP's policies by providing inclusionary housing units that would be affordable to very low and low income households and by incorporating potential second units to the future design of the residential component of the Master Plan. The assisted living component of the project would also address a special needs population. (*Housing Element Policies H3.19, H3.26, H4.1, H4.2*)

- S. The project is consistent with the CWP's policy for establishing zoning densities within the Urban Service Area that would provide for less intensive development than that which would be allowed for an adjoining city. Under the RMP-1.38 (Residential Multiple-family Planned, 1.38 units per acre maximum density) zoning designation for the property, the 103-unit project would result in a density of 0.97 unit per acre, which would be less intensive than the two units per acre maximum density that would be allowed under the city's Hillside Residential land use designation for the property, which would provide for up to 212 residential units. (*Community Facilities Policy CF-1.1*)
 - T. Based on the cost-revenues analysis that was prepared as part of the EIR, the project would pay its fair share of the cost of public services. (*Community Development Policy CD-7.3, Community Facilities Policy CF-5.2*)
 - U. Although the CWP does not designate any trails through the project site, the Master Plan proposes to improve the existing pathway along Miller Creek and to dedicate a pedestrian and bicycle trail easement that would connect Marinwood Avenue with Lucas Valley Road. (*Trails Policy TR-1.3*)
- V. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified herein, is consistent with the requirements of the RMP-1.38 (Residential Multiple-family Planned District, 1.38 units per acre) zoning district and the Planned District development standards contained in Section 22.16.030 of the Marin County Code, based on the following.
- A. The Master Plan includes a conceptual roadway designs for the future roadways that will not exceed a 15% grade, consistent with the requirements of Section 22.16.030.E.1.
 - B. The future residential and assisted living development will be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site. Both uses have been sited to avoid steep wooded hillsides and the primary ridgeline that separates the Highway 101 from the Marinwood sides of the development. Vehicular access could be provided to the future uses without significant roadway extensions. Additionally, the EIR has evaluated the proposed development areas and found the sites to be geologically stable. Therefore, the requirements of Section 22.16.030.F.1. are met.
 - C. No portion of the development areas will be located within the ridgeline area, consisting of land located within 300 feet horizontally or within 100 feet vertically of the primary ridgeline that separates the Highway 101 from the Marinwood sides of the development. Although portions of the rear yards of some of the residential lots extend into the ridgezone, no development will occur within this area due to the placement of the building envelope for these lots outside of the ridgezone area. Therefore, the requirements of Section 22.16.030.F.2. are met.
 - D. The future residential and assisted living development will be required to comply with energy conservation requirements of the Marin Green Home Rating System and the Leadership in Energy and Environmental Design green building standards, respectively. Compliance would be accomplished through the design and orientation of buildings to maximize solar access, and through utilization of a site and building designs that emphasize use of energy efficiency principles, renewable water conservation features, indoor air quality measures, site protection consideration, and green materials, consistent with the requirements of Section 22.16.030.F.3.
 - E. Noise impacts on the future residents of assisted living development will be minimized to meet the Countywide Plan noise criteria through use of sound-rated windows and a building design that focuses outdoor living areas on the backside of the building and away from the noises associated with Highway 101. The future single-family residential development has been sited to maintain substantial setbacks of over 50 feet from the nearest residences through future installation of a landscape buffer in order to minimize noise impacts. Therefore, the requirements of Section 22.16.030.F.4 are met.

- F. The project would comply with the requirements of Section 22.16.030.G by incorporating the following facilities and design features: (1) reclaimed waste water will be used for irrigation of the assisted living facility; (2) the development will use materials, siting principles, and construction techniques that minimize consumption of resources such as energy and water and incorporate recycling and use of water-conserving appliances; (3) recreation facilities will be provided from the open space, creek trail, and designation of an easement for a future bicycle and pedestrian trail that connects Marinwood Avenue with Lucas Valley Road along the Highway 101 frontage.
 - G. The conceptual landscaping plan incorporates plan species that will minimally disturb natural areas and that are compatible with the native plant setting, consistent with the requirements of Section 22.16.030.H. The final design of the project's landscaping will be required to include fire-resistive, native, and drought tolerant plant species.
 - H. Future exterior lighting that is visible from off-site areas will be designed for safety purposes, incorporating low-wattage fixtures that are directed downward and shielded to prevent adverse lighting impacts on nearby properties, consistent with the requirements of Section 22.16.030.I.
 - I. The project includes the proposed dedication of approximately 67.7 acres of land for public open space and conservation purposes, consistent with the requirements of Section 22.16.030.J. The land that is offered for dedication includes wildlife habitat, riparian corridors, and wetland features that would be protected.
 - J. Through future Precise Development Plan review, the design of individual buildings will be reviewed to ensure that they incorporate building materials and colors that blend into the natural environment unobtrusively and that attain maximum heights at, or below, the 30 foot height limit for primary structures and 15 foot height limit for accessory structures, consistent with the requirements of Sections 22.16.030.K.1. and 22.16.030.K.2. Additionally, the assisted living facility will be allowed through subsequent review and approval of a Use Permit.
 - K. The conceptual grading, drainage, and tree removal and preservation plan would comply with the requirements of Section 22.16.030.L. by: (1) minimizing the extent of future grading that is required to provide access to the future development areas; (2) minimizing tree removal to 23 trees; (3) incorporating drainage improvements that would minimize potential soils erosion while maintaining creekside areas in their natural state as much as possible; (4) siting development in areas with adequate fire protection service and where water would be available for fire protection purposes; and (5) avoiding seismic or geologic hazards areas to the extent feasible and acceptable based on geotechnical analyses.
 - L. Future power and utility lines will be undergrounded, consistent with the requirements of Section 22.16.030.M.
 - M. The project is consistent with the Marin Countywide Plan, based on the findings contained in Finding IV above, and as required by Section 22.16.030.N.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified by conditions herein, would not adversely impact the public health, safety, and welfare of residents living and working in the surrounding community because the project would: (1) result in residential and assisted living uses that increase the housing opportunities for both families and a special needs senior population; (2) not result in significant environmental impacts associated with land use, visual, geological, hydrological, biological, traffic, archaeological, air quality, noise, and public service factors; and (3) provide additional opportunities for recreation through the proposed public open space and pedestrian/bicycle accessways and improvements to an existing creekside trail.

VII. WHEREAS the Marin County Planning Commission finds that the proposed Master Plan would result in public benefits associated with the dedication of approximately 67.7 acres of open space, the construction of a creekside trail, the voluntary dedication of an approximately 9.4-acre parcel of land for future construction of a freeway interchange, the provision for a future pedestrian and bicycle easement that would link Marinwood Avenue with Lucas Valley Road along the Highway 101 frontage to the property, and the development of affordable housing and housing that would serve a special needs population for seniors.

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 adopt an ordinance approving the Oakview Master Plan 95-001 subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.44 of the Marin County Code, the Oakview Master Plan is approved for the future development of a 28-unit residential subdivision and 94,400 square foot, 150-unit assisted living facility on the existing 106.3-acre property. A concurrent Land Division application would divide the property into two lots. Lot 1 would encompass in concept 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Lot 2 would encompass in concept 11.0 acres for a 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan is approved for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The assisted living component of the Master Plan would be accessed by a private roadway extension to Marinwood Avenue south, across Miller Creek. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as **200 Lucas Valley Road, San Rafael**, and further identified as **Assessor's Parcel 164-270-03**.
2. The Master Plan comprises a general development scheme that is depicted in plans on file in the Community Development Agency and identified as "Exhibit A," entitled "Oakview," consisting of seven sheets, prepared by ILS Associates, inc., and dated June 26, 2003 with revisions dated August 4, 2003, December 31, 2003, and September 22, 2004.
3. Pursuant to Marin County Section 22.44.030(C)(2), a Precise Development Plan shall be submitted for review and approval for a portion of, or the entire area of, the Master Plan. No development, land improvements and/or building construction shall commence until a Precise Development Plan is approved. A Tentative Subdivision Map may be submitted for the future residential development on Parcel 1 in conjunction with the Precise Development Plan.
4. Future development of the residential component of the Master Plan on Parcel 1 of the Oakview Tentative Map shall be subject to the following requirements.
 - a. A Precise Development Plan shall be required for all future residential development on Parcel 1.
 - b. The design of the subdivision and residences shall incorporate traditional neighborhood design and sustainable development principles, including but not necessarily limited to the following elements.
 1. Lot sizes and configurations should provide for a variation in building setbacks from the street.
 2. There should be a variation in building heights with a mixture of one- and two-story, split level designs that reflect the hillside topography.

