




**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Braren Lot Line Adjustment**

Decision: Approved with Conditions
Date: April 28, 2020

Project ID No:	P2647	Applicant(s):	Mark J. Rice
		Owner(s):	Katherine O. Braren and Baywood Partners, LLC
		Assessor's Parcel No(s):	119-226-02 and -04
		Property Address:	11245, 11255, and 11275 State Route 1, Point Reyes Station
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	
Countywide Plan Designation:		C-NC (Coastal Neighborhood Commercial/ Mixed Use, 1-20 units/acre, FAR = 0.30 to 0.50)	
Community Plan Area:		Point Reyes Station	
Zoning District:		C-VCR-B2 (Costal, Village Commercial/Residential, 10,000 square foot minimum lot area)	
Environmental Determination:		Exempt per CEQA Guidelines Section 15061(b)(3)	

PROJECT SUMMARY

The applicant requests Lot Line Adjustment approval to adjust the lot lines between two contiguous legal lots of record, which will result in an equal transfer of 142.29 square feet of land between APNs 119-226-02 and -04

Pursuant to Section 22.90.020 of the Marin County Development Code, Lot Line Adjustment approval is required because the project involves adjusting lot lines between two adjacent parcels, where land is taken from one parcel and added to an adjacent parcel without creating more parcels than originally existed. The Lot Line Adjustment is excluded from a Coastal Permit pursuant to Categorical Exclusion Order E-81-6.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project 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 would not 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) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- 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 local fire protection district 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.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

POINT REYES STATION COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Point Reyes Station Community Plan for the following reasons:

- A. The project is consistent with the rural character and residential land use policies (PA-3.7 RL-3.2 and RL-3.3) because the is does not result in modifications to the existing structures, which are consistent in scale and style with the visual character of the community.
- B. The project is consistent with the rural character and natural resource protection policies (PA-3.8, NR-2.1, NR-3.2, NR-3.3, NR-4.3, NR-5.2, NR-6.1, NR-6.2, and NR-6.5) because the project has been designed to be in keeping with the rural residential area because the project will not result in construction of roads and will not impact environmental resources.

- C. The project is consistent with the natural resource protection and rural character policies (PA-3.9, NR-6.1, and NR-6.2) because the landscaping will not be significantly modified.
- D. The project is consistent with the natural resource protection policies (NR-7.1 and NR-7.2) because it would not affect public views of visual resources, is away from ridgelines, and minimizes grading and filling.
- E. The project is consistent with the Historic Resource Protection policies (HR-1.2 through 1.6) because while the properties are located within a Historic Area, the project does not involve alteration, additions or demolition of a pre-1930's structure.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Lot Line Adjustment (Marin County Code Section 22.90.040)

A. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.

The lot line adjustment is consistent with this finding because it is limited to two adjoining lots.

B. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.

The lot identified as APN 119-226-04 has been conveyed in its current configuration since at least 1926 and APN 119-226-02 is developed with a legally permitted structure. As such, the properties are legal lots of record, created in compliance with the subdivision regulations in effect at the time of its creation.

C. The proposed lot line adjustment would not result in the creation of additional parcels or additional potential building sites.

The lot line adjustment is between two existing lots and does not create additional parcels, or a greater number of buildable parcels than existed before the adjustment.

D. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).

As outlined above, the lot line adjustment would comply with policies of the Countywide Plan the Point Reyes Community Plan. The project is consistent with the Local Coastal Program because the project complies with septic system standards, nor will it impact visual or environmental resources.

E. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.

The lot line adjustment would not modify the existing site features. As the property is located in the C-VCR-B2 zoning district, setbacks are not impacted by the property modification. The B2 combining district establishes a minimum lot area standard of 10,000 square feet. However, the two existing properties are currently less than 10,000 square feet in area. The

lot line adjustment entails an equal exchange of land. Therefore, the lot line adjustment to transfer 142.29 square feet of land between the properties would not create new nonconforming lots.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Lot Line Adjustment approval authorizes the adjustment of lot lines between two contiguous legal lots of record, which will result in an equal transfer of 142.29 square feet of land between APNs 119-226-02 and -04
2. Deed(s) to be recorded with the County Recorder to vest this Lot line Adjustment must be in substantial conformance with the approved plans on file with the Marin County Community Development Agency, Planning Division, identified as Exhibit A, entitled "Site Plan for a Proposed Lot Line Adjustment," consisting of 3 sheets prepared by Pacific Land Surveys, date stamped November 19, 2019, except as modified by the conditions listed herein.
3. The applicant/owner shall 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 this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
4. 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.

Department of Public Works- Land Development Division

5. Appropriate deeds and exhibits perfecting the approved Lot Line Adjustment shall be recorded at the Marin County Recorder's office.
6. BEFORE RECORDATION, the following exhibits shall be submitted to the Department of Public Works for review and approval:

- A. Lot Line Adjustment map. The Lot Line Adjustment map should be drawn in black ink on sheets with maximum dimensions of 8 1/2" X 11" or 18" X 26". The map must be clear and readable. The following minimum information must be provided on the map (additional information may be required):
- 1) Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
 - 2) The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
 - 3) Right-of-way widths and street names.
 - 4) The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e. PARCEL A, PARCEL T-1).
 - 5) Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
 - 6) Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
 - 7) Signature, seal of the surveyor and the date that plan was prepared.
 - 8) APN-Assessor's Parcel Number for each lot.
 - 9) Project Number and File number (the LL number assigned by County), sheet number and County title block with owner and engineer block filled out.
- B. The following statement shall be added if applicable (i.e. if property corners are to be set):
- "Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filled if required by Section 8762 of Business and professional Code. Gov't Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994). If the Lot Line Adjustment affects any public utility easements, the applicant shall provide verification signed by each of the affected public utilities that they allow the Lot Line Adjustment."
- C. Submit a completed "Application for Lot Line Adjustment Approval".
- D. Legal descriptions and closure calculations shall be submitted along with the current Title Report for the effected properties for: (a) the final, adjusted lots; (b) the existing lots; and (c) the portions of those lots that are to be transferred. The legal descriptions and closures shall be prepared and signed/stamped by a Licensed Land Surveyor or a qualified Registered Civil Engineer.

