

**MARIN COUNTY PLANNING COMMISSION HEARING MINUTES**

**April 25, 2005**

**Marin County Civic Center, Room 328 - San Rafael, California**

*Commissioners Present:* Steve C. Thompson, Chair  
Jo Julin, Vice Chair  
Hank Barner  
Don Dickenson  
Randy Greenberg  
Wade Holland

*Commissioners Absent:* Allan Berland

*Staff Present:* Alex Hinds, Director, Community Development Agency  
Brian Crawford, Deputy Director of Planning Services  
Tim Haddad, Environmental Planning Coordinator  
Larisa Roznowski, Assistant Planner  
Eric Steger, Department of Public Works, Senior Engineer  
Jessica Woods, Recording Secretary

*Minutes Approved on:* May 9, 2005

Convened at 1: 02 p.m.  
Adjourned at 3:50 p.m.

1. INITIAL TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

*M/s, Julin/Holland, and passed unanimously of those present, to incorporate the staff reports into the minutes. Motion passed 6/0 (Commissioner Berland absent).*

- b. Continuances – Revised Draft Single Family Residential Design Guidelines to May 23, 2005.

- c. Approval of Minutes – April 11, 2005

*M/s, Holland/Julin, to approve the minutes of April 11, 2005, as amended. Motion passed 6/0 (Commissioner Berland absent).*

2. COMMUNICATIONS – The Commission noted several pieces of correspondence for their review.

Alex Hinds, Agency Director, noted that staff would prepare an outline for the Commission in regard to the schedule for the Countywide Plan update. Commissioner Julin volunteered to work with staff on the update process charts.

3. DIRECTOR'S REPORT

- a. Update on Board of Supervisors' Actions

- May 3, 2005 - Moritz Appeal

- b. Report on On-Going/Pending Development Projects

- St. Vincent Preapplication Proposal
- Martha Company Master Plan – Tiburon
- Redwood Landfill Final EIR - May
- Lawson's Landing Draft - June

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER) - None

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

**May 9, 2005**

- Marin Horizon School Use Permit/Design Review/Negative Declaration

**May 23, 2005**

- Single Family Residential Design Guidelines
- Ferguson Design Review/Coastal Permit

**June 13, 2005**

- Blahos Design Review - Strawberry Area

Public hearing to consider the March 2005 Revised Public Review Draft Single Family Residential Design Guidelines manual (Design Guidelines). The Design Guidelines are intended to establish clear and comprehensive design recommendations for single-family residential development located within the unincorporated communities of Marin. The Design Guidelines are especially relevant to development proposals that are subject to the County's Design Review process by supplementing and reinforcing the findings and criteria used by the County to issue decisions on Design Review applications. In general, the Design Guidelines consist of general guidelines that apply to all single-family residential development, as well as additional guidelines that apply to hillside areas.

This matter is being continued to the May 23, 2005, Planning Commission hearing.

Chairman Thompson asked for a motion.

**M/s, Dickenson/Holland, to continue the matter to the May 23, 2005, Planning Commission hearing. Motion passed 6/0 (Commissioner Berland absent).**

Public hearing to consider the Gustavson appeal of the King Design Review proposal to construct a new, two-story, 1,930 square foot single-family residence, a 480 square foot attached garage, and a 6-foot tall retaining wall in the rear yard of a vacant lot. The 1,930 square foot residence on the 6,944 square foot parcel will result in a floor area ratio (FAR) of 27.8 percent. The residence will attain a maximum height of 23.3 feet above grade. A concrete paver patio will be located in the rear year yard and new landscaping will be installed around the perimeter of the residence. The residence will be finished with a sablewood color composition shingle tile roofing, dark green window, door, and exterior trim, and natural wood color shingle siding. The appellant, Mark Gustavson, sets forth the following bases of appeal: (1) the close proximity of the proposed garage to the northern property line will result in view impacts, major loss of sun exposure, and shadow casting on the master and guest bedrooms of 313 Green Street residence; (2) the construction of the residence will have impact on the 313 Green Street residence foundation due to soil disruption; and (3) opposition to the hours of construction due to unconventional work schedules of the owners of 313 Green Street. The property is located at **334 Dolan Avenue in Mill Valley**, and is further identified as **Assessor's Parcel 050-181-46**.

Larisa Roznowski, Planner, summarized the staff report and recommended that the Commission review the administrative record, conduct a public hearing, and adopt the attached resolution: 1) denying the Gustavson Appeal; and 2) sustaining the Community Development Agency's (CDA) conditional approval of the King Design Review.

Eric Steger, representing the Marin County Department of Public Works, noted that Condition 20 of the draft Resolution captures that the Geotechnical Engineer would conduct a follow-up review prior to issuance of the building permit itself, but the condition could be expanded to provide the Department of Public Works with a stamped letter of acceptance as well as a site investigation. He further stated that four borings were conducted in regard to the King property and the geotechnical aspects are suitable for the house.

The hearing was opened to the public.