3. Buildings should address the street at a pedestrian scale utilizing architectural elements, such as covered porches, verandas, projecting bay windows, recessed openings, and site trellises and covered walkways.
 4. Garage and parking areas should be deemphasized by recessing the garage doors from the front wall of the residence, locating garages as a detached or attached element toward the rear of the residence, utilizing side-entry garage designs, and sharing driveways, whenever feasible.
 5. Second floors should be setback from the lower, street level of the residence and from the side property lines, where feasible in order to avoid large expanses of exterior wall areas in a single plane.
 6. Roof forms and roof lines should be broken into a series of smaller building components to reflect the surrounding natural landscape and should generally follow the direction of the natural slope.
 7. Outdoor spaces should be incorporated into the design of the residence through limited site terracing and integration of outdoor spaces into rooftop terraces at lower stories, porches, and verandas.
 8. Site improvements, such as patios, should minimize the use of paved (impervious) areas.
 9. Exterior colors should be coordinated with the predominant colors and values of the surrounding landscaping utilizing earthtone wall colors and darker roof colors.
 10. The street design should be pedestrian-friendly through use of traffic calming measures such as landscaped islands and variations in pavement material, whenever feasible.
 11. The future single-family residences shall meet the Certified or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines and shall incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials. The Precise Development Plan shall designate a certain percentage of the 28 residential units to include installation of a solar energy system, such as a solar electric system (photovoltaics) or solar thermal system, based on the Community Development Agency's Solar Development Potential Analysis, dated November 8, 2004, that is maintained with the Oakview Master Plan file and exhibit in the Community Development Agency.
- c. The maximum allowable building area for the land area that is covered by Lots 1 to 12 shall not exceed 3,000 square feet per residential unit. The maximum building area may be increased to 3,500 square feet if a second unit is constructed. If proposed, any garage area for the second unit up to 180 square feet shall not be counted towards the maximum allowable building area. The maximum allowable building area for the land area that is covered by Lots 13 to 28 shall not exceed 3,500 square feet per residential unit. The maximum building area may be increased to 4,000 square feet if a second unit is constructed. If proposed, any garage area for the second unit in excess of 180 square feet shall be counted towards the maximum allowable building area. The building area includes the sum of the gross area of all floors in all buildings on a site, including attached and detached garages and storage buildings, measured from the exterior faces of the exterior walls, but excluding all unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. The maximum size is not an entitlement and specific building designs shall be evaluated through the subsequent Tentative Map and Precise Development Plan review under their own merits for conformance with the County's adopted plans and policies at that time.
- d. A maximum height limit of 25 feet from natural or finished grade, whichever is more restrictive, following completion of the subdivision improvements shall apply to Lots 1 to 12. A maximum height limit of 30 feet from natural or finished grade, whichever is more restrictive, following completion of the subdivision improvements shall apply to Lots 13 to 28. The maximum height is not an entitlement and

specific building designs shall be evaluated through the subsequent Tentative Map and Precise Development Plan review under their own merits for conformance with the County's adopted plans and policies at that time.

- e. The project shall be subject to the requirements of Marin County Code Chapter 22.22 (Affordable Housing Regulations) in effect at the time the Precise Development Plan and Tentative Subdivision Map are determined to be complete by the County. Based on the current requirements, at least six of the 28 future lots or units shall be dedicated to the County for development of units that are affordable to low or very low income households. In no case shall the number of inclusionary residential units that are required for the development be less than that which is required at the time of the Master Plan's approval. Second units shall not be allowed to be counted towards satisfaction of the project's inclusionary requirements without an amendment to the Master Plan. The dedication requirement will not apply if the applicant elects to construct the affordable units, provided the applicant executes a below market rate agreement in conformance with Marin County Code Section 22.22.040 and acknowledges that the project would consist of inclusionary units to be occupied by, and affordable to, very low and low income residents in perpetuity. The applicant shall have the option of constructing six rental units on-site to meet the inclusionary requirements, subject to compliance with Marin County Code Section 22.22.030.
 - f. The project shall comply with the wetland mitigation requirements for all wetlands that would be impacted by the residential component of this Master Plan. Since the designated on-site wetland mitigation site is located on the adjoining assisted living parcel, the applicant shall demonstrate that permission has been obtained from the future owner of Parcel 2 for wetland mitigation or that an equivalent method of mitigation for the wetland impacts on Parcel 1 can be implemented in compliance with this requirement.
 - g. The landscape plan for the area of land west of the Erin Street extension shall consist of trees that are planted outside of the existing public utility easement and tree types where the drip line at maturity will not extend into the public utility easement.
 - h. The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plan species.
5. Future development of the assisted living component of the Master Plan on Parcel 2 of the Oakview Tentative Map shall be subject to the following requirements.
- a. A Precise Development Plan and a Use Permit shall be required for the future assisted living development on Parcel 2. The assisted living component shall consist of a 150-room retirement community with 75 independent living units with kitchens, and 75 assisted living units along with administrative and support services.
 - b. The project shall be subject to the requirements of Marin County Code Chapter 22.22 (Affordable Housing Regulations) in effect at the time the County issues a final decision on the Precise Development Plan and Use Permit. Based on the current requirements, the project shall designate at least 15 of the 75 future independent assisted care units to be affordable to very low and low income residents in perpetuity. In no case shall the number of inclusionary assisted living units that are required for the development be less than that which is required at the time of the Master Plan's approval. The affordability requirements shall apply only to the housing portion of the total care expense. A below market rate agreement shall be executed in compliance with Marin County Code Section 22.22.030.
 - c. The assisted living facility shall meet the Silver rating criteria of the Leadership in Energy and Environmental Design (LEED) green building standards and incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials.

- d. Consistent with the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan, the Precise Development Plan for the assisted living facility shall include the proposed dedication of a pedestrian and bicycle easement of sufficient width to accommodate the required improvements, as determined by the Department of Public Works, between Marinwood Avenue and the point of the property closest to the intersection of Lucas Valley Road and Los Gamos Road. The final width and alignment of the easement shall be established at the Precise Development Plan phase for the assisted living project; however in no case shall the easement be less than 12 feet in width.
 - e. The applicant shall implement the proposed noise attenuation measures to ensure that the project has been designed to meet the Countywide Plan's criteria for acceptable interior and exterior noise levels. This can be done by using sound rated windows and providing the buildings with mechanical ventilation so that the windows could be maintained closed. Non-openable (sealed) windows shall be provided on the Highway 101 frontage of the building. Outdoor areas exposed to an Ldn of 60 dB or less shall be provided on the westerly back side of the building.
 - f. The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plan species.
 - g. The applicant shall demonstrate that the assisted living facility complies with any applicable standards and criteria for toxic air contaminants (TAC). The applicant shall undertake any necessary studies and investigations to determine the project's compliance with any official TAC standards or criteria. The project design shall incorporate design measures to reduce health risks to acceptable levels in compliance with any official TAC standards or criteria.
6. If Open Space Parcels A and B are not accepted by a public entity for dedication purposes, the applicant shall ensure that a legal means of ensuring their maintenance be provided either through a deed restriction or private covenants, conditions, or restrictions. This requirement shall be satisfied prior to subsequent approval of a Building Permit.
 7. Prior to or concurrent with the approval of a Precise Development Plan for either the residential or assisted living components of the Master Plan, whichever occurs first, the County shall rezone the property to a RMP-0.9689 (Residential Multiple Family Planned, 0.9689 units per acre maximum density) or equivalent to reflect the maximum density of 103 units that are approved in concept by the Master Plan.
 8. 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 Oakview Master Plan Land Division, 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.
 9. 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.

Marin County Department of Public Works

10. The property owners are willing to provide a voluntary offer of dedication of an appropriate interest (such as a fee simple dedication if required by the California Department of Transportation or an easement) for public roadway purposes over the approximately 9.4-acre portion of the Tentative Map that is identified as "Interchange Acquisition Parcel A" and "Interchange Acquisition Parcel B". The voluntary donation would be effected by an offer of dedication on the Parcel Map implementing the Tentative Map, by deed, or such

other means as the parties may agree. The dedication or conveyance of the property shall be to the State of California, or to the County of Marin for conveyance to the State and shall be subject to the provisions of Government code Section 7050 and 66477.5. The configuration and size of the interchange property shall be in substantial conformance with that shown on Sheets 1 and 2 of Exhibit A.

The voluntary offer of dedication of land area at the southeasterly corner of the property between Highway 101 and Lucas Valley Road for future southbound Highway 101 off-ramp improvements has been made in-lieu of the paying the Transportation Facilities Fees that are required pursuant to Marin County Code Section 15.07.060.

The voluntary offer of dedication of land area at the southeasterly corner of the property between Highway 101 and Lucas Valley Road for future southbound Highway 101 off-ramp improvements has been made in-lieu of paying the applicant's fair share of intersection improvements at the Lucas Valley Road / Los Gamos Road interchange since the signalization is intended to compliment the interchange improvements as identified in the Northgate Activity Center Plan. The EIR has identified that the applicant's fair share is 38% of the approved design and construction budget.

Compliance with this condition of approval shall satisfy the EIR Mitigations 7.0-1(b), 7.0-2(b), and 7.0-3(b).

11. PRIOR TO SUBSEQUENT APPROVAL OF A PRECISE DEVELOPMENT PLAN OR IMPROVEMENT PLANS, the applicant shall demonstrate compliance with the following conditions of approval:

- a. Improvement plans shall be prepared in accordance with the Marin County Code Chapter 22.100 and shall conform to Marin County Code Title 24 (Development Standards), as approved by the Department of Public Works.
- b. An updated soils report shall be submitted to address areas of instability, effects of drainage on site stability, and any subdrain systems that are needed to protect existing and proposed improvements.
- c. A drainage easement shall be offered for dedication to the Marin County Flood Control District along Miller Creek in conjunction with the subsequent development of the assisted living component of the Master Plan. The easement shall be approximately equal to the Stream Conservation Area line as shown on Sheet 3 of 7 the Tentative Map.
- d. Plans shall show the location of the stormwater detention/treatment basin(s) along with appurtenant facilities in conjunction with the subsequent development of the residential component of the Master Plan. The drainage improvements shall fully attenuate the 100-year peak flows from sub-watersheds 2 and 3 to pre-project levels, and shall be accompanied by hydrologic and hydraulic calculations.
- e. A parking study and supporting information shall be submitted to establish the parking needs for the assisted care facility.
- f. Plans shall be reviewed and approved by a Registered Soils Engineer or a Registered Civil Engineer with soils expertise. Proof of the same may be demonstrated by the engineer's stamp and signature on the plans or by letter.
- g. Las Gallinas Avenue, extending from the Las Gallinas Avenue / Lucas Valley Road intersection to the Elvia Way intersection, shall be shown on the site plan in conjunction with the subsequent development of the residential component of the Master Plan, along with all required improvements to the Las Gallinas intersection and local streets.

