



entail the removal of one healthy, mature, native oak tree, which is near the boundary line between Lot 2 and Lot 3.

**Lot Summary Table**

<b>Lot</b>	<b>Lot Area (square feet)</b>	<b>Use</b>
Lot 1	10,999	New detached single family residence
Lot 2	10,202	New detached single family residence
Lot 3	5,471	Existing detached single family residence
Lot 4	15,080	Existing detached single family residence
Lot 5	35,761	New building(s) for six attached residences

The Master Plan and Tentative Map would allow the subdivision of the existing property, consisting of two lots, into five lots, as shown on this Master Plan Exhibit and associated Tentative Map. The proposed Master Plan would also allow for the further subdivision of Lot 5 into six residential condominium units and one common interest parcel to be owned and managed by a homeowners association, consistent with the provisions of the Davis-Sterling Act. The applicants would not be required to divide the buildings into condominiums, they may be rented as multi-family units instead, but the Master Plan would preserve the owner’s right to divide them into condominiums in the future. The project site plans show these attached units as townhouses, but the final design would be determined through a future Design Review process.

The proposed Master Plan contains “Development Standards” and “Review Procedures for Future Development”, which are indicated on the Master Plan Exhibit. These standards and procedures establish criteria for ministerial review of the detached residences and discretionary review of the buildings for the attached residences. The text on the Master Plan Exhibit would govern future development, but a few key provisions are summarized below:

- A. Subdivision improvements, including grading, drainage, access, parking, and utilities, would be approved and Final Map improvement plans would be required to substantially conform to the approved project plans, labeled “Exhibit A”.
- B. The building footprints of the single-family detached dwellings and multi-family buildings would be within the building envelopes for the individual lots.
- C. The maximum heights of the main buildings on all lots would be 30 feet above grade and the maximum heights of accessory buildings would be 15 feet above grade.
- D. The regulations contained in Marin County Code section 22.10 (Residential Districts) and 22.20 (General Property Development and Use Standards) would apply to future development, except as otherwise specified by the Master Plan.

The applicant proposes to meet the County’s affordable housing requirements by dedicating one of the existing detached single-family residences and an accessory dwelling unit on the same lot (Lot 4) as deed-restricted affordable housing.

Pursuant to Chapters 22.44 and 22.84 of the Marin County Development Code, a Master Plan and Tentative Map are required because the project entails the subdivision of two lots into five lots with the construction of 10 new residential dwelling units in a Planned zoning district.

Pursuant to Chapter 22.62.050 of the Marin County Development Code, a Tree Removal Permit is required because the project entails the removal of one healthy, Coast Live Oak heritage tree for the development of Lot 2. For the future development of Lot 5, additional tree removal permits would be required.

## **PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

- Lot Area: 1.78 acres (77,513 square feet)
- Adjacent Land Uses: Residential, Montessori School and Highway 101
- Topography and Slope: 25% average slope with a prominent rock-face cliff at the center of the two existing lots
- Existing Vegetation: The undeveloped portions of the site are covered in native and non-native vegetation, with a number of large native and ornamental trees. Some of the trees are protected or heritage pursuant to Marin County Development Code Chapter 22.27. However, only one tree that qualifies as a heritage tree is being removed for this first phase of the project.

The 1.78-acre (77,513 sq. ft.) project site is located on two parcels in the California Park neighborhood, in the unincorporated area between the cities of San Rafael and Larkspur (see Figure 1, Project Location). The property is located at the eastern terminus of the Southern Heights Ridge, immediately adjacent and west of U.S. 101, approximately 0.37 miles south of its interchange with I-580. The lower (northern) portion of the site abuts Auburn Street and the upper (southern) portion abuts Albion Street. There are two single-family houses on Albion Street, at the southern edge of the site. The lower portion of the site abuts a complex of duplexes to the west and US 101 to the east. A Montessori school is directly across Auburn street from the site.

The undeveloped portions of the site are covered in native and non-native vegetation, with a number of large native and ornamental trees. There is a steep drop-off from the upper to lower portions of the site, which appears to be the rock-face of an old quarry. The lower portion of the site is gently sloped, while the upper portion ranges from moderately to steeply sloping. The entire site drains northward, towards Auburn Street.

## **BACKGROUND**

The project applicants first submitted a substantially different project application for the two lots in September 2016. After receiving multiple merits comments from CDA Planning staff that indicated that the project as proposed did not conform to the County's policies and design guidelines, the project application expired. Subsequently, in February 2018, the applicants submitted the current application and the application was deemed complete in July 2018. Environmental review was initiated for the project due the topography of the site, and potential environmental issues that could result from building two new single-family houses (in addition to the two already existing houses) along Albion Street, and six new townhouses in close proximity to the natural, rock-face cliff at the center of the two existing lots.

## **ENVIRONMENTAL REVIEW**

In June of 2019, the initial study was completed leading to a Mitigated Negative Declaration and was signed by the applicant. On June 18, 2019, the Mitigated Negative Declaration/initial study was circulated for a 30-day public review period and comments were submitted by CALTRANS regarding the abutters right's notated along Auburn Street. The applicants addressed the comment by removing the language from the Tentative Map, which was transmitted back to CALTRANS on August 23, 2019. No other comments on the environmental review were received during the comment period.

## **KEY ISSUES**

The proposed Master Plan would act as a type of site specific zoning for the property, establishing areas for development, types of appropriate development, and the appropriate level of review for development. Essentially, the detached single-family residences on the upper portions of the site would be subject only to Building Permits as long as they meet specific design criteria, while the larger multi-unit buildings on the lower portion of the site would be automatically subject to Design Review. These multi-unit buildings would likely be built as townhouses that would then be divided into condominiums for future sale.

The applicants are required to dedicate two of the eight new units for affordable housing. The proposal is to dedicate one of the existing detached residences as affordable and construct an accessory dwelling unit in the basement of that residence to dedicate as the second affordable unit. Unlike the construction of new primary units, new Accessory Dwelling Units (ADUs) do not generate the need for affordable housing. Therefore, it stands to reason that ADUs should not be acceptable as affordable housing. However, Development Code Chapter 22.22 (Affordable Housing Regulations) does not contain an explicit statement that ADUs cannot be used to satisfy affordable housing requirements. Further, affordable units are supposed to be distributed around a site, rather than located only on one lot. Consistent with past practice, Planning Division staff recommends that the project be modified to require that a unit in one of the multi-unit buildings be dedicated as affordable rather than accepting an ADU for that purpose.