Mark Gustavson, appellant, stated that many neighbors did not feel this was a smooth process in regard to the King's communication about the project to the neighbors before the application was submitted to the County. He noted his issues as follows: shadowing impacts; view impact; removal of trees; replacement of trees removed; and construction work hours. He added that the proposed setbacks are not consistent with the surrounding neighborhood. Also, another neighbor on Dolan Avenue expressed concern regarding vehicles traveling at excessive speeds, so off-street parking must be addressed due to safety hazards. He further desired a compromise in regard to the garage pitch. He then reiterated that the project is not conforming to the existing neighborhood.

Jo Kreider, resident at 332 Dolan Avenue, expressed concern regarding the oak tree that must be removed to accommodate the driveway.

Commissioner Greenberg discussed page 8 of the Resolution, which indicated that the proposed home would have high windows facing Ms. Kreider's residence, or Ms. Kreider could sign a letter consenting to lower windows. Commissioner Greenberg asked Ms. Kreider her opinion in that regard. Ms. Kreider stated her desire for the higher windows to preserve privacy.

Commissioner Dickenson asked Ms. Kreider the relationship between the deck and her property in terms of the potential privacy impacts. Ms. Kreider responded that the deck would provide a view into the lower window of her home.

David Holscher, applicant, noted that the proposed building height is below all windows of the neighbor's house at 313 Green in order to avoid any shadowing. He pointed out that this site is very good in regard to soil and, although all projects are complex, this structure could be constructed fairly easily. The applicant objected to a "no

work” Friday, as a full work week will be needed to complete the home in a timely fashion and a requirement not to work on Fridays would add to construction time and make the contractor uneasy. He also explained that an attempt was made to step the house back numerous times on the hill in order to have a true hillside house. He further stated that he believed they have been highly sensitive to the neighbors’ concerns.

Commissioner Holland asked the applicant to address the issue of the height of the windows in the master bedroom. Mr. Holscher stated that his desire is to work with the neighbor after the structure is framed to determine the best height for the windows, rather than making a determination at this time.

The public hearing was closed.

Commissioner Greenberg recommended lowering the front roof ridge of the house (garage) by two feet. She believed that as viewed from the street, the house would loom, fill the street front, appear very high, and very close to the appellant’s house, and if possible she desired it to be lowered. In addition, she desired to remove from the Resolution the option for the neighbor to sign off and keep the lower elevation of the windows as proposed. She agreed that the deck is an intrusion on the neighboring property, and recommended that the deck be removed. She expressed concern for construction parking, believed that issue must be addressed, and recommended adding a condition in that regard. She further desired a completion time for this project.

Commissioner Julin discussed the looming nature of the house and agreed that the height should be lowered by two feet as discussed by Commissioner Greenberg. Also, Commissioner Julin agreed that there should be a specified timeframe in regard to completion of this project.

Mr. Holscher agreed with 15 months in regard to a construction schedule, but objected to lowering the home by two feet. He explained that due to the dramatic diagonal slope of the lot, the project has been designed to sit as low as possible on the hill. He agreed to lower the pitch in regard to the garage to 4 and 12, but maintain the plate height as proposed.

Commissioner Barner stated that the owners have a right to build and the architect has been very sensitive to the neighboring property. He stated his preference that the applicant frame the structure and then have dialogue with the neighbor regarding the master bedroom windows. He also expressed concern for traffic on Dolan Avenue and agreed to add a condition of approval limiting construction parking in order to facilitate traffic control during construction. He expressed concern for the attached garage being used for purposes other than parking and recommended adding a condition of approval that the parking garage could not be used for purposes other than parking in order to maintain the total four on-site parking spaces. In terms of landscaping, he believed that the plan is very extensive and expressed concern regarding the amount of water necessary to maintain this level of landscaping. He felt there could be some additional plantings between the two residences that are most impacted by this project in order to increase privacy. He further recommended fire rated shingles.

Commissioner Dickenson believed the architect responded very well to addressing impacts on the neighbors. He supported eliminating the deck and felt that lowering the pitch of the roof to 4 and 12 could be accomplished without changing the appearance of the structure. He then noted support for staff’s recommendation with some modifications to the conditions.

Commissioner Holland agreed with Commissioner Dickenson’s comments and did not desire to second guess the architect. He desired a Resolution that would not destroy the aesthetics of the property.

Chairman Thompson found it very difficult to imagine how the quality of life of the neighbors would be affected by this project, noting that views from existing houses would always be somewhat restricted by new construction. He asserted that it would be fabulous to save the tree on the southwest portion of the lot, so he recommended that some efforts be considered to accomplish that.

Chairman Thompson asked for a motion.

**M/s, Holland/Dickenson, to adopt the Resolution denying the Gustavson Appeal and sustaining CDA's conditional approval of the King Design Review.**

Commissioner Julin recommended limiting the duration of construction activity to 15 months and suggested having that in writing as a condition of approval.

Commissioner Greenberg recommended adding the following conditions: creation of construction vehicle parking and delivery plan on Dolan Avenue; elimination of the deck on the south side of the house; making every effort to save the tree located at the southwest corner of the lot near Dolan Avenue; lowering the pitch of the roof of the garage to 4 and 12; and restricting the use of the garage to parking.

Brian Crawford, CDA Deputy Director for Planning, pointed out that there is a county ordinance that requires construction to be completed within a prescribed time period after a building permit is issued. Thereafter, the building official has the authority to renew the permit subject to payment of new fees. Deputy Director Crawford recommended that the Commission consider deferring to the county ordinance in regard to the duration of construction activity.