- h. Marinwood Avenue, including the Miller Creek / Marinwood Avenue intersection and the Miller Creek / Highway 101 intersection, shall be shown on the site plan in conjunction with the subsequent assisted care component of the Master Plan, along with all required improvements to the intersections and local streets.
- i. A one-foot non-access easement fronting Lucas Valley Road shall be shown on future Lot 28 of the subsequent Tentative and Final Map for the residential component of the Master Plan.
- j. A gate or alternative method to restrict routine vehicle access shall be provided for the 12-foot wide emergency access path adjacent to Lucas Valley Road in conjunction with the subsequent development of the residential component of the Master Plan.
- k. The applicant shall provide an offer of dedication of a sufficiently shaped and sized area within the area that is designated as “Open Space Parcel C” as shown on the Master Plan Exhibit to accommodate future construction of a County standard end of a cul-de-sac road turnaround at the end of Ellen Drive as approved by the Public Works Director. The “Open Space Parcel C” shall not be described in the two-lot Parcel Map since the final alignment and size of the required turnaround will be determined as part of the subsequent Precise Development Plan and Tentative Subdivision Map for the residential component of the Master Plan.

Marin Municipal Water District

- 12. All future landscape and irrigation plans must be designed in accordance with the most current District landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the applicant shall obtain the District’s approval of all working drawings for planting and irrigation systems.
- 13. Recycled water shall be used for the assisted living facility’s common landscape irrigation and any other approved use, as determined by the District. Landscape and irrigation plans shall comply with the District’s recycled water criteria.

Marinwood Fire Department

- 14. The applicant shall be responsible for payment of fees associated with the review of the improvement plans and building permits by an outside fire protection engineer contractor or plan review contractor.

Project Environmental Impact Report Mitigations

The following conditions of approval, numbers 15 through 47, have been derived from mitigations contained in the Environmental Impact Report for the project. All stages of project development shall conform with the adopted Mitigation, Monitoring and Reporting Program, and the County of Marin will verify compliance with each of the required mitigations. The detailed reporting checklist in a table format reflects the specific monitoring, implementation, and timing provision of the Environmental Impact Report mitigation measures and shall serve the purpose of verifying project compliance with the required conditions of approval. The source of each condition is provided as a bracketed reference at the end of each condition. For example, (Geology #1.1-1) refers to geology mitigation measure 1.1-1 from the EIR.

15. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit plans that include the repair of landslides and colluvial soils near the development areas in order to mitigate the potential for future landslide movements. Standard techniques proposed to repair the landslides include removal and recompaction of loose materials, keying and benching, and installation of subdrains and surficial drainage systems. All grading should be performed in compliance with the Uniform Building Code, as well as local code and agency standards, under the observation and testing of the project technical engineer and engineering geologist. (Geology 5.1-1)

16. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit detailed grading and drainage plans which identify the extent and location of all work, including measures determined by the applicant's geologist and geotechnical engineer to be necessary in the field at the time of construction. Mitigation measures shall consist of a combination of site-specific recommendations by the applicant's consultant and local agency and code requirements. The following measures would be feasible in mitigating site-specific conditions and producing stable natural slopes, as well as engineered slopes, where cutting and filling would occur on the site. (Geology 5.1-3)
 - a. Evaluate the effects of bedding orientation (information acquired during the design phase investigation required for the Precise Development Plan) on the gross stability of existing and proposed slopes in the development area to prepare the geotechnical consultant to observe and direct grading operations and make site-specific determinations (see immediately following measure).
 - b. Examine natural and cut slopes during grading to confirm their potential for long-term stability. If the geotechnical consultant determines that the exposed earth materials are weaker than expected, mitigate this condition by recompacting as an earth buttress or stability fill or by the selected use of retaining walls or other acceptable methods, as have been proposed by the applicant's geologist.
 - c. Design drainage facilities to conform with agency and code standards. This should include terrace drains every 30 feet of vertical height on all graded slopes with grades steeper than 5:1. The terrace drains should have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also should be fitted with downdrains every 150 linear feet of terrace to allow for quick drainage.
 - d. Plant cut and fill slopes with ground cover in order to prevent erosion, raveling, or development of rills, sloughs, and other failures which could reduce the effectiveness of stabilization methods whereas roots of newly planted vegetation would enhance stability of graded slopes by holding materials in place.

17. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit detailed drainage plans which include the use of drainage devices during grading to reduce the potential for seepage from Area D to the adjacent residential development. This should include a subdrain system to intercept this seepage water and a surficial drainage system to reduce the ponding and infiltration of surface water into the landslide. The drainage system should be designed by the project engineer and installed under his/her supervision. (Geology 5.1-4)
18. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that the foundations for the structures have been designed for creep loads. The design phase investigations for development of individual lots should determine the depth of the weathering profile and the zone affected by creep and should be used to establish specific design standards for each lot to comply with the Uniform Building Code as required to obtain site alteration and building permits from the County for construction of individual housing units or ancillary residential structures. (Geology 5.1-5)
19. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that all on-site structures, roads, and utilities are designed in conformance with the Uniform Building Code in order to mitigate seismic impacts. (Geology 5.1-6)
20. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate compliance with the following mitigations to mitigate potential rockfall impacts. (Geology 5.1-9)
 - a. All unstable materials encountered adjacent to development areas shall be removed.
 - b. Plans shall depict the removal of the materials and place rip-rap or other engineered erosion control devices, construct rockfall entrapment trenches, or undertake selective rock bolting of remaining materials with galvanized or gray PVC-coated gabion mesh.
 - c. The development shall be set back from eroding rock faces not mitigated by the above measures or in addition to implementing those measures, depending on specific situations.
21. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the following measures shall be required to mitigate artificial fill impacts. (Geology 5.1-10)
 - a. The applicant shall conduct field investigations when formulating the Final Grading Plan to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development.
 - b. Plans shall depict the removal and recompaction of artificial fill located in or adjacent to areas of proposed grading during landslide repair, grading operations for road construction, or development of individual private lots under the observation and testing of a registered engineer.
22. PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN OR ISSUANCE OF A BUILDING PERMIT FOR THE ASSISTED CARE COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that a funding entity has been established to insure the effectiveness of long-term maintenance in mitigating the project's geotechnical and hydrologic impacts. This entity could be a homeowners' or property owners' association, an assessment district, or a Geologic Hazards Abatement District for the project site. The entity shall provide for the technical aspects of long-term maintenance to be handled by a geotechnical consultant and reviewed by the County. The professional consultant should follow a regular maintenance schedule and should prepare and submit progress reports to the County every six months for its review. Only site property owners would participate by paying taxes/fees into the fund. (Geology 5.1-13)

23. PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the improvement plans shall include the construction of a stormwater detention/treatment basin to reduce peak flow impacts. The basin location shall be selected to minimize excessive topographic manipulation, even if one or more designated residential lots must be eliminated to accommodate its construction. Since stormwater quality impacts can be mitigated, in part, through the integration of water quality enhancements to normal detention basin design, the detention basin should be designed to serve a two-fold purposes: (1) fully attenuate 100-year peak flows from Sub-watersheds 2 and 3 to pre-project levels and, thus, reduce pressure on the downstream storm drain system – the Gallinas Creek tributary (i.e. Highway 101 box culvert); and (2) filter and cleanse stormwater runoff by use of a vegetated inlet swale and detention area (forebay). (Hydrology 5.2-2, 5.2-4, 5.2-10, 5.2-11) Other considerations shall include:
- a. Structure measures for normal pond dewatering and end-of-season (e.g. April) dewatering (fully) for mosquito control.
 - b. An emergency overflow spillway with appropriate energy dissipater at the outlet.
 - c. A monitoring and maintenance plan shall be prepared for the detention basin to ensure proper long-term basin functioning. The plan would include provisions for sediment removal and basin repair, as well as associated conditions governing the use of heavy mechanical equipment (e.g. backhoes, excavators) and environmental safeguards and procedures. This information shall be incorporated into the project's Stormwater Pollution Prevention Plan that is submitted to the Department of Public Works.
 - d. Prior to the release of the project performance bond, maintenance of the detention basin by a funding entity shall be established by the project applicant. Such an entity could choose to maintain the basin and other erosion and sediment control measures itself or could hire bonded independent contractors. Alternatively, this requirement would not be applicable if a public agency ultimately agrees to maintain the detention basin.
24. PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the following measures shall be incorporated into the project to reduce impacts on downstream flooding due to inadequate storm drain system capacities. (Hydrology 5.2-3)
- a. The existing 18-inch storm drainpipe along the rear of 281 Ellen Drive shall be replaced with a 30-inch reinforced concrete pipe, as indicated in the project Schematic Grading Plan.
 - b. The gaps in the existing concrete, cross-slope interceptor ditch network and any other defects that could result in the diversion of ditch/hillslope runoff onto adjacent lots in the Marinwood Subdivision shall be repaired.

25. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR EACH COMPONENT OF THE PROJECT, the applicant shall prepare and implement a comprehensive Stormwater Pollution Prevention Plan (SWPPP), which is submitted as part of the NPDES General Construction Activity Stormwater Permit (General Permit) filing with the State Water Resources Control Board. The SWPPP shall describe on-site measures for erosion control and stormwater treatment to be implemented during and following project construction, as well as a schedule for monitoring of performance. These measures are referred to as Best Management Practices (BMPs) for the control of point and non-point source pollutants in stormwater. BMPs incorporated in the project SWPPP would likely include in-situ protection, seeding, and mulching of bare ground, planting of trees and shrubbery in both disturbed upland and riparian areas, and installation of other forms of biotechnical slope stabilization, such as appropriately staked strawbale perimeters, silt fences, or staked plant wattles on the slope contour. Grading activities at the proposed Miller Creek crossing is allowed only during the period between May 1 and October 15. Grading in site areas outside of the SCA can occur during the winter season, as long as erosion control measures approved as part of the SWPPP are properly installed and properly maintained during this period. (Hydrology 5.2-7, 5.2-8, 5.2-11)
26. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE ASSISTED LIVING FACILITY COMPONENT OF THE MASTER PLAN, the applicant shall acquire a 1603 Stream Alteration Agreement from the California Department of Fish and Game (CDFG). In addition to measures outline in the project SWPPP for graded or exposed soil surfaces, the applicant's construction contractor(s) and field engineer should implement temporary measures, where required, to minimize channel sedimentation during bridge construction. Due to the good quality stream habitat and culverting impacts to aquatic life, a bypass pipe through the work area is not appropriate. Some form of cofferdam segregating the work areas from the active channel would be preferred. All such measures would be described in the Stream Alteration Agreement submitted and would be subject to approval by the CDFG. The applicant shall also submit an application or letter of notification, as appropriate, to the U.S. Army Corps of Engineers for an Army Fill Permit, in accordance with provisions of the Nationwide Permit Program and acquire a Waiver of Water Quality Certification from the Regional Water Quality Control Board. (Hydrology 5.2-8, 5.2-10, 5.2-11)
27. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate compliance with the following measures to minimize impacts on-site and downstream water quality. (Hydrology 5.2-10, 5.2-11)
- a. The stormwater detention basins recommended for construction as part of the program for peak flow mitigation should be designed to maximize their water quality treatment function. Proper configuration, sizing and inlet/outlet characteristics would maximize deposition of particulates in incoming stormwater and would favor the growth of emergent vegetation to facilitate filtering opportunities. Specific design characteristics for wet ponds are listed in the California Storm Water Best Management Practices Handbook for Construction Activity.
 - b. Due to the close proximity to the sensitive wetland and aquatic habitats in the receiving waters of Miller Creek and lower Gallinas Creek, the following Best Management Practices are considered a minimum for Oakview stormwater treatment to comply with the requirements of the NPDES General Permit and provisions of Title 24 of the Marin County Code (24.04.625), citing erosion control requirements associated with site grading.
 - c. A regular schedule of street and parking lot sweeping shall be instituted. The frequency of cleaning should be higher (e.g. twice monthly) during the winter rainy season, yet maintained year-round. Regular cleaning of paved surfaces reduce the "first flush" phenomenon wherein the highest concentration of contaminants are flushed off the surfaces during the early portion of a runoff event.

- d. Grass-lined swales shall be incorporated to convey stormwater from paved surfaces to creek channels or wetlands. Grass-lined swales filter particulates from stormwater and, as a result, reduce the entry of heavy metals and contaminated sediments to drainageways. The current development plan includes one grass-lined (i.e. vegetated) swale each toward the lower end of Sub-watersheds 2 and 3, although the one proposed for Sub-watershed 2 would not provide significant water quality benefits. Two additional swale locations could be integrated into the project design for Sub-watershed 6 stormwater drainage. The first swale would extend downslope from the eastern edge of the Lot 30 parking lot to the top of the existing cut-slope, at the freeway interface. The second swale would extend from the northernmost storm drain inlet along Roadway C (Marinwood Avenue extension), parallel to the freeway, to the southern bank of Miller Creek. To forestall excessive rilling within such swales, it may be necessary to install biodegradable fabric along the swale flowline. Initially, the swale may need to be irrigated along with the landscaping.
 - e. All disturbed areas shall be revegetated prior to the onset of each winter rainy season during and for 2-3 years following completion of construction. Use of an erosion control grass and forb mixture, favoring native species, would be best suited to this task. In addition, some type of surface erosion protection (e.g. jute netting, erosion control blankets, punched straw) should be installed to reduce the erosive energy of incoming raindrops for the first couple of winter seasons.
 - f. An irrigation scheduling and chemical management plan shall be prepared and implemented to govern the application of irrigation water and chemical amendments to landscaped areas adjacent to buildings and within or adjacent to parking lot facilities. Components of such a plan would likely include an irrigation schedule linked to soil moisture levels or related variables such as temperature, humidity and wind speed. Specific chemical inputs proposed for application to vegetation should be among those tested and cleared for use by the USEPA. Frequency and scheduling of these chemical inputs should also be indicated, based on-site-specific characteristics (e.g. soil and vegetative cover and rates of uptake) and the acknowledged sensitivity of downstream receiving waters.
28. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed Landscape and Vegetation Management Plan in consultation with a plant ecologist experienced in management of native species. The Plan should be incorporated into the final landscape plan prepared as a part of the Precise Development Plan and should: (1) provide for re-establishment of native vegetation on graded slopes around the fringe of the proposed development; (2) provide details on native plantings associated with proposed restoration, enhancement, and mitigation; (3) establish a program to salvage suitable native plants for use in landscaping and revegetation; (4) identify unsuitable species which should not be used in landscaping; (5) control the establishment and spread of introduced broom; and (6) specify long-term management provisions to ensure re-establishment of landscape improvements. Aspects of the plan should include the following. (Biological Resources 5.3-1a)
- a. Landscaping and revegetation should emphasize the use of native plant species along the fringe of proposed structures and grading. Plant lists should be expanded to include valley oak (*Quercus lobata*), California buckeye (*Aesculus californica*), California rose (*Rosa californica*), common rush (*Juncus patens*), creeping wildrye (*Leymus triticoides*), purple needlegrass (*Nassella pulchra*), iris-leaved rush (*Juncus xiphioides*), and slender rush (*Juncus tenuis*).

- b. Suitable tufts of native grasses to be removed by the project should be salvaged before grading and used in landscaping and revegetation, providing a source of mature plants and re-establishing much of the desirable local cover which otherwise would be lost with development. The anticipated limits of grading should be flagged, and plant material suitable for use in the salvage program should be marked, carefully removed, and stored. The salvage material should be transplanted to selected mitigation areas at the appropriate time of the year before grading (generally in October and November), with maintenance provided as necessary to ensure re-establishment.
 - c. Non-native ornamental species used in landscape plantings should be restricted to the immediate vicinity of streets and development areas on residential lots on Parcel 1 and the parking lots and buildings on Parcel 2. The landscape plan should prohibit use of invasive non-native species which may spread into adjacent undeveloped areas. Unsuitable species include blue gum eucalyptus (*Eucalyptus globulus*), acacia (*Acacia* spp.), pampas grass (*Cortaderia selloana*), broom (*Cytisus* and *Genista* spp.), gorse (*Ulex europaeus*), bamboo (*Bambusa* spp.), giant reed (*Arundo donax*), English ivy (*Hedera helix*), German ivy (*Senecio milanioides*), and periwinkle (*Vinca* sp.), among others.
 - d. Species planted adjacent to retained woodlands should be native to the site, and "other trees offering seasonal color" should be eliminated from the Conceptual Landscape Plan.
 - e. Graded slopes and areas disturbed as part of the project should be monitored to prevent establishment and spread of French and Scotch broom. Removal and monitoring should include annual late winter removal of any rooted plants when soils are saturated and cutting back of any remaining flowering plants in the spring before seed begins to set in late April.
 - f. The landscape plan should specify provisions to maintain landscaping and graded slope revegetation with replacement plantings and seeding for a minimum of five years to ensure re-establishment of cover.
29. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a plan that would prevent vehicles and motorcycles from traveling off designated roadways in order to prevent further disturbance to grassland cover and other vegetation. (Biological Resources 5.3-1b)
30. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the development envelope shown on the Master Plan's Residential Area Layout has been revised to minimize tree removal within the building envelope areas. Deed restrictions or some other mechanism should be established over individual lots to prevent possible tree removal and disturbance of other native vegetation outside the identified building envelopes. Trees adjacent to building envelopes on Lots 8, 9, and 10 should be thinned or pruned under the guidance of a certified arborist rather than removed during house construction and yard landscaping. (Biological Resources 5.3-2a)
31. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that trees near the limits of anticipated grading would be preserved and protected where feasible from an engineering and geotechnical standpoint and warranted based on the good to excellent health and structure of the tree. Individual specimen-sized trees should be preserved by retaining walls, short over-steepened slopes, and other methods. Protection of larger native trees with trunk diameters exceeding 24 inches should take precedence over smaller live oaks and California bay which are abundant in the woodland habitat. (Biological Resources 5.3-2b)

32. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit detailed guidelines, prepared by a certified arborist, to protect trees to be preserved from possible damage. Trees to be retained should be identified in the field with flags or other obvious marking method before any grading. Standards contained in the preservation guidelines should include the following. (Biological Resources 5.3-2c)
- a. Grade changes should be avoided within 1.5 times the width of the tree dripline, and any encroachment should be prohibited closer than one-third the distance from the dripline to the trunk. Restrictions on the limits of grading, adjustments to the final grade of cut and fill slopes, and use of retaining walls should all be used to protect individual trees worthy of preservation.
 - b. Temporary fencing should be provided along the outermost edge of the dripline of each tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
 - c. Paving within the tree dripline should be prohibited or stringently minimized by using porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch where hardscape improvements are necessary for access in the vicinity of trees.
 - d. Trenching within the tree dripline should be prohibited, and any required utility line within the dripline should be installed by boring or drilling through the soil.
 - e. The amount of landscape irrigation within the tree dripline should be minimized by prohibiting turf or any landscaping with high water requirements and by limiting permanent irrigation improvements to bubbler, drip, or subterranean systems.
 - f. Storage of construction equipment, materials, and stockpiled soils should be prohibited within the tree driplines.
33. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit a tree replacement program to provide for replacement of native trees removed by proposed development. The tree replacement program should be included as a component of the project's Landscape and Vegetation Management Plan and implemented as part of site revegetation and landscaping. Provisions of the tree replacement program should include the following. (Biological Resources 5.3-2d)
- a. Oaks and other native trees should be replaced at a ratio of 2:1 (ratio of replacement trees to number of trees removed).
 - b. Species composition of plantings in the tree replacement program should generally be consistent with the percentage of each tree species removed. If off-site nursery stock is used for replacement plantings, plants preferably should be seedlings with a container size of one-gallon or smaller. Younger plant material tends to have a higher survival rate than older nursery stock which has become established under ideal growing conditions provided at most nurseries.
 - c. A program to collect seed and grow seedlings for use in the tree replacement program should be considered as part of the tree replacement program. Seed should be collected on-site in the fall months, planted in temporary containers, and maintained for a period of one or more years until seedlings are ready for planting. Oak seedlings grown from an on-site seed source would be preferable to use of off-site nursery stock, and this program should be encouraged.

- d. If trees proposed for removal are successfully salvaged and transplanted, no additional replacement mitigation should be required for those trees.
 - e. Tree replacement plantings should be monitored as part of the Landscape and Vegetation Management Plan for a minimum of five years. If mature salvaged trees die within this time period, replacement plantings should be made at the 2:1 ratio. Any on-site salvage, locally-collected and grown seedlings, or nursery stock plantings lost within this monitoring period should be replaced at a 1:1 ratio on an annual basis.
34. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a grassland restoration and enhancement program to mitigate the loss of native grasslands disturbed by proposed development which provides for replacement of native grasslands at a 1:1 ratio, meets or exceeds the cover class lost, and emphasizes the use of purple needlegrass and California oatgrass. A qualified plant ecologist experienced in grassland restoration using native grasses should prepare the program. The grassland program should be included as a component of the Landscape and Vegetation Management Plan required for the project and should be implemented as part of site revegetation and landscaping. Provisions of the grassland program should include. (Biological Resources 5.3-3)
- a. Deed restrictions or some other mechanism should be established over individual lots to prevent removal of native grasslands outside the building envelopes, particularly in the area of Lots 2 to 7, 17 to 20, 27, and 28.
 - b. Native grasslands disturbed by proposed development should be restored and replaced at a minimum 1:1 ratio with replacement provided on a per acre basis for each cover class lost. Success criteria for replacement should provide for establishment of native grasslands which meet or exceed the cover class of the existing stands lost as a result of development.
 - c. Replacement grasslands should be consolidated to the degree feasible to improve the value of the currently scattered stands, expanding the extent of native grasslands in the proposed open space in the southern part of the site, and used to revegetate the graded slopes above the proposed office area and recommended wetland mitigation area.
 - d. Prior to construction, the boundary of proposed grading within or adjacent to stands of native grasslands to be preserved should be clearly staked with color-coded flags set at 50-foot intervals, and disturbance from construction equipment operation, storage, or other activities should be prohibited inside the delineated "no disturbance zone." Native grasslands within the limits of grading should be considered as possible salvage material to be used in the replacement program.
 - e. Tree plantings shown in the Conceptual Landscape Plan and replacement plantings required for anticipated tree removal should be restricted to outside the existing and restored native grasslands.
 - f. The program should identify the on-site mitigation areas and acreage, specify performance criteria, maintenance, and long-term management responsibilities, monitoring requirements, and contingency measures, and define site preparation, revegetation procedures, and an implementation schedule.

35. PRIOR TO APPROVAL OF THE FIRST PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed wetland protection, replacement, and restoration program, prepared by a qualified wetland consultant, which satisfies adopted standards and criteria of the County, Corps, CDFG, and RWQCB. The program should be prepared as a component of the required Landscape and Vegetation Management Plan at the Precise Development Plan stage of the County's planning and project approval process and should be implemented as part of site revegetation and landscaping. The wetland plan should clearly identify the total wetland and other jurisdictional area affected by the project, replace wetland habitat at a minimum 2:1 ratio (consistent with County policy), and provide for re-establishment, enhancement, and / or replacement of wetland vegetation. Details of the plan should include the following. (Biological Resources 5.3-4a)
- a. The location(s) of mitigation areas shall be identified. Mitigation for loss of existing wetlands should be provided at a minimum replacement ratio of 2:1, consistent with *The Marin Countywide Plan*, and should result in created or restored wetlands with a higher habitat value than that of the lost wetland areas.
 - b. Replacement wetlands should preferably be located on-site, but could include consideration of both on-site and an off-site location in the general vicinity. Use of the southeastern portion of the site for wetland mitigation would be unacceptable given that this area will most likely be developed with freeway interchange improvements in the future.
 - c. Performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures shall be specified. Monitoring should be provided for a minimum of five years and continue until the success criteria are met.
 - d. Site preparation and revegetation procedures, an implementation schedule, and funding sources to ensure long-term management of the overall wetland mitigation plan shall be specified.
36. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed erosion and sedimentation control plan, which would be implemented during construction on the site. The plan should contain detailed measures to control erosion of stockpiled earth and exposed soil, provide for revegetation of graded slopes before the first rainy season following construction, and specify procedures for monitoring the plan's effectiveness. The revegetation component of the plan should be consistent with the required Landscape and Vegetation Management Plan. (Biological Resources 5.3-4b)
37. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the design of the bridge or arched culvert proposed for the Marinwood Avenue crossing of Miller Creek would minimize disturbance to jurisdictional waters and riparian vegetation and conforms with the County's minimum roadway width standards and would restrict abutments to the upper channel banks. Construction should be performed during the low flow period in the creek (from June through October), and construction debris should be kept outside of the creek channel by using silt fencing or other effective methods. Replacement planting with native trees and shrubs should be provided adjacent to the structure as part of mitigation following completion of bridge construction. (Biological Resources 5.3-4c)

38. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the following measure would be required to mitigate impacts on wildlife resources. (Biological Resources 5.3-6)
- a. Disturbance within the Miller Creek corridor on the site should be minimized to protect its function for fish and wildlife movement. The proposed bridge or arched culvert crossing should be designed to avoid impeding movement of fish and wildlife along the creek channel, and drop structures under the bridge should be prohibited. Improvements to the existing creekside path should be limited to stabilizing and possibly surfacing, and lighting should be prohibited along the path to minimize disrupting creek use by wildlife at night.
39. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the following measures would be required to mitigate impacts on special-status species. If any active raptor nests are established within the vicinity of proposed grading in the future, they should be avoided until young birds are able to leave the nest (fledge) and forage on their own. Avoidance may be accomplished either by scheduling grading and tree removal during the non-nesting period (August 15 through January 14) or, if this is not feasible, by conducting a pre-grading survey for raptor nests. Provisions of the pre-grading survey effort, if necessary, should include the following. (Biological Resources 5.3-7)
- a. If grading is scheduled during the sensitive nesting period (January 15 through August 14), a qualified wildlife biologist, chosen by the County and paid for by the applicant, should conduct a pre-grading raptor survey to confirm the presence or absence of active nests in the vicinity of proposed construction activities.
 - b. If active nests are encountered, the biologist should prepare and implement species-specific measures to prevent abandonment of the active nest(s). At a minimum, grading in the vicinity of a nest's tree should be deferred until the young birds have fledged, and a construction-disturbance setback of at least 300 feet should be provided. Grading or other disturbance in the vicinity of the nest should not be permitted until the biologist confirms that the young raptors have fledged. The biologist should submit a survey report to the County verifying that the young have fledged before grading in the construction-disturbance setback area is initiated.
 - c. As necessary, representatives of the CDFG and USFWS should be consulted about appropriate construction restrictions, building setbacks, landscape screening, and other methods to ensure compliance with the Migratory Bird Treaty Act and provisions of the State Fish and Game Code.
40. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit a landscape plan which implements the proposed project landscaping (which includes street trees, a 20-foot wide landscaped area between existing homes on Ellen Drive and Lisa Court and the project site and entry landscaping along Lucas Valley Road at the entrance to the project site) as shown in the Conceptual Landscape Plan. This would break up the form and lines of project site development. (Visual 5.4-1, 5.4-3, 5.4-4)

41. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the following measures would be required to be incorporated into the Precise Development Plan to mitigate visual impacts. (Visual 5.4-2)
- a. Shield or focus outdoor night lighting downward and select roadway and pavement surfaces to minimize upward reflected light.
 - b. Recess lighting elements within fixtures to prevent glare.
 - c. Conceal lights to avoid glare and avoid placing lights too close to objects to prevent reflected glare.
 - d. Avoid high-angle high-candela distribution.
 - e. Select lighting fixtures which can be shielded after installation, if a problem is identified.
 - f. Because light trespass effects are subjective and site-specific, quantifiable criteria (such as controlling the amount of luminescence or restricting certain angles of lighting) usually cannot be identified. For this reason, the applicant should consult a lighting design specialist to determine light source locations, light intensities, and types of light sources for the office buildings. A lighting plan for site roadways and public areas (such as office building parking lots) should be incorporated in the Precise Development Plan as a condition of Master Plan approval.
42. PRIOR TO OCCUPANCY FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the applicant shall implement the proposed project landscaping (which includes landscaping around the office area) as shown in the Conceptual Landscape Plan in order to break up the form and lines of the building. (Visual 5.4-5, 5.4-6)

43. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall demonstrate that measures to reduce dust and equipment exhaust emissions have been incorporated into the construction plans. Implementation of the following measures would reduce the dust impacts associated with grading and new construction. (Air Quality 5.6-3)
- a. All active construction areas shall be watered at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
 - b. All hauling trucks shall be covered or at least two feet of freeboard shall be maintained.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
 - e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).
 - f. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
 - g. Limit traffic speeds on any unpaved roads to 15 mph.
 - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - i. Replant vegetation in disturbed areas as quickly as possible.
 - j. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - k. Install wind breaks, or plant trees / vegetative wind breaks on the windward side(s) of construction areas.
 - l. Suspend excavation and grading activity when winds cause dust clouds to extend beyond the construction site and affect nearby land uses.
 - m. Limit the area subject to excavation, grading, and other construction activity at any one time.
 - n. Properly maintain construction equipment and avoid unnecessary idling near residences.
 - o. Designate a disturbance coordinator that would respond to complaints regarding construction-related air quality issues. The phone number for this disturbance coordinator shall be clearly posted at the construction sites.

44. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the following measures have been incorporated into the project to reduce the impact of noise exposure on future residential use of proposed Lots 27 and 28. (Noise 5.7-1)
- a. Design property-line privacy fences to shield the backyards of Lots 27 and 28. Fences should be six feet high and of solid construction so that there are no cracks or gaps either in the fence itself or at the bottom. A double-sided wooden fence or board-on-board construction consisting of a minimum of three-quarter-inch thick wood would provide the necessary sound attenuation. A masonry sound wall of the type discouraged by County policy would not be required. Lot-by-lot site plans submitted to the County during design review should show the noise reduction solution selected.
 - b. Depending on proposed site orientation and noise shielding (in response to the immediately preceding measure), design and build (or require the future homeowners to build) second floors of housing units on Lots 27 and 28 with mechanical ventilation so that windows can be closed to achieve interior noise criteria.
45. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall demonstrate that measures would be undertaken during all phases of construction to minimize exposure of neighboring properties to excessive noise levels from construction-related activity. The type of construction, site location, and noise sensitivity of nearby land uses would determine the hours of construction to be established by the Community Development Agency. The conditions of approval would specify hours for staging and type of construction activities. The following measures would be required to mitigate the project's short-term construction noise impacts. (Noise 5.7-3)
- a. Adequately muffle and maintain all equipment used on the project site. All internal combustion engine-driven equipment should be fitted with intake and exhaust mufflers which are in good condition. Good mufflers with quieted compressors should result in all non-impact tools generating a maximum noise level of 85 dB when measured at a distance of 50 feet.
 - b. Powered construction equipment should be turned off when not in use.
 - c. Assign a disturbance coordinator to be available on-site during construction.
 - d. Clearly post the name and telephone number of the disturbance coordinator so that neighbors have a contact person at the project site with whom to discuss problems and who can facilitate resolution of these problems.
 - e. Confine residential construction to 8:00 AM to 5:00 PM on weekdays, at least during periods when construction is taking place within 1,000 feet of the nearest existing homes. Construction hours for activity in other parts of the site could be lengthened as appropriate, including commercial construction on Parcel 2.
46. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall demonstrate that the following measures have been incorporated into the design of the project to reduce the potential impacts of wildland fires. (Public Services 5.8-2)

- a. A Fire Management Plan shall be prepared and shall include both a Vegetation Modification Plan (to ensure that a minimum defensible space -- 30 to 100 feet depending on specific site conditions -- would be provided by reducing flammable vegetation and fuel load) and a Vegetation Maintenance Plan (to describe the on-going annual vegetative maintenance program). The annual Vegetation Maintenance Plan reports would address the site's fire hazards based on fuel load, slope, aspect, topography, and other factors and should determine priority problem areas on the site where fire safety measures should be emphasized. Approval of the Fire Management Plan by the MFD would be required before construction, and implementation would be required prior to framing. Because the Master Plan does not yet describe long-term site maintenance aspects of the project (such as establishment of a homeowners' association or equivalent organization composed of all the site's residential, office, and open space landowners), the Vegetation Maintenance Plan should establish a mechanism and identify who would be responsible for implementing all elements of the Plan.
 - b. New plantings of trees and vegetation with a high fire risk (such as Bishop Pine [*Pinus muricata*], Tan Oak [*Lithocarpus densiflorus*], California Bay [*Umbellularia californica*], and Coyote Brush [*Bacharis pilularis*]) should be prohibited within the defensible space zone of buildings. Existing trees with a high fire risk within the defensible space zone of buildings (such as California Bay) could be retained with permission of the Marinwood Fire Department and would require special consideration in the Vegetation Management Plans, as described below. Resistant plantings should be encouraged (such as Coast Live Oak (*Quercus agrifolia*), Pacific Wax Myrtle (*Myrica californica*), California Lilac (*Ceanothus* spp.) and Toyon (*Heteromeles arbutifolia*)), all of which are included in the Conceptual Landscape Plan.
 - c. The applicant and individual residential or assisted care developers should be responsible for implementing the following fire prevention measures during construction. These should include (but not be limited to) the following:
 - 1) Installing all project roadway and water requirements before any residential sidewall construction on the site, consistent with Section 10.502 of the *Uniform Fire Code*.
 - 2) Clearing brush and other potential fire fuel around construction areas.
 - 3) Maintaining and clearly marking on-site fire response equipment (such as fire extinguishers, fire retardant blankets, shovels, buckets, etc.) at each construction area.
 - 4) Ensuring that all construction workers are trained to use on-site fire response equipment and workplace safety measures.
 - 5) Locating and clearly identifying a cellular phone or other communication device on-site at all times during construction.
47. The following off-site traffic improvements shall be developed in conjunction with the subsequent development of the assisted care component of the Master Plan.
- a. The applicant shall pay the project's fair share cost toward the signalization of the Miller Creek Road / northbound Highway 101 off-ramp intersection prior to issuance of a building permit associated with the subsequent development of the assisted living component of the Master Plan. The EIR has identified that the applicant's fair share is 6% of the approved design and construction budget. (Traffic 7.0-3[e])
 - b. The applicant shall pay the project's fair share cost toward the signalization of the Miller Creek Road / southbound Highway 101 off-ramp intersection. The fees shall be paid prior to issuance of a building permit associated with the subsequent development of the assisted living component of the Master Plan. The EIR has identified that the applicant's fair share for this intersection is 60% of the approved design and construction budget. (Traffic 7.0-1[c], 7.0-2[c], 7.0-3[c])

- c. The intersection of Miller Creek Road and Marinwood Avenue shall be signalized. (Traffic 7.0-1[a], 7.0-2[a], 7.0-3[a])
- d. The applicant will pay the project's fair share cost toward the signalization of the Miller Creek Road / Las Gallinas Avenue intersection prior to issuance of a building permit associated with the subsequent development of the assisted living center component of the Master Plan. The EIR has identified that the applicant's fair share for this intersection is 5% of the approved design and construction budget. (Traffic 7.0-3[d])

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the Master Plan shall be valid for a period of two years from the date the ordinance approving the Master Plan was adopted. The Master Plan for the 28-unit residential and assisted living components of the development shall be vested individually through approval of separate Precise Development Plan applications. Extensions of time may be granted in compliance with Marin County Code Section 22.44.050.C for a maximum of four years following the original date of expiration provided the applicant files an extension application, accompanied by the appropriate filing fees, prior to the expiration of the Master Plan.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 6th day of December, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A RESOLUTION APPROVING THE OAKVIEW LAND DIVISION 95-001