In addition, pursuant to Countywide Plan program CD-6.a (page 3.4-10), the allowable density is for the site is reduced to the lowest end of the density range because the property is within the urban service area for San Rafael. Urban service areas are areas around towns and cities that can be connected to city infrastructure such as water and sewer. However, the program provides some flexibility for projects subject to a Master Plan and to allow for affordable housing. In the case of this project, allowing the density to exceed the lowest end of the density range facilitates the development of affordable housing. Therefore, Planning Division staff recommends that the proposed density be approved.

## **RECOMMENDATION**

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and recommend that the Board of Supervisors approve the Albion Monolith Master Plan, Tentative Map and Tree Removal Permit.

Attachments:

1. Recommended resolution
2. CEQA resolution

3. Marin County Uniformly Applied Conditions 2019
4. Albion Monolith Mitigated Negative Declaration (sent previously)
5. Albion Monolith Response to Comments Memo and Mitigation Monitoring and Reporting Program Table
6. Letter from CDA Affordable Housing Division dated June 29, 2018
7. Inter-Office Memorandum from DPW dated August 28, 2019
8. Letter from Marin Municipal Water District dated August 30, 2019
9. Letter from San Rafael Sanitation District dated February 26, 2018
10. Email from Andrew Chan, CALTRANS received September 9, 2019
11. Email from Scott Alber, Fire Marshal received on September 9, 2019
12. Email & letter from PG&E received on September 2, 2019
13. Arborscience Arborist Report received June 7, 2019
14. Affordable Housing Proposal, dated January 2, 2018
15. Project plans

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE ALBION MONOLITH MASTER PLAN, TENTATIVE MAP AND TREE REMOVAL PERMIT 33 / 37 ALBION MONOLITH STREET, SAN RAFAEL ASSESSOR’S PARCEL: 018-087-13 & -14

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SECTION I: FINDINGS

- 1. WHEREAS, Hayes Shair, on behalf of Albion Monolith LLC, has submitted a proposal to subdivide a property currently developed with two detached single-family residences and construct two new detached single-family residences as well as two new buildings with three attached residences each. The project will result in a total of 10 residences, including the two existing residences that will remain, the development of two new detached single-family residences, and the development of six attached residences, which may be either rented as multi-family units or divided into separate condominiums. The proposed residential density for the 1.78 acre property is approximately 5.6 dwelling units per acre. The property is located at 33 / 37 Albion Street, San Rafael and is further identified as Assessor’s Parcels 018-087-13 and -14.

The subject property has a combined area of 1.78 acres (77,513 square feet) and has frontage along both Auburn Street and Albion Street. The proposed project includes the creation of four new lots (Lots 1-4) for the purpose of detached single-family residential development, and one new lot (Lot 5) for attached residential development. Lots 1, 2 and 3 are proposed to take access via an existing, widened driveway from Albion Street, Lot 4 would continue to be accessed by an existing shared driveway, and Lot 5 is proposed to take access from a new 24-foot wide private driveway from Auburn Street. The improvements to the shared driveway from Albion Street would entail the removal of one healthy, mature, native oak tree, which is near the boundary line between Lot 2 and Lot 3.

Lot Summary Table

Table with 3 columns: Lot, Lot Area (square feet), Use. Rows include Lot 1 (10,999 sq ft, New detached single family residence), Lot 2 (10,202 sq ft, New detached single family residence), Lot 3 (5,471 sq ft, Existing detached single family residence), Lot 4 (15,080 sq ft, Existing detached single family residence), and Lot 5 (35,761 sq ft, New building(s) for six attached residences).

The Master Plan and Tentative Map would allow the subdivision of the existing property, consisting of two lots, into five lots, as shown on this Master Plan Exhibit and associated

Tentative Map. The proposed Master Plan would also allow for the further subdivision of Lot 5 into six residential condominium units and one common interest parcel to be owned and managed by a homeowners association, consistent with the provisions of the Davis-Sterling Act. The applicants would not be required to divide the buildings into condominiums, they may be rented as multi-family units instead, but the Master Plan would preserve the owner's right to divide them into condominiums in the future. The project site plans show these attached units as townhouses, but the final design would be determined through a future Design Review process.

The proposed Master Plan contains "Development Standards" and "Review Procedures for Future Development", which are indicated on the Master Plan Exhibit. These standards and procedures establish criteria for ministerial review of the detached residences and discretionary review of the buildings for the attached residences. The text on the Master Plan Exhibit would govern future development, but a few key provisions are summarized below:

- A. Subdivision improvements, including grading, drainage, access, parking, and utilities, would be approved and Final Map improvement plans would be required to substantially conform to the approved project plans, labeled "Exhibit A".
- B. The building footprints of the single-family detached dwellings and multi-family buildings would be within the building envelopes for the individual lots.
- C. The maximum heights of the main buildings on all lots would be 30 feet above grade and the maximum heights of accessory buildings would be 15 feet above grade.
- D. The regulations contained in Marin County Code section 22.10 (Residential Districts) and 22.20 (General Property Development and Use Standards) would apply to future development, except as otherwise specified by the Master Plan.

The applicant proposes to meet the County's affordable housing requirements by dedicating one of the existing detached single-family residences and an accessory dwelling unit on the same lot (Lot 4) as deed-restricted affordable housing.

Pursuant to Chapters 22.44 and 22.84 of the Marin County Development Code, a Master Plan and Tentative Map are required because the project entails the subdivision of two lots into five lots with the construction of 10 new residential dwelling units in a Planned zoning district.

Pursuant to Chapter 22.62.050 of the Marin County Development Code, a Tree Removal Permit is required because the project entails the removal of one healthy, Coast Live Oak heritage tree for the development of Lot 2. For the future development of Lot 5, additional tree removal permits would be required.

2. **WHEREAS**, on September 23, 2019, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.
3. **WHEREAS**, as modified by the applicable mitigation measures, the project is consistent with the general goals and policies of the Marin Countywide Plan for the following reasons:
  - A. The project is consistent with the CWP woodland preservation policy (BIO-1.3). The site contains 23 healthy, mature, native trees that would be protected under Marin County

Development Code Chapter 22.27. For the first phase of the development, which includes the subdivision improvements, only one healthy, Coast Live Oak heritage tree is proposed for removal and requires a Tree Removal Permit. Replacement trees would be planted at a 2:1 ratio and the accompanying arborist report indicates that there are open areas available on the site in the southwest, central and northeastern areas of the property where the replacement trees could be located. The arborist report recommends replacement with either California Buckeye, Valley Oak and/or Coast Live Oak sized within a 24-inch box. Since on-site tree replacement is possible, the project is consistent with this finding. Replacement trees would need to be located in conjunction with Marin County Fire and San Rafael Fire Department standards for defensible space and proximity to the existing and future buildings on all five lots.

- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2). The initial study/Mitigated Negative Declaration indicated that the site could contain potential habitat for Cooper's Hawk and the Pallid Bat. Mitigation Measures were provided in the initial study in order to reduce any potential impacts to less than significant. Additionally, with the adoption of Chapter 22.20.040 E. and F. of the Marin Development Code, the project would be conditioned to conform to the bird and bat protection measures as uniformly applied to construction activities. This project is consistent with this finding.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project is not located near or on any baylands, wetlands, woodlands or riparian corridors and would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development is not abutting, nor would it encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3). Moreover, mitigation measures are included with regards to future grading plans so as to reduce any risk of flooding on the property from developing on the site, especially in close proximity to Auburn Street. Because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works, this project is consistent with this finding.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the San Rafael Fire Protection District and/or Marin County Fire Department during review of the Building Permit application.

H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development. As noted in the accompanying Mitigated Negative Declaration, the site contains a 20 to 30-foot high rock-face cliff, the top of which is visible from Highway 101. The project as proposed would not obstruct the view of the rock-face from the freeway, as the two new houses along Albion Street would be sited above the rock-face. Further, the buildings for the attached residential units would be lower on the slope and subject to Design Review.

4. **WHEREAS**, the Marin County Planning Commission finds that the proposed project, as modified by the conditions of approval, is consistent with the affordable housing requirements contained in Development Code Chapter 22.22 as discussed below.

Pursuant to Marin County Code Chapter 22.22, the proposed project requires the dedication of two units as affordable housing. The applicant has proposed dedicating the existing residence on Lot 4 for one of the two required affordable housing units and constructing a new Accessory Dwelling Unit (ADU) on the same lot, which would be dedicated as the second affordable housing unit.

In general, 20 percent of a new residential development needs to be dedicated to affordable housing. Development Code section 22.22.090.A.1 exempts residences built before 2006 from generating affordable housing requirements and section 22.22.050 exempts ADUs from generating affordable housing requirements. Development Code section 22.22.090 requires that calculations exceeding 0.5 percent shall be rounded to the next higher number to indicate the number of affordable units required for a project. Therefore, two primary units are required to be dedicated to affordable housing for the project. Further, Development Code section 22.22.080 requires that affordable housing be generally equivalent to the market rate housing on the site in terms of appearance, quality, and number of bedrooms, and to be distributed around the site.

The proposed affordable housing plan is inconsistent with the requirements of Development Code Chapter 22.22 due to the proposed ADU, locating both affordable units on one lot rather than distributing them around the site, and because the units need to be dedicated in perpetuity for affordable housing. Dedicating the existing residence on Lot 4 as one affordable unit is acceptable, but the other affordable unit should be one of the attached units on Lot 5 to conform to the Development Code requirements. Therefore, a condition of approval requires that a revised affordable housing plan be implemented, which identifies one of the attached units on Lot 5 as an affordable unit in addition to the existing residence on Lot 4 and otherwise meets the legal requirements of Development Code Chapter 22.22.

4. **WHEREAS**, the Marin County Planning Commission finds that the proposed project is consistent with the residential density allowable by the governing zoning and applicable Countywide Plan policies, as discussed below.

The proposed project would result in 10 units on the 1.78 acre property, resulting in a residential density of approximately 5.6 dwelling units per acre.

The governing Countywide Plan Land Use Designation is MF3 (Multi-family Residential) with an allowable density range of five to 10 units per acre. The governing zoning district is Residential, Multiple-family, Planned, with an allowable density of nine units per acre.

However, there are Countywide Plan policies that reduce the allowable density to the lowest end of the range identified in the land use designation. These policies relate to the following issues: Ridge and Upland Greenbelts; Baylands Corridor; Wetland Conservation Areas and Stream Conservation Areas; areas with high traffic congestion; areas with a Housing Overlay Designation (HOD); areas without adequate water or sanitary services; and the urban service areas surrounding towns and cities. The project would not be affected by any of the Countywide Plan policies reducing development potential to the lowest end of the density range established by the MF3 land use designation, with the exception of the policy related to urban service areas.

As indicated above, the proposed project would result in a residential density of 5.6 units per acre, which exceeds the lowest end of the density range established by the MF3 land use designation of 5 units per acre. Countywide Plan Built Environment Policy Built Environment Element Program CD-6.a on page 3.4-26 states:

“Encourage annexation of lands proposed for intensified development in urban service areas or within established urban growth boundaries by calculating density at the lowest end of the Countywide Plan designation range, thereby allowing less-intensive development than permitted by the neighboring city or town (unless limited to housing affordable to very low or low income residents, or specified in an adopted specific plan, community, or master plan.)”

Since a Master Plan is proposed that would include dedicating two of the units for affordable housing, the proposed project would comply with this policy and with the density requirements of the Countywide Plan and the governing RMP zoning district.

**6. WHEREAS**, the Marin County Planning Commission finds that the proposed project is consistent with the mandatory Findings for Master Plan approval (Marin County Code Section 22.44.070.A.3) for the following reasons:

**A. The Master Plan or Master Plan amendment is consistent with the goals, policies, objectives, and programs of the Countywide Plan and any applicable Community Plan.**

The project is consistent with the policies contained in the Countywide Plan for the reasons provided above in findings three, four, and five and there are no applicable community plans. However, the proposed Master Plan standards and review procedures would allow the new single-family detached residences on Lots 1 and 2 to undergo ministerial approval regardless of the proposed home sizes. Extremely large homes would potentially loom over areas downslope and stand out from the surrounding neighborhood in an incongruous way unless they are well designed. Therefore, the conditions approval require modifications to the future procedures established by the Master Plan to require Design Review for development that exceeds a floor area of 3,500 square feet. Other minor clarifications to the standards and procedures would also be required for the purpose of internal consistency.

**B. The Master Plan or Master Plan amendment is consistent with all standards of the governing conventional zoning district, if applicable.**

The project is in a planned zoning district and is not subject to the requirements of a conventional district.

**C. The Master Plan or Master Plan Amendment is suitable for the site, and the future development would be able to conform to the Discretionary Development Standards.**

The site is completely surrounded by development, such as the existing neighboring subdivision to the west and south of the property, the Montessori School to the North, the Highway 101 freeway to the east, and other city-centered development within the surrounding project vicinity. The current project proposes to remove one heritage, Coast Live Oak tree, which would be replaced at a 2:1 ratio on the property, pursuant to the Countywide Plan policies. The site is already served by existing utilities and is within the boundaries of the Marin Municipal Water District and the San Rafael Sanitation District.

As conditioned, Lots 1 and 2 would be developed with single-family housing through ministerial review. If structural modifications to the two new houses were proposed, and the proposed modifications did not meet the R1 zoning district standards or exceeded a floor area of 3,500 square feet, the future projects would be subject to Design Review. To be consistent with applying the Conventional R1 zoning district standards to the two new houses, the Master Plan entitlement should also include the Design Review requirement which regulates the total floor area of the houses. As such, the newly created lots are suitable for the site, and future development would conform to the Discretionary Development Standards for a Master Plan.

**D. The proposed Master Plan or Master Plan amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The project is located on two developed lots in the City-Centered corridor as designated by the Marin Countywide Plan. There are developed subdivisions as well as transit, infrastructure and community and regional shopping areas in close proximity to the project site. The project requires no new roads or utility extensions. In addition, as noted in Findings 5 A & B, adequate infrastructure already exists, and the proposed project fills a need for additional housing in the community and for Marin more broadly. The project is consistent with this finding.

In addition, the Master Plan identifies a substantial amount of area around the rock-faced cliff as open space, preserving the most distinctive feature on the site and providing an amenity for the residents.

**7. WHEREAS, the project is consistent with the mandatory findings for Tentative Map approval (Marin County Code Section 22.84.060).**

**A. A Tentative Map shall be approved if the following findings can be made for each proposed parcel as well as the entire subdivision, including any parcel designated as a remainder in compliance with Map Act Section 66424.6.**

**1. The proposed subdivision including design and improvements is consistent with the Marin Countywide Plan and any applicable Community Plan or Specific Plan.**

The proposed subdivision is consistent with the Countywide Plan with respect to the Countywide Plan land-use designation assigned to the project site, which is MF3 (Multi-Family Residential, 5-10 units per acre). The project entails the division of two lots into five lots, with the future potential for six rental or condominium units on Lot 5. The entire subdivision would support 10 residential dwelling units. Further, the project is consistent with the Countywide Plan policies regarding the preservation of natural systems and the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources. The layout of the proposed driveways and the siting of the building envelopes are designed to avoid impacts to the rock-face cliff that exists on the project site and the surrounding neighborhood. Therefore, the project is consistent with this finding.

**2. The site is physically suitable for the type and proposed density of development.**

The combined net lot area for all the subject lots would be 77,513 square feet, and as stated previously, the project site could accommodate the proposed density. Further, the two lots that would be subdivided are already developed along Albion Street with two existing single-family houses. Adding two more houses along Albion Street would be feasible given that utilities already exist on or in front of the site, and the housing would be encompassed within an established neighborhood. The attached housing along Auburn Street would also be consistent with the surrounding land uses of the Montessori school across the street, and the developed neighborhoods up further along Albion Street and beyond. Further, the Auburn Street attached residences would be in close proximity to local commercial amenities including public transportation hubs. The accompanying initial study/Mitigated Negative Declaration found that the project would not create any adverse environmental impacts relating to physical suitability of the sites or development envelopes.

**3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.**

As discussed in the initial study/Mitigated Negative Declaration, any impacts to local birds and bats have been mitigated above and beyond the uniformly applied standards as codified in Marin County Chapter 22.20.040 E. and F. The project only proposes to remove one heritage tree during this first phase, which could be completed outside of the bird nesting season, as noted in the initial study. Future proposed tree removal of protected or heritage trees that might be necessary in order to prepare Lot 5 for the attached housing closer to Auburn Street would need to be considered through a subsequent Tree Removal Permit. The project is otherwise located on two developed lots, and impacts to local wildlife would be minimal given that the project site is completely surrounded by existing development. Thus, the project is consistent with this finding.

**4. The design of the subdivision and type of improvements is not likely to cause serious public health or safety problems.**

The design of the subdivision and proposed improvements would not cause serious public health or safety problems because the development would occur on developed lots surrounded by existing development in the City-Centered corridor. The proposed siting of the lots and building envelopes would avoid the rock-face cliff at the center of the properties, and would be sited close to both the abutting Auburn and Albion Streets.

Existing utilities and public services could service the lots as confirmed by both the San Rafael Sanitation Agency and Marin Municipal Water District, and the project as proposed has demonstrated that it is consistent with this finding.

5. **The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. This finding may 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.**

The project does not conflict with any established easements on the properties. There is one easement (document number 2007-0042237) between the existing Lots 1 and 2 that was designated for the purposes of ingress and egress, driveway, parking, utilities, landscaping and incidental purposes. The applicants have proposed to abandon this easement since the two existing properties will be split, and new building envelopes and lot lines will be established and configured in such a way that access from this easement would no longer be necessary. No other easements are affected.

6. **The proposed subdivision is consistent with the Subdivision Design Standards contained in Chapter 22.82 of the Marin County Development Code (MCC), all other applicable provisions of the MCC, and any other applicable provisions of the County Code, and the Map Act.**

The proposed project is consistent with all applicable provisions of the Marin County Code and the Map Act as discussed in these findings. The proposed subdivision is consistent with the Subdivision Design Standards. The project site is not located in the Ridge and Upland Greenbelt area, nor is it encumbered by any Wetland Conservation Areas or Stream Conservation Areas. Further, the lots are proposed and configured in such a way that the property boundaries can easily be identified by property owners. The locations of the lot lines have been sited with respect to the rock-face cliff at the center of the properties, and purposefully would not affect this natural feature on the properties. The proposed lots along Albion Street are already improved with a couple of houses. There is adequate area to accommodate a couple more detached residences, which would keep the residential development clustered to one area on the properties, as encouraged by the Countywide Plan and Development Code. Along Auburn Street, the newly created attached housing would also be clustered around a proposed driveway leading to Auburn Street, and the future residents could easily access the surrounding street and amenities in the nearby vicinity. The project as proposed is consistent with this finding.

- B. **Supplemental findings. 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.**

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

The project is not proposing to convert existing housing to condominiums, but to allow new buildings for attached housing that may be divided into condominiums as a future phase of the project. In accordance with Chapter 22.88.020, the project includes a Tentative Map application in order to allow for the future development of the attached housing on Lot 5 to be developed as condominium units. Following the Master Plan and Tentative Map process, the development along Auburn Street would be subject to further discretionary review, such as Design Review and a Tree Removal Permit for the attached housing buildings prior to the filing of the condominium plan with the State of California, in accordance with the provisions of the Davis-Sterling Act, California State Civil Code 4285, and the Subdivision Map Act.

8. **WHEREAS**, the Marin County Planning Commission finds that the proposed project is consistent with the Mandatory Findings for Tree Removal Permit (Marin County Code Section 22.62.050) as discussed below.

In considering a Tree Removal Permit application, the Director may only grant approval or conditional approval based on a finding that removal of the tree(s) is necessary for the reasonable use and enjoyment of land under current zoning regulations and Countywide Plan and Community Plan (if applicable) policies and programs, taking into consideration the following criteria:

- A. Whether the preservation of the tree would unreasonably interfere with the development of land.**

The project site is already developed with two single-family houses with trees in close proximity to the existing buildings. The one heritage, Coast Live Oak tree that is proposed for removal is located in the development area for Lot 2, and if kept would be in close proximity to the two existing and proposed new houses. The other trees slated for removal on the two lots are either diseased or dying and therefore exempted from the tree removal permit requirements of Marin County Development Code Chapter 22.27. Given the location of the proposed building envelopes, and given the site constraints of the topography with the building envelopes sited further away from the rock-face cliff at the center of the properties, the removal of the tree seems reasonable in this case. The project is consistent with this finding.

- B. The number, species, size and location of trees remaining in the immediate area of the subject property.**

The two lots have pre-existing development on the sites, along with non-native and native trees that are interspersed throughout both lots. The trees on the lots vary from healthy to dead or dying, and are located both above the rock-face cliff at the center of the properties, and in closer proximity to Auburn Street. The trees closer to Auburn Street are not slated for removal at this time. For the purposes of this Tree Removal Permit, the project includes removing one heritage tree during the current phase of development that would occur on Lot 2. Removal of this tree would not significantly reduce the number of trees remaining on the properties.

- C. The number of healthy trees that the subject property can support.**

Given the site constraints, and given that this lot is completely surrounded by neighboring developed lots and land uses, there is a limited amount of space available for additional trees on site. However, as noted in the accompanying arborist report prepared by Arborscience in

2018, it is possible that the site could accommodate a replacement of two native trees for the one heritage tree that would be removed during the first phase of the project. As a condition of approval, the project applicant would be required to submit a landscape and planting plan to show where the replacement trees would be located on the properties. Thus, as conditioned, this project is consistent with this finding.

**D. The topography of the surrounding land and the effects of tree removal on soil stability, erosion, and increased runoff.**

As part of the building phase, the project would be required to include site elements that meet the drainage and run-off requirements for building new homes. The loss of one heritage tree would not significantly increase the erosion or runoff at this site, as further confirmed in the initial study/Mitigated Negative Declaration. As part of the ministerial review, the project designs would have to demonstrate that they could meet DPW's requirements for not increasing runoff downslope of the property.

**E. The value of the tree to the surrounding area with respect to visual resources, maintenance of privacy between adjoining properties, and wind screening.**

Since there are two new homes proposed in close proximity to the existing homes on the two lots, the heritage tree would not provide a significant amount of screening since the residential development on the lots is proposed to increase. On this particular property, the rock-face cliff at the center of the two lots is the most prominent visual resource that the site has to offer, and the building envelopes must be located while keeping this resource in mind. As proposed, the project has accomplished this, and the project is consistent with this finding.

**F. The potential for removal of a protected or heritage tree to cause a significant adverse effect on wildlife species listed as threatened or endangered by State or Federal resource agencies in compliance with the California Environmental Quality Act (CEQA).**

The impacts of the project, including the impacts on the environment were fully analyzed in the accompanying initial study/Mitigated Negative Declaration. The initial study assessed all of the trees that are proposed for removal, and found that with adequate mitigation, there would be no significant impacts to the environment based on the tree removal. The mitigation measures included in the document are proposed as conditions of approval, and the project is consistent with this finding.

**G. Whether there are alternatives that would allow for the preservation of the tree(s), such as relocating proposed improvements, use of retaining walls, use of pier and grade beam foundations, paving with a permeable substance, the use of tree care practices, etc.**

As noted above, due to the location of the rock-face cliff at the center of the two lots, the two new building envelopes are proposed in close proximity to the existing trees on the site. Relocating the building envelopes would be impractical since the development is sited to protect the prominent rock-face cliff. Thus, the loss of one heritage tree is reasonable given that the two replacement trees can be planted away from the proposed building envelopes and benefit the project as a whole at a different location. Thus, the project is consistent with this finding.

## SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby recommends that the Marin County Board of Supervisors approve the Albion Monolith Master Plan, Tentative Map and Tree Removal Permit subject to the conditions as specified below:

### CDA-Planning Division

1. This Master Plan, Tentative Map and Tree Removal Permit approval authorizes the subdivision of a property currently developed with two detached single-family residences and the construction of two new detached residences as well as two new buildings with three attached residences each. The project will result in a total of 10 residences, including the two existing residences that will remain, the development of two new detached single-family residences, and the development of six attached residences, which may be either rented as multi-family units or divided into separate condominiums. The proposed residential density for the 1.78 acre property is approximately 5.6 dwelling units per acre. The property is located at 33 / 37 Albion Street, San Rafael and is further identified as Assessor's Parcels 018-087-13 and -14.

The subject property has a combined area of 1.78 acres (77,513 square feet) and has frontage along both Auburn Street and Albion Street. The proposed project includes the creation of four new lots (Lots 1-4) for the purpose of detached single-family residential development, and one new lot (Lot 5) for attached residential development. Lots 1, 2 and 3 are proposed to take access via an existing, widened driveway from Albion Street, Lot 4 would continue to be accessed by an existing shared driveway, and Lot 5 is proposed to take access from a new 24-foot wide private driveway from Auburn Street. The improvements to the shared driveway from Albion Street would entail the removal of one healthy, mature, native oak tree, which is near the boundary line between Lot 2 and Lot 3.

**Lot Summary Table**

<b>Lot</b>	<b>Lot Area (square feet)</b>	<b>Use</b>
Lot 1	10,999	New detached single family residence
Lot 2	10,202	New detached single family residence
Lot 3	5,471	Existing detached single family residence
Lot 4	15,080	Existing detached single family residence
Lot 5	35,761	New building(s) for six attached residences

The Master Plan and Tentative Map would allow the subdivision of the existing property, consisting of two lots, into five lots, as shown on this Master Plan Exhibit and associated Tentative Map. The proposed Master Plan would also allow for the further subdivision of Lot 5 into six residential condominium units and one common interest parcel to be owned and managed by a homeowners association, consistent with the provisions of the Davis-Sterling Act. The applicants would not be required to divide the buildings into condominiums, they may

be rented as multi-family units instead, but the Master Plan would preserve the owner's right to divide them into condominiums in the future. The project site plans show these attached units as townhouses, but the final design would be determined through a future Design Review process.

The proposed Master Plan contains "Development Standards" and "Review Procedures for Future Development", which are indicated on the Master Plan Exhibit. These standards and procedures establish criteria for ministerial review of the detached residences and discretionary review of the buildings for the attached residences. The text on the Master Plan Exhibit would govern future development, but a few key provisions are summarized below:

- E. Subdivision improvements, including grading, drainage, access, parking, and utilities, would be approved and Final Map improvement plans would be required to substantially conform to the approved project plans, labeled "Exhibit A".
- F. The building footprints of the single-family detached dwellings and multi-family buildings would be within the building envelopes for the individual lots.
- G. The maximum heights of the main buildings on all lots would be 30 feet above grade and the maximum heights of accessory buildings would be 15 feet above grade.
- H. The regulations contained in Marin County Code section 22.10 (Residential Districts) and 22.20 (General Property Development and Use Standards) would apply to future development, except as otherwise specified by the Master Plan.

The applicant proposes to meet the County's affordable housing requirements by dedicating one of the existing detached single-family residences and an accessory dwelling unit on the same lot (Lot 4) as deed-restricted affordable housing.

1. BEFORE RECORDATION OF THE SUBDIVISION OR ANY IMPROVEMENT ALLOWED BY THE MASTER PLAN, the applicant shall apply for and obtain Final Map/Improvement Plan, Plan Check approval from the Planning Division.
2. BEFORE FINAL MAP/IMPROVEMENT PLAN, PLAN CHECK APPROVAL, the applicant shall revise the Master Plan exhibit with respect to the "Review Procedures for Future Development" to include the requirement that development on Lots 1 through 4 exceed a floor area of 3,500 square feet, then the project shall be subject to the provisions of MCC Chapter 22.42 (Design Review).

In addition, the following corrections and clarifications shall be made to the Master Plan Exhibit:

- a) The "Development Standards" table shall be revised as necessary to accurately reflect the setbacks of the building envelopes shown on the exhibit and shall remove the row labeled "Floor Area Ratio".
- b) The label "Buildable Envelope" shall be revised to say "Building Envelope" to correspond to the term defined in the Development Code.
- c) The label "Multi-family Attached" shall be revised to say "Attached Residential".

3. Plans and implementation of the project shall substantially conform to plans identified as Exhibit A, entitled "Master Plan Albion Street," consisting of thirteen sheets prepared by Wood Rodgers, received in final form on August 22, 2019, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein; as well as Exhibit B consisting of the "Tree Protection Plan, Albion Street Project, San Rafael, CA" prepared by Dr. Kent Julin with ArborScience, dated June 3, 2018.
4. BEFORE FINAL MAP/IMPROVEMENT PLAN, PLAN CHECK APPROVAL, the applicant shall apply for and pay the required deposit fees for mitigation monitoring.
5. BEFORE FINAL MAP/IMPROVEMENT PLAN, PLAN CHECK APPROVAL, the applicant shall submit to the Planning Department a revised affordable housing plan, which identifies the existing residence on Lot 4 and one of the new attached units on Lot five as the affordable housing units. The plan shall be revised to meet all of the specifications included in Chapter 22.22 of the Marin County Development Code, including that they shall be deed restricted as affordable housing in perpetuity. The applicant shall enter into an affordable housing agreement with the Marin County Housing and Federal Grants Division and shall provide affordable housing in compliance with that agreement.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall apply for and obtain address assignments for the new residential dwelling units.
7. BEFORE REMOVAL OF THE PROTECTED TREE ON LOT 2, the applicant shall submit a landscape and planting plan that specifies where the two replacement trees (replacing the one heritage tree to be removed on Lot 2) shall be located on the site. The genus of each replacement tree should be noted in the plans, and the trees should be selected and located in accordance with the applicant's arborist report prepared by Arborscience. The replacement trees shall be carefully located on the properties in accordance with San Rafael Fire District and Marin County Fire District standards for defensible space. The replacement trees shall be planted before final inspection of the driveway improvements or residences on Lots 3 and 4.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, provide the County with written evidence from the contracted builder that the following measures have been adopted as part to the project. To further reduce construction-related DPM exhaust emissions, all off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
  - a. All engines shall meet or exceed USEPA/CARB Tier 4 off-road emission standards; or
  - b. All engines shall be equipped with a CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) device.

The applicant shall implement these measures during construction.

(MM AQ-1)

9. BEFORE ISSUANCE OF A BUILDING PERMIT, and during tree removal, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Biologist to indicate the exact timing of the construction schedule and to detail

how the applicant met all of the performance criteria listed herein. If feasible, any required tree removal should be scheduled outside the nesting period (February 1 through August 31). If construction activities would commence anytime during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August), a pre-construction survey for nesting birds should be conducted by a qualified biologist within two weeks of the commencement of construction activities.

If active nests are found in areas that could be directly affected or are within 200 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined by taking into account factors such as the following:

- a. Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- b. Distance and amount of vegetation or other screening between the construction site and the nest; and,
- c. Sensitivity of individual nesting species and behaviors of the nesting birds.

(MM BIO-1)

10. BEFORE AND DURING TREE REMOVAL, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Biologist to indicate the exact timing of the construction schedule and to describe how the applicant met all of the performance criteria listed herein. The applicant shall commission a qualified bat biologist to conduct a focused tree and rock outcrop roosting bat habitat assessment. The habitat assessment should be conducted in advance of tree removal to ensure tree removal or any required roost exclusions can be scheduled during seasonal periods of bat activity. Trees or rock outcrop areas containing suitable potential bat roost habitat features shall be clearly marked or identified. If day roosts are found to be potentially present, the biologist will prepare a site-specific roosting bat protection plan to be implemented. Based on site-specific conditions, the plan should incorporate the following guidance as appropriate:

When possible, removal of trees or other roost features identified as providing suitable roosting habitat should be conducted during seasonal periods of bat activity, including:

- a. Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than ½ inch of rainfall within 24 hours occurs; or
- b. Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than ½ inch of rainfall within 24 hours occurs.

If it is determined that a colonial maternity roost is potentially present, the roost shall not be removed during the breeding season (April 15 to August 31) to the extent practicable. If a tree potentially containing a colonial maternity roost must be removed during the breeding season, or if construction would occur within 50 feet of a potential colonial maternity roost, then the following or other measures recommended by the qualified bat biologist may be implemented:

Acoustic emergence surveys or other appropriate methods shall be conducted/implemented to further evaluate if the roost is an active maternity roost.

- a. If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this measure;
- b. If it is found that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season and the qualified bat biologist shall implement appropriate buffers/setbacks from construction activities.

Potential colonial hibernation roosts will only be removed during seasonal periods of bat activity. Potential non-colonial roosts that cannot be avoided shall be removed on warm days in late morning to afternoon when any bats present are likely to be warm and able to fly.

Appropriate methods shall be used to minimize the potential of harm to bats during tree removal or activities affecting the large rock outcrop. Such methods may include installing one-way exclusion doors or using a two-step tree removal process. The two-step tree removal process is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on Day 1. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed to avoid returning to the roost that night. The remainder of the tree is removed on Day 2.

If the removal of a confirmed communal maternity roost tree is required, appropriate replacement roosting habitat such as a bat box shall be installed in a suitable onsite or nearby location (prior to removal of the roost). The replacement roosting habitat and its location shall be selected by the biologist based on site-specific factors.

(MM BIO-2)

11. DURING CONSTRUCTION AND PRIOR TO TREE REMOVAL, the applicant shall provide the County with written evidence from a qualified Arborist that the Tree Protection Measures specified in the Tree Protection Plan (ArborScience 2018), or Exhibit B of this decision, are being implemented to minimize the potential for harm to trees to remain on the project site. These include installing construction fencing around protected trees, tree protection signage, repair of inadvertent damage to trees, washing of construction dust from trees, and monthly inspections by the project arborist. (MM BIO-3)
12. DURING CONSTRUCTION, the applicant shall submit to the County written evidence that the following Best Management Practices have been incorporated into the construction documents and project plans to be implemented by the Building Contractor:
  - c. Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.
  - b. Use quietest type of construction equipment whenever possible, particularly air compressors.
  - c. Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
  - d. Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.

- e. Prohibit unnecessary idling of internal combustion engines.
- f. Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.

(MM NOI-1)

13. DURING CONSTRUCTION, the applicant shall submit to the County photographic evidence that the following Mitigation Measure has been implemented by the Building Contractor. To protect the existing residents on lots adjacent to the project site, temporary plywood sound wall(s) shall be installed when the locus of project construction activity approaches closer than 50 feet to the residences for periods longer than 1 week. Sound wall(s) at least 10 feet high and constructed of material with a mass of at least 4 lbs. per square foot (note: double-thickness, ¾-inch plywood would meet this standard) shall be provided by the Building Contractor and shall be positioned as close to the construction locus as feasible, or at the residential property line, whichever would provide greater noise attenuation at the receptor. The sound wall(s) may consist of modular sections, but the sections shall be joined with no gaps, and there shall be minimal a gap between the wall(s) and the ground. (MM NOI-2)
14. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2019" with respect to all of the standard conditions of approval and the following special conditions: 1, 2, 6, 11, 13, 15, 16, 17.

#### **Department of Public Works- Land Development Division**

16. BEFORE ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit designs and construction plans for Lots 1 & 2 that implement all seismic design criteria, soils treatment, fill material specifications, drainage specifications, grading recommendations, utilities specifications, moisture control requirements, drainage specifications, and foundation design recommendations set forth in the 2015 GEOCON geotechnical report and their follow-up June 6, 2018 letter. Further, the final project design shall undergo plan and specification review by a qualified Geotechnical Consultant, and testing and observation shall be undertaken as specified in the GEOCON geotechnical report. Further, the report will be submitted to the Marin County Planning Department and further reviewed by Department of Public Works. (MM GEO-1)
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a grading plan that is designed to assure that the lowest building pads of the units adjacent to Auburn Street, and their associated parking lot, are at least two feet above the mapped 100-year flood levels, or as directed by the County Building Department, in compliance with Marin County Code. The driveway from Auburn Street shall be designed to slope downward to the street. The grading plan shall be reviewed by Department of Public Works for conformance with these Code requirements. (MM Water-1)

#### **SECTION III: VESTING**

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other

construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

**SECTION IV: ADOPTION**

ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23<sup>rd</sup> day of September 2019.

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DAVID PAOLI, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Ana Hilda Mosher  
Planning Commission Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION APPROVING THE  
ALBION MONOLITH MASTER PLAN AND TENTATIVE MAP  
MITIGATED NEGATIVE DECLARATION  
33/37 ALBION STREET, SAN RAFAEL  
ASSESSOR’S PARCEL: 018-087-13 & -14

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SECTION I: FINDINGS

1. **WHEREAS**, Hayes Shair, on behalf of Albion Monolith LLC, has submitted a proposal to subdivide a property currently developed with two detached single-family residences and construct two new detached single-family residences as well as two new buildings with three attached residences each. The project will result in a total of 10 residences, including the two existing residences that will remain, the development of two new detached single-family residences, and the development of six attached residences, which may be either rented as multi-family units or divided into separate condominiums. The proposed residential density for the 1.78 acre property is approximately 5.6 dwelling units per acre. The property is located at 33 / 37 Albion Street, San Rafael and is further identified as Assessor’s Parcels 018-087-13 and -14.

2. The subject property has a combined area of 1.78 acres (77,513 square feet) and has frontage along both Auburn Street and Albion Street. The proposed project includes the creation of four new lots (Lots 1-4) for the purpose of detached single-family residential development, and one new lot (Lot 5) for attached residential development. Lots 1, 2 and 3 are proposed to take access via an existing, widened driveway from Albion Street, Lot 4 would continue to be accessed by an existing shared driveway, and Lot 5 is proposed to take access from a new 24-foot wide private driveway from Auburn Street. The improvements to the shared driveway from Albion Street would entail the removal of one healthy, mature, native oak tree, which is near the boundary line between Lot 2 and Lot 3.

Lot Summary Table

<b>Lot</b>	<b>Lot Area (square feet)</b>	<b>Use</b>
Lot 1	10,999	New single family residence
Lot 2	10,202	New single family residence
Lot 3	5,471	Existing single family residence
Lot 4	15,080	Existing single family residence
Lot 5	35,761	New 6-unit multi-family condominium units

The Master Plan and Tentative Map would allow the subdivision of the existing property, consisting of two lots, into five lots, as shown on this Master Plan Exhibit and associated Tentative Map. The proposed Master Plan would also allow for the further subdivision of Lot 5 into six residential condominium units and one common interest parcel to be owned and managed by a

homeowners association, consistent with the provisions of the Davis-Sterling Act. The applicants would not be required to divide the buildings into condominiums, they may be rented as multi-family units instead, but the Master Plan would preserve the owner's right to divide them into condominiums in the future. The project site plans show these attached units as townhouses, but the final design would be determined through a future Design Review process.

The proposed Master Plan contains "Development Standards" and "Review Procedures for Future Development", which are indicated on the Master Plan Exhibit. These standards and procedures establish criteria for ministerial review of the detached residences and discretionary review of the buildings for the attached residences. The text on the Master Plan Exhibit would govern future development, but a few key provisions are summarized below:

- A. Subdivision improvements, including grading, drainage, access, parking, and utilities, would be approved and Final Map improvement plans would be required to substantially conform to the approved project plans, labeled "Exhibit A".
- B. The building footprints of the single-family detached dwellings and multi-family buildings would be within the building envelopes for the individual lots.
- C. The maximum heights of the main buildings on all lots would be 30 feet above grade and the maximum heights of accessory buildings would be 15 feet above grade.
- D. The regulations contained in Marin County Code section 22.10 (Residential Districts) and 22.20 (General Property Development and Use Standards) would apply to future development, except as otherwise specified by the Master Plan.

The applicant proposes to meet the County's affordable housing requirements by dedicating one of the existing detached single-family residences and an accessory dwelling unit on the same lot (Lot 4) as deed-restricted affordable housing.

3. **WHEREAS**, the Marin County Community Development Agency prepared an Initial Study for the project, which concluded that potential impacts relating to geotechnical/slope stability, run-off and drainage, air quality, biological/birds and bats, native tree protections and noise would be avoided or mitigated to a point where no significant effects would occur because revisions to the project have been agreed to by the applicant and there is no evidence that the project as revised may have a significant effect on the environment.

4. **WHEREAS**, the Marin County Environmental Planning Manager has determined that, based on the Initial Study, a Mitigated Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).

5. **WHEREAS**, the Mitigated Negative Declaration of Environmental Impact for the project consists of the Mitigated Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.

6. **WHEREAS**, the Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

7. **WHEREAS**, on Tuesday, June 18, 2019, the Initial Study and proposed Mitigated Negative Declaration of Environmental Impact were completed and distributed to agencies and

interested parties to commence a 30-day public review period for review and comment on the Mitigated Negative Declaration, and a notice of the public review period and public hearing was published in a general circulation newspaper pursuant to CEQA.

8. **WHEREAS**, on September 23<sup>rd</sup>, 2019, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

**SECTION II: ACTION**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors certify the Mitigated Negative Declaration of Environmental Impact for the Albion Monolith LLC Tentative Map and Master Plan project as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

**SECTION IV: ADOPTION**

ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23<sup>rd</sup> day of September 2019.

AYES: COMMISSIONERS

NOES:

ABSENT:

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DAVID PAOLI, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Ana Hilda Mosher  
Planning Commission Recording Secretary