Chairman Thompson reiterated the conditions to be added: duration of construction should be limited to the statute; construction vehicles and delivery system needs and a management plan to be submitted to the Department of Public Works; elimination of the deck on the south side at the master bedroom; make every attempt to save the tree located at the southwest corner, which is near Dolan Avenue; reduce the pitch of the roof to 4 and 12; and create a deed restriction for the garage to remain in perpetuity as being maintained for the parking of two vehicles and may not be converted to other uses that prevent the parking of two vehicles.

Mr. Holscher clarified that the 4 and 12 pitch is for the garage only and not for the entire residence. Also, he desired to maintain the deck because many people enjoy outside space. He noted that every attempt to save the oak tree would be made, but noted that the tree is in poor condition and may not survive the necessary construction activities. Commissioner Dickenson believed it would be a mistake to assume that the tree would survive because the drip line would be covered.

Commissioner Greenberg reiterated that she felt strongly about eliminating the deck off the master bedroom in order to preserve the neighbor's privacy. She then clarified that the change in grade only applied to the garage portion of the house. The Commission and staff agreed.

Commissioners Holland and Dickenson agreed with the suggested revisions to the conditions of approval as discussed.

**Motion passed 6/0 (Commissioner Berland absent).**

*Chairman Thompson announced at 3:00 p.m. that the Commission would take a five-minute recess and then reconvene with the next agenda item.*

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC 05-006

A RESOLUTION DENYING THE GUSTAVSON APPEAL AND SUSTAINING THE  
COMMUNITY DEVELOPMENT AGENCY'S APPROVAL OF THE KING DESIGN REVIEW 05-9  
334 DOLAN AVENUE, MILL VALLEY  
ASSESSOR'S PARCEL 050-181-46

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**SECTION I: FINDINGS**

- I. WHEREAS David Holscher, on behalf of the property owners, Brendan and Michael King, is requesting Design Review approval for the construction of a 1,930 square foot single-family residence, an attached 480 square foot two car garage, and a 6-foot tall retaining wall in the rear yard of a 6,944 square foot vacant lot. As proposed, the 1,930 square foot residence on the 6,944 square foot parcel will result in a floor area ratio (FAR) of 27.8 percent. The residence will attain a maximum height of 23.3 feet from finished grade (21.0 feet from natural grade) and will maintain the following setbacks from corresponding property lines: 9 feet from the western front property line, 5 feet from the northern side property line, 24.1 feet from the eastern rear property line, and 5 feet from the southern side property line. A concrete paver patio will be located in the rear yard and new landscaping will be installed around the perimeter of the residence and in the front yard. The residence would be finished with a sablewood color composition shingle tile roofing, dark green window, door, and exterior trim, and natural wood color shingle siding. The property is located at 334 Dolan Ave. in Mill Valley, and is further identified as Assessor's Parcel 050-181-46.
  
- II. WHEREAS on February 18, 2005, the Community Development Agency issued a conditional approval of the King Design Review granting authorization for the construction of 1,930 square foot single-family residence, a 480 square foot attached garage, and a 6-foot tall retaining wall in the rear yard of a 6,944 vacant lot in Mill Valley. The approval includes conditions requiring revised plans showing windows in the master bedroom at the southeast corner of the residence located at 6 feet above the finished floor elevation for privacy, requiring increasing landscaping from 5-gallon to 15-gallon shrubs on the southern side of the residence to provide additional privacy relief, requiring a revised landscaping plan to show a 2:1 replacement ratio for the coast live oak proposed for removal in the form of one 24-inch boxed coast live oak and one other 15-gallon tree, requiring increased fern and shrub container sizes in the front yard to the north and south of the driveway to provide for increased screening, requiring submittal of an Erosion and Siltation Control Plan, and requiring plans to be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer.
  
- III. WHEREAS, a timely appeal of the Community Development Agency's approval of the King Design Review has been filed by Mark Gustavson asserting the following issues: (1) the close proximity of the proposed garage to the northern property line will result in view impacts, major loss of sun exposure, and shadow casting on the master and guest bedrooms of 313 Green Street residence; (2) the proposed development is inconsistent with development in neighborhood; (3) the construction of the residence will have impact on 313 Green Street residence foundation due to soil disruption; and (4) opposition to the hours of construction due to the unconventional work schedules of the owners of 313 Green Street.
  
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on April 25, 2005, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.