200 LUCAS VALLEY ROAD, SAN RAFAEL
ASSESSOR'S PARCEL 164-270-03

SECTION I: FINDINGS

- I. WHEREAS Irving Schwartz, submitted a Land Division application, on behalf of Virginia Daphne and Edward Bacciocco, to subdivide the 106.3-acre property into two lots for future residential and assisted living development. Proposed Lot 1 would reserve 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Proposed Lot 2 would reserve 11.0 acres for a 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as **200 Lucas Valley Road, San Rafael**, and further identified as **Assessor's Parcel 164-270-03**.
- II. WHEREAS a Final Environmental Impact Report (EIR) was prepared for the project for compliance with the California Environmental Quality Act (CEQA). The Draft EIR, Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR have been reviewed and considered by the Planning Commission for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures. The Planning Commission finds that the Amendment to the Final EIR does not trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the revisions do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of the environmental impacts.
- III. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on December 6, 2004 to consider the merits of the proposed project, and hear testimony in favor of, and in opposition to, the project.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed Land Division is consistent with the Marin Countywide Plan based on the following factors.
 - A. The proposed two-lot Land Division will result in a residential density of 0.019 units per acre which is below the density range of between one unit per acre to one unit per 10 acres that is established by the Countywide Plan's City Centered Corridor's PR (Planned Residential) land use designation for this property. (*Environmental Quality Policy EQ-1.1 and Community Development Policies CD-1.1, CD-8.5, CD-10.2*)
 - B. The proposed project is consistent with the CWP's Stream Conservation Area ("SCA") policies. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. Streams and their riparian and woodland habitat are irreplaceable and should be protected as essential environmental resources because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of human communities. No development is proposed within the SCA, with exception of a future bridge and roadway crossing, which is an allowed use within the SCA. Mitigations established in the EIR would

require that the bridge or arched culvert crossing of Miller Creek be designed to minimize disturbance to riparian vegetation and disturbance to the creek channel and to replace all trees and shrubs that are removed within the SCA. The project would also include erosion control measures to minimize surface runoff and deposit of sediment into Miller Creek. (*Environmental Quality Policies EQ-1.1, EQ-2.3, EQ-2.4, EQ-2.5, EQ-2.8, EQ-2.9, EQ-2.10, EQ-2.11, EQ-2.18, EQ-2.18, EQ-2.19, EQ-2.20, EQ-2.21, EQ-2.22, EQ-2.23, EQ-2.24, EQ-2.26*)

- C. The project would be consistent with the CWP's policies which discourage development in natural resource areas and CWP's restrictions on development in areas which contain special status species and migratory species and significant natural areas, wetlands, riparian habitats, and freshwater habitats. The EIR found that the project would have less-than-significant impacts on all special-status species and communities and would not cause irreversible damage to hydrological or biological processes. Any active raptor nests that are established within the vicinity of proposed grading would result in the implementation of measures to avoid impacts to the nest until the young birds have fledged the nest. Mitigations requiring the project to minimize disturbance of the wildlife corridor along Miller Creek would minimize potential impacts on fish and wildlife species. (*Environmental Quality Policies EQ-2.87, EQ-2.88, EQ-3.4, EQ-3.6, Community Development Policy CD-2.7*)
- D. The project would not affect geologic, archaeological or historic sites. The project would not affect potential archaeological or cultural resources since none were found at the site. Native grasslands and freshwater seeps and wetlands that are removed by the project would be required to be replaced at a ratio of 1:1 for native grasslands and 2:1 for wetlands. The conceptual landscape plan includes a stipulation that non-native plants will be discouraged and/or prohibited. (*Environmental Quality Policies EQ-3.5, EQ-3.13, EQ-3.27, EQ-3.30*)
- E. Consistent with applicable CWP policies, the project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and would result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. Although some incursion into sensitive woodland habitat, native grasslands, freshwater seeps and wetlands would occur, the EIR would require that residential building envelopes be revised to minimize tree removal and for grassland and wetland restoration to be incorporated into the final design of the project. The project would avoid known geologic hazards, including ancient bedrock landslides. (*Environmental Quality Policy EQ-3.8, Community Development Policy CD-2.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.4*)
- F. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP's Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. (*Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4, EH-6.1, EH-6.3*)
- G. The two-lot Land Division would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. Public services are available to serve the development. The Marinwood Community Services District would provide parks and recreation and fire protection services. The Marin Municipal Water District has sufficient water supplies for domestic and fire protection purposes to service the proposed development. Sewage treatment is proposed to be provided from the Las Gallinas Sanitary District. The Dixie Elementary School District and the San

Rafael High School District have adequate capacity to accommodate the additional students that are expected to be generated by the proposed project. The project would also provide adequate recreation, open space, and public access through designation of 67.7 acres for open space along with trail improvements along Miller Creek and future pedestrian and bicycle connections through the site. (*Environmental Quality Policies EQ-2.27, EQ-3.9, EQ-3.10, EQ-4.1, and Environmental Hazards Policy EH-11.3*)

- H. The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The project complies with the visual quality policy by minimizing tree removal to 23 trees. (*Environmental Quality Policies EQ-3.11, EQ-3.14*)
- I. The project has been designed to minimize the amount of grading and to limit it to the construction of building pads, streets, and parking areas. Retaining wall construction has either been avoided due to the proposed slopes, or minimized to the extent feasible. Much of the proposed grading is necessary for remediation of on-site landslides to remove geotechnical hazards. (*Environmental Quality Policy EQ-3.16*)
- J. The project would comply with CWP standards for traffic congestion by ensuring that traffic generated by the project and by cumulative development in the area would result in intersection levels of service of “D” or better. (*Transportation Policies T-1.1, T-1.3*)
- K. The project would comply with the CWP’s policies by providing inclusionary housing units that would be affordable to very low and low income households. (*Housing element Policies H3.19, H3.26, H4.1, H4.2*)
- L. Based on the cost-revenues analysis that was prepared as part of the EIR, the project would pay its fair share of the cost of public services. (*Community Development Policy CD-7.3, Community Facilities Policy CF-5.2*)
- M. Although the CWP does not designate any trails through the project site, the Master Plan proposes to improve the existing pathway along Miller Creek and to dedicate a pedestrian and bicycle trail easement that would connect Marinwood Avenue with Lucas Valley Road. (*Trails Policy TR-1.3*)
- V. WHEREAS the Marin County Planning Commission finds that mandatory findings for approval of a Land Division, pursuant to Marin County Code Section 22.84.060, could be made for the project, as follows.
 - A. **The proposed subdivision, together with the provisions for its design and improvement, is consistent with the Marin Countywide Plan, Local Coastal Program, and any applicable Community Plan and Specific Plan, and that none of the findings for denial in Subsection D below (Findings Requiring Denial) can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.**

The project is consistent with the Marin Countywide Plan based on the findings that are noted in Section IV above. None of the findings requiring denial of the Tentative Map could be made based on the Subsection D below.

- B. **In addition to the findings required for approval of a Tentative Map by Subsection A. above (Required Findings for Approval), the following findings are also required when they are applicable to the specific subdivision proposal.**

- 1. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required (see Section 22.82.080).**

Road improvements are not proposed or required in conjunction with the two-lot Land Division application at this time. For Lot 1 of the Tentative Map, the road improvements to the future residential subdivision would be required at the time of the subsequent review of a Tentative Subdivision Map. Road improvements to Lot 2 would be required in conjunction with the subsequent review of a Precise Development Plan for the future assisted living facility.

- 2. Any findings required by Sections 22.88.030 (Condominium Conversions) for condominium conversions.**

This finding is not applicable to the project.

- C. If waiver of a Parcel Map has been requested with the Tentative Map application, the review authority shall determine whether the findings required by Section 22.86.030 (Waiver of Parcel Map) can also be made.**

Since the project does not include a request for a Parcel Map waiver, this finding does not apply to the project.

- D. The following findings for denial of a Tentative Map and as required by State Subdivision Map Act Section 66474, cannot be made to deny the project.**

- 1. The proposed subdivision including design and improvements is not consistent with the Marin Countywide Plan or an applicable Community Plan or Specific Plan.**

The proposed Land Division is consistent with the Marin Countywide Plan. The 106.3-acre property is located within the City Centered corridor and is proposed to be divided into two separate lots for future development of a 28-unit residential subdivision and an assisted living facility, consistent with the Planned Residential land use designation for the property. The proposed two-lot Land Division will result in a residential density of 0.019 units per acre which is below the density range of between one unit per acre to one unit per 10 acres that is established by the Countywide Plan's City Centered Corridor's PR (Planned Residential) land use designation for this property. Additionally, the location, layout, and design of the two lots, and future building envelopes, vehicular access, utilities, and landscaping will: (1) meet design goals and policies established regarding vegetation preservation, grading, ridgeline development, open space, and retention and preservation of the natural beauty and quality of life in the North San Rafael area; and (2) satisfy requirements established in Titles 22 (Zoning and Subdivision) 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.

- 2. The site is not physically suitable for the type or proposed density of development.**

The site is physically suitable for the type of development because each of the two proposed lots would have sufficient land area and be underlain by adequate geological materials to support future development of a 28-unit residential subdivision and a 94,400 square foot assisted living facility with County-approved access, utilities, and services without resulting in a significant disruption to the surrounding natural and built environments. The project would not create adverse environmental impacts relating to unstable soil conditions, archeological disturbances, and drainage alterations.

3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

The design of the Land Division and improvements will not cause substantial adverse environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the EIR that was prepared for development of the property concluded that, with the mandatory mitigations, no portion of the project will result in significant and adverse effects on wetlands and streams and associated sensitive habitat areas for special status species of plants or animals.

4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems.

The design of the Land Division and improvements is not likely to cause serious public health problems because there will be adequate provision of water, sewage, drainage, fire protection, and emergency vehicular services to the future residential and assisted living facilities. Additionally, the future development would utilize fire-resistant materials in conformance with the latest Fire Code requirements, vegetation management techniques would be incorporated to minimize fire hazards, and new landscaping and development would be restricted to designated building envelopes.