- E. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.

CDA-Environmental Health Services Division

- 7. BEFORE RECORDATION, a notation of agreement between the two parties will need to be recorded recognizing and agreeing to a reduced setback of the septic leach field to the property line to 3 FT instead of 5 FT as per code requirement.
- 8. BEFORE RECORDATION, the septic tanks on both parcels may need to be replaced. It appears they are both in poor condition. A permit for the replacement of the tanks is required.

VESTING

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 recorded the Lot Line Adjustment documents in accordance with the requirements of the Department of Public Works.

RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted by mail to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, postmarked no later than eight business days from the date of this decision (May 6, 2020).

- cc: *{Via email to County departments and Design Review Board}*
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
CDA – Environmental Health Services
DPW – Engineering (Attn: Sharon Morgan Blakley, Engineering Assistant)
Assessor-Recorder’s Office – Mapping Division
Marin County Fire

Attachments:

- 1. Interdepartmental Transmittal, Environmental Health Services, March 9, 2020
- 2. Planning Application Review, Department of Public Works, December 9, 2019

**INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 473-6907**

DATE:	March 9, 2020	TYPE OF DOCUMENT
TO:	Kathleen Kilgariff, Planner	DESIGN REVIEW
FROM:	Gwendolyn Baert, Senior REHS	LAND DIVISION
RE:	Braren Lot Line Adjustment	USE PERMIT
	Project ID P2647	VARIANCE
AP#:	119-226-02 and 04	MASTER PLAN
ADDRESS:	11245,11255, and 11275 State Route 1	COASTAL PERMIT
		X LOT LINE ADJ.
		OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER	X SEWAGE	SOLID WASTE
POOLS	HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

- FIND IT COMPLETE.
- FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.
- X FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.**
- RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

Prior to Recordation of the Lot Line Adjustment:

- **A notation of agreement between the two parties will need to be recorded recognizing and agreeing to a reduced setback of the septic leach field to the property line to 3 FT instead of 5 FT as per code requirement.**
- **The septic tanks on both parcels may need to be replaced. It appears they are both in poor condition. A permit for the replacement of the tanks is required.**

Other EHS conditions have been addressed.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: December 9, 2019DUE: December 9, 2019TO: Kathleen KilgariffFROM: Ali IqbalAPPROVED: RE: Braren Lot Line Adjustment
P2647APN: 119-226-02, -04ADDRESS: 11245, 11255, and 11275 St Rt Hwy 1
Pt Reyes Station, CA**TYPE OF DOCUMENT**

DESIGN REVIEW
 COASTAL PERMIT
 LAND DIVISION
 VARIANCE
 USE PERMIT
 ADU PERMIT
 ENVIRONMENTAL REV.
 OTHER:

Department of Public Works Land Use Division
 has reviewed this application for content and:

Comments Included (Inc.) or
 Attached (Att.) from other DPW
 Divisions:

- Find it **COMPLETE**
 Find it **INCOMPLETE**, please submit items listed below
 Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Traffic
 Flood Control
 Other: _____

Merit Comments:**Lot Line Adjustment Conditions of Approval:**

1. Appropriate deeds and exhibits perfecting the approved Lot Line Adjustment shall be recorded at the Marin County Recorder's office.
2. **BEFORE RECORDATION**, the following exhibits shall be submitted to the Department of Public Works for review and approval:
 - a. Lot Line Adjustment map. The Lot Line Adjustment map should be drawn in black ink on sheets with maximum dimensions of 8 1/2" X 11" or 18" X 26". The map must be clear and readable. The following minimum information must be provided on the map (additional information may be required):
 - i. Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
 - ii. The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
 - iii. Right-of-way widths and street names.
 - iv. The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e. PARCEL A, PARCEL T-1).

- v. Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
- vi. Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
- vii. Signature, seal of the surveyor and the date that plan was prepared.
- viii. APN-Assessor's Parcel Number for each lot.
- ix. Project Number and File number (the LL number assigned by County), sheet number and County title block with owner and engineer block filled out.
- x. The following statement shall be added if applicable (i.e. if property corners are to be set):
- xi. Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filled if required by Section 8762 of Business and professional Code. Gov't Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994). If the Lot Line Adjustment affects any public utility easements, the applicant shall provide verification signed by each of the affected public utilities that they allow the Lot Line Adjustment.

b. Submit a completed **"Application for Lot Line Adjustment Approval"**.

3. Legal descriptions and closure calculations shall be submitted along with the current Title Report for the effected properties for: (a) the final, adjusted lots; (b) the existing lots; and (c) the portions of those lots that are to be transferred. The legal descriptions and closures shall be prepared and signed/stamped by a Licensed Land Surveyor or a qualified Registered Civil Engineer.
4. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.

-END-