- V. WHEREAS the Marin County Planning Commission finds that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because construction of the single-family residence would not result in any potentially significant impacts to the environment.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
- A. The project is consistent with the Countywide Plan and Tamalpais Community Plan's SF-6 land use designation.
  - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Tamalpais Community Plan because the residence is graded into the hillside to reduce visual bulk, the residence has a maximum height of 21.0 feet from natural grade where a maximum of 30 feet above natural grade is allowed, the project has been designed with varying roof lines and wall articulations that reduce mass, the project is consistent with the Tamalpais Area maximum adjusted floor area ratio for sloped lots that exceed 25 percent slope, and the size and architectural style of the residence is compatible with other homes in the surrounding neighborhood.
- VIII. WHEREAS the Marin County Planning Commission finds that the proposed project, is consistent with all of the mandatory findings to approve the King Design Review application (Section 22.42.060 of the Marin County Code) as specified below.
- A. **The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The proposed residence, as amended, would conform with property development standards applicable to the R1:B1 zoning district including principally-permitted structures, uses, setbacks, and maximum building height conditions. As proposed, the residence is located 9 feet from the western front property line due to the allowed encroachment for parking structures on sloped lots, 5 feet from the northern side property line, 24.1 feet from the eastern rear property line, and 5 feet from the southern side property line. The proposed residence steps into the sloped lot, resulting in a reduced visual bulk and mass. The structure is compatible with the site and other properties in the vicinity with respect to screening, and incorporates characteristics of architectural design, and exterior color and building materials that are compatible with the surrounding area. A condition of approval requires the roof pitch of the garage portion of the approved residence to be lowered to 4 and 12. This modification will minimize the bulk and massing of the front façade of the residence, and its potential to have a looming or overbearing presence, as viewed along the Dolan Avenue street frontage.



- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project will not impact view, light, air, and privacy of surrounding residences or public areas due to the following reasons: (1) proposed vegetation on the subject property and additional landscaping as part of the conditions of approval as discussed above will provide adequate visual screening and privacy buffering between the proposed residence and off-site locations; (2) the stepped design of the proposed residence, with two raised windows in the master bedroom will preserve privacy; (3) the height of 23.3 feet does not exceed the 30-foot height limit for the governing R1:B1 zoning district; and (3) proposed design and modifications to the front entryway stairs/retaining wall as part of the conditions of approval as discussed above will create appropriate building height, bulk, and mass that will preserve the use and enjoyment of surrounding properties, will protect views from the hillside from off-site locations, and will be reasonable and appropriate given the size, configuration, and topography of the subject property. A condition of approval requires the elimination of the proposed deck located on the south side of the approved residence to avoid privacy intrusion at the adjacent property to the south of the project site. A condition of approval also requires the implementation of a construction management plan to avoid or minimize the interference with the use of Dolan Avenue by vehicles and pedestrians. This latter condition is appropriate in light of the narrow width of Dolan Avenue and the extent of construction activities anticipated for development of the project.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The residence is a principally-permitted use in the R1:B1 zoning district in which the property is located. The discussion contained in Findings A and B is also supportive of this finding.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The residence has been designed to be compatible with the site and surrounding built environment. The proposed (and conditioned) vegetation will soften the appearance of the structure when viewed from off-site locations. A condition of approval will require the applicant to replace the diseased coast live oak proposed for removal with a 24-inch boxed coast live oak to be planted in the front yard, and one other 15-gallon tree to be selected by the applicant. In addition, 1-gallon *Polystichum munitum* ferns are to be modified to 5-gallon and the 5-gallon *Merium* oleander shrubs are to be modified to 15-gallon size in the front yard to the north and south of the driveway. A condition of approval requires the applicant to make every feasible effort to preserve the existing oak tree located at the southwest corner of the property.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

Proposed building materials and colors would compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Exterior walls are composed of series of smaller horizontal and vertical planes that break up the visual bulk and massing of the building and reflect the sloped hillside terrain. A 2:1 replacement ratio for the coast

live oak proposed for removal is being required as a condition of approval to retain natural vegetation on the project site. Finally, the residence will attain a maximum height of 23.3 feet from finished grade where 30 feet maximum height from finished grade is allowed.

**F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

**1. The area, heights, mass, materials, and scale of structures;**

The 1,930 square foot single-family residence with a 480 square foot attached garage is compatible in size, height, materials, and scale with surrounding development. The design will have a maximum height of 23.3 feet above grade and steps up the hillside. A condition of approval will require that the front foundation/retaining wall to be broken in to a series of smaller components or steps to effectively reduce the visual massing of the entryway as viewed from the street level.

**2. Drainage systems and appurtenant structures;**

The drainage system has been reviewed and accepted by the Department of Public Works.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

As proposed, the improvements have been sited on a hillside that will require cut and fill in order to allow the residence is be placed within the hillside. A condition of approval will mitigate the visual appearance of the front entryway foundation/retaining wall.

**4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and**

The development on the property will not interfere with the containment, movement, or circulation of animals, conveyances, or persons.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

The siting of the residence is at a lower elevation than the northerly neighbor and will not eliminate or substantially reduce the sun and/or light exposure on adjacent properties, and the design and the wall as conditioned will not result in the elimination of views, vistas, or privacy.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The residence will be required to meet Title 24 of the California Code of Regulations, which requires minimum energy efficiency standards for single-family residences. The Building and Safety Division will verify compliance with Title 24 upon submittal of a Building Permit application.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the**

**existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposal to construct a single-family residence is consistent with the Marin Countywide Plan designation of SF-6, residential, 4 to 7 units per acres and with the governing R1: B1 zoning district. The structures have been designed to be compatible with the natural environment and will not be detrimental to the surrounding properties. The project has been recommended for approval by the Tam Design Review Board.

IX. WHEREAS the Marin County Planning Commission finds that the bases for the Gustavson appeal cannot be sustained and that the Community Development Agency acted appropriately in issuing the King Design Review due to the following factors:

1. *The close proximity of the proposed house and garage to the northern property line will result in view impacts, major loss of sun exposure, and shadow casting on the master and guest bedrooms of 313 Green Street residence.*

Response to Appeal:

The structure is located 5 feet from the northern property line, consistent with the governing R-1:B-1 zoning district, and would have a maximum height of 23.3 feet from finished grade (21.0 feet from natural grade) where 30 feet is allowed. The project is downslope from the appellant's property, and the garage is the lowest element of the proposed residence. Additionally, the project incorporates design elements to minimize impacts on views, light, air, and privacy. These elements include varied roof heights, substantial step back from the front of the property, and grading into the slope to minimize visible height of the structure. Minimal placement of windows on the northern side of the structure limit views to the neighbor, thereby minimizing impacts on privacy. Staff conducted a site visit to the neighboring property to the north, and concluded that the design and siting of the project, as well as substantial landscaping on the 313 Greene Street property, provides a sufficient buffer between the two residences, taking into consideration the size of the project site. Those mature trees and other vegetation also currently filter much of the available sunlight, minimizing light impacts. The applicant also submitted a landscape plan that includes landscaping along the northern side of the residence between the applicant's and appellant's structures. Finally, the Tamalpais Design Review Board approved the project citing that the project design is compatible with the neighborhood and is sensitive to preserving views from the adjacent neighbor's windows and deck.

2. *The proposed development is inconsistent with development in neighborhood.*

Response to Appeal:

Lot areas within a 600-foot vicinity of the subject property range from 2,000 square feet to 14,000 square feet, with an average size of 6,434 square feet. Homes sizes, including garages, range from 819 square feet to 4,511 square feet, with an average size of 2,124 square feet. The median home size 1,876 square feet. The proposed project has a home and garage size of 2,410 square feet on a 6,944 square foot lot, consistent with neighboring lots within a 600-foot vicinity. The proposed dwelling would have a floor area ratio of 27.8 percent, where a maximum of 30 percent is allowed, and the placement of the residence would meet all the yard setback requirements of the governing R-1:B-1 zoning district. The project design is stepped into the hillside and articulated, with varying roof heights. Conditions of approval ensure that the project will not adversely impact neighboring residences. Staff finds that the proposed single-family dwelling is appropriate for the project site for these reasons. (Attachment 7 provides additional analysis regarding comparisons between lot areas and home sizes in the vicinity.)

- 3. The construction of the residence will have impact on 313 Green Street residence foundation due to soil disruption.*

Response to Appeal:

The Marin Countywide Plan, Marin County Development Code, and Title 23 of the Marin County Code all require that construction activities minimize erosion, maximize soil stability, and minimize alterations to existing drainage patterns. During the review of a development proposal for a hillside environment, it is common practice for the County to require a geotechnical report to assess the feasibility of the proposed project. The applicant's geotechnical engineer (SalemHowes Associates, Inc.) provided a geotechnical report that was reviewed and accepted by Department of Public Works staff for compliance with Titles 23 and 24 of the Marin County Code.

The report prepared by SalemHowes Associates, Inc. indicates that the project can be safely constructed without adversely impacting the slope stability or changing the drainage in any measurable manner, i.e., it should not adversely affect the foundation of the neighboring residence. With respect to allegations regarding the methodology and findings of the geotechnical investigation by SalemHowes Associates, Inc., no current studies prepared by a qualified professional have been provided by the appellant to refute the findings of the SalemHowes study. Department of Public Works staff has reviewed the report and found it to adequately address their concerns regarding the feasibility of locating a single-family residence on the property.

Furthermore, the Department of Public Works is requiring the submittal of an Erosion and Siltation Control Plan as a condition of approval. Staff is also recommending that this condition of approval be modified to include a revegetation plan that includes erosion resistant vegetation on all slopes to reduce the potential for sloughing and erosion (Refer to Attachment 1, Condition 21).

- 4. Opposition to the hours of construction due to the unconventional work schedules of the owners of 313 Green Street.*

Response to Appeal:

The appeal letter appears to be requesting no construction after 1:00 pm or on Fridays. In subsequent conversations not documented, the appellant indicated that he is requesting no construction after 4 pm. Condition number 6 limits construction hours to 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday, and no construction shall be permitted on Sundays or holidays. This condition is generally consistent with construction limitations of other discretionary approvals throughout the County. It would be unusual for the County to impose the restrictive construction hours as requested by the appellant. Furthermore, such limited hours would extend the duration of time to complete construction of the project.

## **SECTION II: PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Gustavson appeal and sustains the Community Development Agency's conditional approval of the King Design Review subject to the following conditions:

Marin County Community Development Agency - Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as “Exhibit A,” entitled, “King Residence, 334 Dolan Ave., Mill Valley California,” consisting of 10 sheets prepared by David John Holscher, dated December 6, 2004, and one sheet entitled “Topographic Survey, 334 Dolan Ave./A.P. 50-181-46”, prepared by Lawrence P. Doyle, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as “Exhibit B,” entitled “Material Board, 334 Dolan Ave., Mill Valley, VA, APN: 50-181-46”, dated August 12, 2004, and on file with the Marin County Community Development Agency including:

Siding: natural wood color shingle siding

Roof: sablewood color composition shingle tile roofing

Trim: dark green

All flashing, metal work and trim shall be treated or painted an appropriately subdued, nonreflective color.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District or North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. All construction activities shall comply with the following standards:
  - A. Except for such low-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
7. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the King Design Review 05-9, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit,

attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.

9. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
10. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise plans to show windows in the master bedroom at the southeast corner of the residence to be located at 6 feet above the finished floor elevation. The 5-gallon *Melaleuca 'Mesophila'* shrubs indicated on the proposed landscape plans on the southern side of the residence are to be revised to 15-gallon *Melaleuca 'Mesophila'* shrubs to expedite the timeframe to maturity and provide additional privacy relief. Alternatively, a signed letter from the owner at 332 Dolan Avenue approving the elevation of the master bedroom windows at an elevation 3 feet above the finished floor elevation as shown on submitted plans would be acceptable.
12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise plans to show redesigned front entryway foundation/retaining wall be broken in to a series of smaller components or steps to effectively reduce the visual massing of the entryway as viewed from the street level.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise plans to show a 2:1 replacement ratio for the coast live oak proposed for removal in the form of one 24-inch boxed coast live oak to be planted in the front yard, and one other 15-gallon tree to be selected by the applicant. In addition, the proposed 1-gallon *Polystichum munitum* ferns are to be modified to 5-gallon size and the 5-gallon *Merium oleander* shrubs are to be modified to 15-gallon size in the front yard to the north and south of the driveway. Final landscape plans shall consist of at least 50 percent drought tolerant, fire resistant, native species.
14. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the both side property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation, under penalty of perjury, to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that prior to construction of the foundation, the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The project shall not proceed beyond the foundation framing stage until all required building setbacks have been confirmed by Community Development Agency staff. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be verified and used by the Building and Safety Inspection staff to definitely measure building setbacks.
15. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
16. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County

Recorder's Office to advise future property owners of the special development restrictions relative to maintenance of the landscape plan for structure screening and visual buffer from off-site locations, maintenance of redesigned front entryway to reduce height and mass from the street level as a part of these conditions of approval.

17. BEFORE FINAL INSPECTION, the applicant shall enter into a landscape maintenance agreement with the Community Development Agency that is secured by a financial deposit that is equivalent to one and one-half times the value of the labor and materials for all new landscaping. The agreement shall be for a period of three years from the date of occupancy, during which time the applicant shall agree to maintain the landscaping in a healthy and vigorous condition. At the end of the three-year landscape maintenance period, any specimen which has not survived or is in poor or declining health, as determined by the Community Development Agency staff, shall be replaced with a specimen of a comparable size.

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

18. Driveway curbs shall not be higher than 6'' and get tied into the existing asphalt curb on Dolan Ave. Also, site plan shows existing asphalt curb to be continuous along the adjacent property driveway. Revise plans to show the correct location of where the curb terminates.
19. Sheet L0.1, drain outlet proposed on south side of driveway encroaches into adjacent property and its frontage. No improvements are allowed outside of property lines. Revise plans to correct the encroachment.
20. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification, under penalty of perjury, shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
21. Submit an Erosion and Siltation Control Plan. A revegetation plan that includes erosion resistant vegetation on all slopes to reduce sloughing and erosion must be submitted as a part of the Erosion and Siltation Control Plan. Vegetation shall consist of at least 50 percent drought tolerant, fire resistant, native species.
22. An encroachment permit shall be required for work within the road right-of-way.
23. Applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

Southern Marin Fire Protection District

24. Driveways off access roads serving dwelling units shall meet Marin County Standards related to dimensions, surfacing, and slope (no switchbacks).
25. For all new construction and all "substantial remodels", plans for fire sprinkler design shall be approved and reviewed by the Southern Marin Fire Protection District prior to installation.
26. The address shall be posted in accordance with requirements of the Uniform Building Code.
27. Smoke detectors shall be installed in accordance with the Uniform Building Code.
28. A remotely located, second means of egress shall be provided for each floor above the first.
29. Non-combustible roofing is required for all new construction.
30. Compliance must be provided with Public Resources Code 4291 relating to brush and weed clearance.

31. Prior to occupancy, a spark arrestor shall be installed in the chimney(s).

Marin Municipal Water District

32. Water service can be activated upon the request and the fulfillment of the following requirements:

- A. Completion of a Standard Water Service Application;
- B. Submittal of a copy of the building permit and payment of required fees;
- C. Completion of the structure's foundation within 120 days of the date of application;
- D. Compliance with the District's rules and regulations in effect at the time service is requested; and
- E. Compliance with the District's landscape requirements (Ordinance 385) through submittal of working drawings for all planting and irrigation systems to the District prior to provision of water service for new landscape areas, or improved or modified landscape areas.

Tam Design Review Board

33. In order to enhance fire safety, the applicant shall install four (4) hose bibs prior to Final Inspection.

Marin County Planning Commission

34. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a construction vehicle parking and delivery plan demonstrating to the satisfaction of the Community Development Agency (CDA) staff that construction vehicles, equipment, and materials shall be stored at the project site or at an off-site location in a manner that allows the safe passage of vehicles and persons along Dolan Avenue and other rights-of-way for the duration of construction activities for this project. If an off-site staging area is used to comply with this condition, it shall be the responsibility of the property owner to secure control, ownership, or consent to use the particular locale in a lawful manner. If construction of the project cannot be completed without a transitory obstruction of Dolan Avenue, the obstruction shall be limited to the minimum extent and time necessary to perform the work causing the obstruction, and the property owner, applicant, or general contractor shall provide at least 72 hours written notice of such obstruction to residents of Dolan Avenue located between the Dolan Avenue/Morningsun Avenue intersection and the terminus of Dolan Avenue uphill of the project site.
35. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans showing the elimination of the deck on the south side of the residence.
36. The applicant shall make every feasible effort in the final design and construction of the project to save the oak tree located on the southwest corner of the lot near Dolan Avenue. Minor revisions to the location and design of the driveway for the approved residence may be permitted administratively by the CDA staff to comply with this condition.
37. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans showing the pitch of the garage roof lowered to 4 and 12.
38. BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners shall record a notarized deed restriction stipulating that the attached garage shall be maintained for the parking of two vehicles and shall not be converted to other uses that prevent the parking of two vehicles.

**SECTION III: VESTING OF RIGHTS**



The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by April 25, 2007 for all entitlements, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Design Review at least 10 days before the expiration of the Design Review approval.

#### **SECTION IV: APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$700.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **May 5, 2005**.

#### **SECTION V: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 25<sup>th</sup> day of April, 2005, by the following vote to wit:

AYES: Dickenson, Julin, Greenberg, Holland, Barner, Thompson

NOES: None

ABSENT: Berland

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STEVE C. THOMPSON, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Woods, Recording Secretary

Public hearing to consider approval of the revised Sorokko Final Environmental Assessment (EA) to evaluate the capabilities and constraints relative to potential development of the approximately 19-acre site. Important issues identified by the Sorokko Final EA include several landslides which would need to be avoided or stabilized; a biologically-constrained area for developing an on-site leachfield disposal area and other constraints to leachfield development and use; a coast live oak woodland that could be significantly impacted by landslide repair and leachfield development; and significant visual resources that could be impacted by site development. Other site resources/constraints include steep slopes that may require substantial grading and contain erodible soils; three small populations of special-status species of plants; habitat used by nesting birds; and a Native American shellmound located on site. The irregular shaped property is on a steep, wooded slope located between Paradise Drive and San Francisco Bay on the north side of the Tiburon Peninsula, about four miles from the Highway 101/Paradise Drive/Tamalpais Drive interchange. The site is undeveloped except for an existing paved driveway and an unpaved access road. The property is located at **3820 Paradise Drive, Tiburon**, and is further identified as **Assessor's Parcel 039-302-01**.

Tim Haddad, Environmental Planning Coordinator, summarized the staff report and recommended that after the presentation of a summary of the Final EA by the EA Consultant, that the Commission conduct a public hearing to consider approval of the Final EA, close the hearing, and take action on the attached draft resolution finding the Sorokko Property Final EA adequate and complete pursuant to Marin County Code 22.50 and Marin County Environmental Review Guidelines to allow the Community Development Agency to accept an application for development of the property.

Environmental Coordinator Haddad provided the Commission with three corrected Figures: 18, 22, and 23 and asked that those figures be approved with the final document. Commissioner Dickenson noted that the new figures reduced the geotechnical area by half and the constraint areas appear very different and desired an explanation. Leonard Charles, EA Consultant, discussed the changes that occurred to the constraints map for the Commission's consideration.

Commissioner Greenberg found the document very useful and quite comprehensive, but the potential impacts were not pointed out to the oak woodlands from constant irrigation from the proposed leach fields and she desired that the issue be fully addressed. Also, the need for subsequent study of secondary impacts resulting from the various mitigations must be very clear. She further asked staff to clarify the open space south of the southwest corner of the property and across Paradise Drive. EA Consultant Charles agreed to investigate that issue.

Commissioner Holland discussed Figure 17 and asked staff to explain what is going on with Parcel 4. EA Consultant Charles deferred that question to the applicant.

The hearing was opened to the public.

John Roberto, Planning & Environmental Consultant for Mr. Sorokko, stated that there has been a significant reduction in the areas of the landslides and recommended that the Commission read the appendix, which is quite detailed as to why there was a change. He found the information in the Environmental Assessment quite factual and extensive, and in preparing a Master Plan for this property they are reviewing all matters that Commissioner Greenberg had requested. He explained that mediation work would be done relative to these slides; they would review the additional water flow and how it would affect the oaks; and they are reviewing the condition of the oak woodland. Also, their Sanitary Engineer would actually lay the leach field lines in order to understand the effects on the trees. He stated that all the information would be presented to staff and would be peer reviewed by County staff and staff would evaluate the visual effects. He then discussed Figure 17 and explained that the base map sent to the EA Consultant was an old base map that was used in an application in Tiburon that represented a footprint of a home that was designed for a Tiburon application, so based upon the information they are conducting a reconfiguration of lot lines, building envelopes, and rethinking the design.

The public hearing was closed.

**M/s, Holland/Julin, to adopt a Resolution approving and adopting the Sorokko Final Environmental Assessment, subject to the amended figures and errata sheet.**

EA Consultant Charles noted the following items that would be included in the errata sheet:

- Clarify that the impacts to oak woodlands from runoff would be assessed fully in the project CEQA environmental review document;
- Secondary impacts from various mitigation measures would be fully assessed in the project CEQA environmental review document;
- Status of the private open space south of the southwest corner of the site would be clarified;
- Modifications to Figures 18, 22, and 23 would be included in the final EA figures; and
- Page 33 citation in regard to *earthquakes*” would be changed to *landslides*” and those numbers would reference the current geotechnical report.

Commissioner Dickenson felt the Final EA was very thorough and provided a wealth of constraint information for the applicant and consultants to use to design a project that responds to the site constraints.

Commissioner Holland asked if there would be an EIR for the project. Environmental Coordinator Haddad responded that a determination couldn't be made until a complete application is submitted and accepted; however, it is quite probable that an EIR would be required for development of this property.

**Motion passed 6/0 (Commissioner Berland absent).**

*Chairman Thompson adjourned the Planning Commission meeting at 3:50 p.m.*

**MARIN COUNTY PLANNING COMMISSION**

**RESOLUTION NO. PC 05-007**

**A RESOLUTION APPROVING AND ADOPTING THE  
ENVIRONMENTAL ASSESSMENT FOR  
THE SOROKKO PROPERTY IN TIBURON**

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**SECTION I: FINDINGS**

1. WHEREAS, prior to filing an application for undeveloped, agricultural or redevelopment lands located within the combining Bayfront Conservation zoning district, an Environmental Assessment (EA) is required to be prepared pursuant to Marin County Code Chapter 22.50 and processed pursuant to the provisions of the Marin County Environmental Review Guidelines.
2. WHEREAS, in July 2003, Mr. William McLaughlin of the McLaughlin Development Group, acting as a representative on behalf of Serge and Tatiana Sorokko, owners of an approximate 19 acre property located at 3820 Paradise Drive, Tiburon, (APN 039-302-01), submitted a request to the Marin County Community Development Agency (CDA) to prepare an EA for the property utilizing Leonard Charles and Associates, environmental consultant, pursuant to Marin County Code and County Environmental Review Guidelines. Leonard Charles completed a draft EA and submitted it to the CDA in September 2004.
3. WHEREAS, on September 4, 2004 the draft EA was distributed to members of the Planning Commission and the Board of Supervisors, Federal, State and local agencies and special districts, surrounding property owners and other known interested parties to commence a 30-day period ending November 4, 2004, for public review and comment on the adequacy of the EA. A Notice of Availability of the EA, including the public review period and date of public hearing by the Marin County Planning Commission to receive comments on the EA was published in a general circulation newspaper.
4. WHEREAS, on October 25, 2004 the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the EA as adequate and in compliance with the Marin County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines. A Staff Report on the EA was provided to the Commission together with the administrative record, EA documents, and all written comments received prior to the public hearing. Oral and written comments were presented at the hearing.
5. WHEREAS, following the close of the EA public review period on November 4, 2004, the environmental consultant prepared responses to comments and revised the EA to reflect responses in a Final EA. On April 15, 2005 the Final EA and Response to Comments was distributed to members of the Planning Commission and Board of Supervisors, Federal, State and local agencies and special districts, commentators on the Draft EA, surrounding property owners and other interested parties. A notice of Availability of the Final EA and the date of public hearing by the Marin County Planning Commission to consider approval and adoption of the Final EA was published in a general circulation newspaper.
6. WHEREAS, on April 25, 2005 the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the Final EA for approval and adoption in compliance with Marin County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines. A staff report on the Final EA was provided to the Commission together with the administrative record and Final EA documents. Comments were presented at the hearing.

7. WHEREAS, the Marin County Planning Commission has reviewed and considered the information in the Final EA, administrative record, staff report, and comments and responses on the Final EA, for adequacy and compliance with the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.

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

1. Notice of the Planning Commission hearing on the EA was given as required by law and the hearings were conducted pursuant to the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.
2. All individuals, groups, and agencies desiring to comment on the EA were given the opportunity to submit written comments.
3. All comments raised during the public review period of the EA and the public hearings conducted by the Planning Commission were responded to adequately.
4. No new or substantial changes to the Final EA are proposed. Only minor technical changes including an errata sheet, consisting of nine text changes or corrections and corrections to three figures, were required to make the Final EA adequate and the changes/additions to the EA do not raise important new issues.
5. The Planning Commission was presented with all of the information in the administrative record, testimony, and EA documents, and has reviewed and considered this information.
6. The EA has been completed in compliance with the intent and requirement of the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.

NOW THEN, LET IT BE FURTHER RESOLVED, that the Marin County Planning Commission approves and adopts the Sorokko Property Final Environmental Assessment as adequate in compliance with the requirements of the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines for preparation and processing of Environmental Assessments. A development application which should reflect the findings and conclusions of the Final EA can now be submitted to the Marin County Community Development Agency for processing.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of April, 2005, by the following vote to-wit:

AYES: Dickenson, Julin, Greenberg, Holland, Barner, Thompson

NOES: None

ABSENT: Berland

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STEVE C. THOMPSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Woods, Recording Secretary