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

Since there are no known public easements over the property, the above finding could not be made in the affirmative for the proposed Land Division. Additionally, the Land Division would provide for the dedication of 67.7 acres of open space to a public entity, such as the Marinwood Community Services District or the Marin County Open Space District, which includes a public trail along Miller Creek, as well as the designation of a future public pedestrian and bicycle easement that would connect Marinwood Avenue with Lucas Valley Road along the property's Highway 101 frontage.

6. The proposed subdivision is not consistent with all applicable provisions of this Development Code, any other applicable provisions of the County Code, and the Map Act.

The proposed project is consistent with all applicable provisions of Marin County Code, including, but not limited to the Subdivision Ordinance contained in Chapter 22.84.

VI. WHEREAS the Marin County Planning Commission finds that the project complies with the requirements of Marin County Code Section 22.98.040 (Parkland Dedications and Fees) and will provide for the dedication of land area which meets the park and recreational facilities that are required by the State Subdivision Map Act Sections 66477 et seq. (Quimby Act). The proposed dedication of 67.7-acres of open space to a public entity, such as the Marinwood Community Services District or the Marin County Open Space District, would accommodate the expected population increase as a result of the future residential and assisted living developments and more than meet the Countywide Plan's standard of 2.5 acres of land per 1,000 persons residing within the community. The EIR estimates that based on a population of 6,000 people, the Marinwood community's 17.8 acres of park land represent a standard of 3 acres of land per 1,000 residents. The addition of the proposed 67.7-acres of open space would result in an estimated park land to resident population ratio of 13.7 acres for per 1,000 residents, which would comply with the parkland requirements. The parkland acreage to population ratio is based on a total parkland acreage of 85.5 acres (including the 67.7

acres of proposed open space) divided by the total resident population of 6,248, (reflecting an increase of 248 residents to the estimated existing 6,000 population in Marinwood). The 258 residents include 150 senior residents and 98 new residents for the 28-unit subdivision, based on a 3.5 persons per residence ratio. While the number of residents per unit is higher than that which is published in the Census, it reflects a more conservative estimate that was used in the EIR for this project.

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 adopt a resolution approving the Oakview Land Division 95-001 subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.84 of the Marin County Code, the Oakview Land Division application is approved for the division of the existing 106.3-acre property into two lots. Lot 1 is approved to encompass 51.9 acres of land area for future single-family residential and open space uses. Lot 2 is approved to encompass 54.4 acres of land area for future assisted living and freeway interchange improvements. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as **200 Lucas Valley Road, San Rafael**, and further identified as **Assessor's Parcel 164-270-03**.
2. Plans submitted for the Parcel Map shall be in substantial compliance with the approved Tentative Map on file in the Community Development Agency, and included as "Exhibit A" to the Oakview Master Plan, consisting of one sheet, prepared by ILS Associates, Inc., dated June 21, 2003, with revisions dated December 21, 2003. The Parcel Map shall be modified to depict the inclusion of the approximately 0.6 acres of land area that is identified as Parcel A' into the lot area for Lot 2.
3. The subdivider shall file a Parcel Map with the County Recorder to record the Oakview Land Division (Tentative Map) approved herein. The required Parcel Map must be in substantial conformance with "Exhibit A," including, but not necessarily limited to, the approved boundary lines, utility and access easement. Prior to recordation of the Parcel Map, the Parcel Map must be submitted to the County Surveyor for review and approval. Parcel Map data and form must be in compliance with provisions of Marin County Code Chapter 22.86.
4. 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 Oakview Land Division, 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.
5. BEFORE RECORDATION OF THE TWO-LOT PARCEL MAP the subdivider shall comply with the items outlined below.
 - a. The applicant shall submit to the Community Development Agency, Planning Division, documentation from the Marin Local Agency Formation Commission confirming approval of the property's annexation into the Las Gallinas Valley Sanitary District and a deferment of the application of the Dual Annexation policy.
 - b. The Oakview Land Division conditions of project approval and Notice of Decision contained herein must be recorded against the Title of the property concurrently with the Parcel Map.

- c. Except for conveyance of land to a governmental agency, public entity, or public utility, further subdivision of Lot 2 within the subdivision shall not be permitted. This restriction shall be stated on the Parcel Map.
6. CONCURRENT WITH THE RECORDATION OF THE TWO-LOT PARCEL MAP, the applicant shall submit an offer of dedication of the land in fee title which comprises Parcels A and B of the Tentative Map to the County of Marin, or an assigned public agency, such as the Marinwood Community Services District or the Marin County Open Space District. The offer of dedication will not be accepted until the applicant either completes improvements to the existing pedestrian path along the south side of Miller Creek between the extension of Marinwood Avenue and Las Gallinas Avenue or enters into a performance and financial agreement with the appropriate public agency for the completion of the pedestrian path by the applicant or subsequent owner of Lot 2.

The applicant shall submit details of the proposed pathway improvements including the top and bottom of banks, existing structures, flood zone designations, flood control creek access from the street crossings, repair and restoration of the western end of the streambed, and construction of a short trail from the creekside trail up to the ridgeline, as necessary to comply with the requirements of the Marinwood Community Services District or the Marin County Open Space District. If required, the applicant shall also submit an application for a Grading Permit to the Department of Public Works.

7. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for Lot 2 of the Oakview Tentative Map shall be 200 Marinwood Avenue, San Rafael. The street addressing for Lot 1 shall be determined at the time of the subsequent Tentative Subdivision Map review.
8. Any changes or additions to the project shall be submitted to the Community Development Agency - Planning Division for review to determine whether a Land Division Amendment is required.

Marin County Department of Public Works

9. PRIOR TO RECORDATION OF THE TWO-LOT PARCEL MAP, the following information shall be submitted in conjunction with the check print for the Parcel Map:
 - a. A title report that has been prepared within the previous six months from the submittal of the Parcel Map shall be submitted.
 - b. The Parcel Map shall provide a floating public access easement for the creekside trail between Las Gallinas Avenue and the future assisted living facility's roadway of sufficient width to accommodate the improvements, as determined by the Department of Public Works, but in no case shall the easement be less than 12 feet in width. The easement shall tie with the public right-of-way on Marinwood Avenue. The final width and alignment of the easement shall be established at the Precise Development Plan phase for the assisted living project. This requirement would not apply if a public entity accepts the offer of dedication to the underlying land in fee title.
 - c. The Parcel Map shall provide a floating pedestrian and bicycle easement on the future freeway interchange area of sufficient width to accommodate the improvements, as determined by the Department of Public Works, but in no case shall the easement be less than 12 feet in width.
 - d. The limits for the City of San Rafael shall be clearly shown on the Parcel Map.
 - e. The Federal Insurance Rate Map flood zone along Miller Creek shall be clearly shown on an additional information sheet for the Parcel Map.

f. References to “Acquisition Parcel A”, “Acquisition Parcel B” and “Open Space Parcel C” shall be removed from the two-lot Parcel Map.

10. The property owners are willing to provide a voluntary offer of dedication of an appropriate interest (such as a fee simple dedication if required by the California Department of Transportation or an easement) for public roadway purposes over the approximately 9.4-acre portion of the Tentative Map that is identified as “Interchange Acquisition Parcel A” and “Interchange Acquisition Parcel B”. The voluntary donation would be effected by an offer of dedication on the Parcel Map implementing the Tentative Map, by deed, or such other means as the parties may agree. The dedication or conveyance of the property shall be to the State of California, or to the County of Marin for conveyance to the State and shall be subject to the provisions of Government code Section 7050 and 66477.5. The configuration and size of the interchange property shall be in substantial conformance with that shown on Sheets 1 and 2 of Exhibit A.

The voluntary offer of dedication of land area at the southeasterly corner of the property between Highway 101 and Lucas Valley Road for future southbound Highway 101 off-ramp improvements has been made in-lieu of the paying the Transportation Facilities Fees that are required pursuant to Marin County Code Section 15.07.060.

The voluntary offer of dedication of land area at the southeasterly corner of the property between Highway 101 and Lucas Valley Road for future southbound Highway 101 off-ramp improvements has been made in-lieu of paying the applicant’s fair share of intersection improvements at the Lucas Valley Road / Los Gamos Road interchange since the signalization is intended to compliment the interchange improvements as identified in the Northgate Activity Center Plan. The EIR has identified that the applicant’s fair share is 38% of the approved design and construction budget.

Compliance with this condition of approval shall satisfy the EIR Mitigations 7.0-1(b), 7.0-2(b), and 7.0-3(b).

Marin Municipal Water District

11. BEFORE RECORDATION OF THE TWO-LOT PARCEL MAP, the applicant shall obtain approval of a pipeline extension agreement with the District, if necessary, to extend water service to the property. All costs associated with a pipeline extension shall be borne by the applicant.

SECTION III: VESTING

NOW, THEREFORE BE IT FURTHER RESOLVED that the Land Division shall be vested by recordation of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. Extensions of time not to exceed a maximum of three, one-year extensions may be granted pursuant to Marin County Code Section 22.84.140 upon written request by the subdivider and payment of the appropriate extension fee before the date of expiration of the approval or previous extension.

SECTION IV: VOTE

PASSED AND ADOPTED at a special meeting of the Planning Commission of the County of Marin, State of California, on the 6th day of December, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary