MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2018

STANDARD CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the Building Permit plan sets to list as notes all standard and project specific conditions of approval, including the applicable special conditions listed herein and those conditions listed in the project approval, as well as any requirements indicated by other regulating agencies during the planning process.

2. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

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. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

5. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California’s Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the “Disclosure Statement Concerning Agricultural Activities,” as required by Section 23.03.050 of the Marin County Code.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all
construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification verify that the foundations of the project comply with the approved setback distances from adjacent property lines, access easements, or rights of way as shown on the approved building permit plans and submit a written (stamped) Building Setback Certification to the Planning Division. Verification is only required for setback distances when the structure is located up to or within one foot of the minimum required setback for conventionally zoned properties and when the structure is located within five feet of a property line, access easement, or right of way for planned district zoned properties. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the appropriate boundaries and install survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks in the field prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit a written (stamped) Building Setback Certification to the Planning Division confirming that the staking of boundary lines has been properly completed.

12. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building’s finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

13. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification submit a written (stamped) building Roof Elevation Certification confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. The Roof Elevation Certification shall include the roof materials in the calculation.

14. BEFORE CLOSE-IN INSPECTION, the applicant shall submit a written (stamped) building Floor Area Certification from the project surveyor or engineer confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans.
plans. The Floor Area Certification shall include the exterior siding finish for buildings in the calculation.

15. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in “Exhibit A” unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

16. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

17. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California’s Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

18. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all of the approved and required landscaping has been completed and that any necessary irrigation has been installed.

19. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

20. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant’s control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant’s control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
INTER-OFFICE MEMORANDUM
DEPARTMENT OF PUBLIC WORKS

Conditions of Approval

DATE: August 21, 2018

TO: Jeremy Tejirian

FROM: Cara E. Zichelli

APPROVED: 

RE: The Oaks (Daphne Krestine Trust) Master Plan Amendment, Precise Development Plan and Design Review P1547

AP#: 164-270-05

ADDRESS: Marinwood Avenue, San Rafael

DUE: N/A

TYPE OF DOCUMENT
__ DESIGN REVIEW
__ LAND DIVISION
__ USE PERMIT
__ VARIANCE
__ LOT LINE ADJUSTMENT
__ COASTAL PERMIT
X ENVIRONMENTAL REV.

The Department of Public Works (DPW) Land Development and Traffic/Transportation Services recommends the following conditions of approval for the Oaks (Daphne Krestine Trust) Master Plan Amendment, Precise Development Plan and Design Review Application.

NOTE TO PLANNING:
DPW Real Estate recommends two actions be brought to the Board of Supervisors for their approval in addition to your recommendations to the Board for this application:
1. Vacation of the 1 foot wide non-access strip across Marinwood Avenue.
2. Acceptance of an additional section of Marinwood Avenue into the County Maintained Road List.

CONDITIONS OF APPROVAL:

1. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall provide plans which includes details for the repair of landslides and colluvial soils near the proposed development areas, to be completed during grading to mitigate the potential for future landslide movements. Standard techniques proposed to repair the landslides include removal and re-compactation of loose materials, keying and benching, and installation of subdrains and surficial drainage systems. All grading shall be performed in compliance with the Uniform Building Code, as well as local code and agency standards, under the observation and testing of the project geotechnical engineer and engineering geologist.

   MM 5.1-1 Land Sliding (moved from Before Precise Development Plan (PDP) to Before issuance of any Building, Grading or other construction permit).

2. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall show on the plans implementation of mitigation measures that consist of a combination of site-specific recommendations by the applicant's consultant and local agency and code requirements. The following measures would be feasible in mitigating site-specific conditions and producing stable natural slopes, as well as engineered slopes, where cutting and filling would occur on the site:
   - Evaluate the effects of bedding orientation on the gross stability of existing and proposed slopes in the development area to prepare the geotechnical consultant to observe and direct grading operations and make site-specific determinations (see immediately following measure).
• Examine natural and cut slopes during grading to confirm their potential for long-term stability. If the geotechnical consultant determines that the exposed earth materials are weaker than expected, mitigate this condition by recompacting as an earth buttress or stability fill or by the selected use of retaining walls or other acceptable methods, as have been proposed by the applicant's geologist.

• Design drainage facilities to conform with agency and code standards. This shall include terrace drains every 30 feet of vertical height on all graded slopes with grades steeper than 5:1. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also shall be fitted with down drains every 150 linear feet of terrace to allow for quick drainage.

• Plant cut and fill slopes with ground cover to prevent erosion, raveling, or development of rills, sloughs, and other failures which could reduce the effectiveness of stabilization methods whereas roots of newly planted vegetation would enhance stability of graded slopes by holding materials in place.

**MM 5.1-3 Slope Stability (Expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)**

3. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall show on the plans drainage devices that are employed during grading to reduce the potential for seepage from area D to the adjacent residential development. This shall include a subdrain system to intercept this seepage water and a surficial drainage system to reduce the ponding and infiltration of surface water into the landslide. The drainage system shall be designed by the project engineer and installed under his / her supervision. The plans shall also show implementation of the following measures:

• The construction contractor shall slope temporary excavations no steeper than 1-1/2:1 or shall install shoring as excavations proceed to maintain lateral support. Shoring shall be designed to resist lateral earth pressures as outlined in the Temporary Shoring section of August 2016 geotechnical report prepared for the project by Herzog Geotechnical Consulting Engineers, or as updated by the geotechnical engineer of record. In addition, the construction contractor shall implement the following additional measures during construction:

  • To the maximum extent feasible, all excavations and other site grading shall be performed during the late summer and fall months to minimize the potential for seepage to infiltrate the excavations required for Project construction. To the extent feasible, excavation within soft areas shall be done from the unexcavated perimeter areas using an excavator. Trucks and other construction equipment shall be restricted from the soft subgrade soils.

  • To protect construction workers within excavations from material sloping into the excavations that may occur from exposure of relatively weak soils and bedrock with bedding, fracture, and shear surfaces, all excavations shall be laid back or shored in conformance with applicable federal Occupational Safety and Health Administration (OSHA) standards. Shoring may be achieved with cantilevered or tied-back soldier piers with lagging, tied-back shotcrete walls, soil nail walls, internally braced walls, or other equally effective measures. Adequate drainage facilities shall be provided to prevent hydrostatic buildup behind the shoring.

  • Excavations shall be dewatered as necessary to address intrusion of water through seepage. If seasonal high moisture contents of some near surface soils cause soft "pumping" conditions in and adjacent to excavations, the construction contractor shall perform additional over excavation, install geotextile reinforcement, and/or import granular fill to provide adequate soil stability.

  • Where potentially unstable deposits will remain upslope of proposed improvements, debris fences or catchment/deflection berms shall be installed to protect workers and equipment. The debris fences shall consist of catchment areas and high-energy, ring net barriers (GeoBrugg® or equivalent). Material accumulated behind the barriers shall be removed periodically as necessary to maintain adequate catchment. Any occasional damage to
fences caused by the high lateral forces of slide debris shall be repaired or, if necessary, the fences shall be replaced.

- All other construction and design recommendations presented in the Herzog August 2016 geotechnical report shall be implemented unless updated or modified by the Project geotechnical engineer of record.

**MM 5.1-4 (a) and (b) Groundwater (Expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)**

4. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall show on the plans the following measures that would mitigate potential rockfall impacts:

- Remove any unstable materials encountered adjacent to development areas.
- Remove the materials and place rip-rap or other engineered erosion control devices, construct rockfall entrapment trenches, or undertake selective rock bolting of remaining materials with galvanized or gray PVC-coated gabion mesh.
- Set development back from eroding rock faces not mitigated by the above measures or in addition to implementing those measures, depending on specific situations.

**MM 5.1-9 Rockfall (Expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)**

5. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall show on the plans the following measures that would mitigate artificial fill impacts:

- Conduct field investigations when formulating the Final Grading Plan required for the Development Plan to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development.
- Remove and recompact artificial fill located in or adjacent to areas of proposed grading during landslide repair, grading operations for road construction, or development of individual private lots under the observation and testing of a registered engineer.

**MM 5.1-10 Artificial Fill Areas (Expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)**

6. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall prepare a comprehensive Stormwater Pollution Prevention Plan (SWPPP), which is submitted as part of the NPDES General Construction Activity Stormwater Permit (General Permit) filing with the State Water Resources Control Board, then implement this plan prior to and during construction activities on the site. The NPDES General Permit is required for all developments which would disturb more than one acre of land. The SWPPP describes on-site measures for erosion control and stormwater treatment to be implemented during and following project construction, as well as a schedule for monitoring of performance. These measures are referred to as Best Management Practices (BMPs) for the control of point and non-point source pollutants in stormwater. BMPs incorporated in the project SWPPP would likely include *in-situ* protection, seeding and mulching of bare ground, planting of trees and shrubbery in both disturbed upland and riparian areas, and installation of other forms of biotechnical slope stabilization, such as appropriately staked straw bale perimeters, silt fences, or staked plant wattles on the slope contour. No grading shall occur within the Miller Creek Stream Conservation Area during the winter season, thus restricting grading activities at the proposed Miller Creek bridge crossing to the period between May 1 and October 15. Grading in site areas outside of the SCA can occur during the winter season, as long as erosion control measures approved as a part of the Stormwater Pollution Plan (SWPPP) are installed and properly maintained during this period.

**MM 5.2-7 Site Erosion and Downstream Sedimentation and Flooding (expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)**
7. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall show on the plans the following measures required to minimize impacts on-site and downstream water quality to less-than-significant levels, then implement them during construction on the site:

- Implementation of Mitigation Measure 5.2-7 (Site Erosion and Downstream Sedimentation and Flooding).
- Due to the close proximity to the sensitive wetland and aquatic habitats in the receiving waters of Miller Creek and lower Gallinas Creek, the following BMPs are considered a minimum for Oakview stormwater treatment to comply with the requirements of the NPDES General Permit and provisions of Title 24 of the Marin County Code (24.04.625), citing erosion control requirements associated with site grading.
- Institution of a regular schedule of street and parking lot sweeping. The frequency of cleaning should be higher (e.g. twice monthly) during the winter rainy season, yet maintained year-round. Regular cleaning of paved surfaces reduce the “first flush” phenomenon wherein the highest concentration of contaminants are flushed off the surfaces during the early portion of a runoff event.
- Incorporation of grass-lined swales to convey stormwater from paved surfaces to creek channels or wetlands. Grass-lined swales filter particulates from stormwater and, as a result, reduce the entry of heavy metals and contaminated sediments to drainageways. The current development plan includes one grass-lined (i.e. vegetated) swale each toward the lower end of Sub-watersheds 2 and 3, although the one proposed for Sub-watershed 2 would not provide significant water quality benefits. Two additional swale locations could be integrated into the project design for Sub-watershed 6 stormwater drainage. The first swale would extend downslope from the eastern edge of the Lot 30 parking lot to the top of the existing cut-slope, at the freeway interface. The second swale would extend from the northernmost storm drain inlet along Roadway C (Marinwood Avenue extension), parallel to the freeway, to the southern bank of Miller Creek. To forestall excessive rilling within such swales, it may be necessary to install biodegradable fabric along the swale flowline. Initially, the swale may need to be irrigated along with the landscaping.
- Revegetation of all disturbed areas prior to the onset of each winter rainy season during and for 2-3 years following completion of construction. Use of an erosion control grass and forb mixture, favoring native species, would be best suited to this task. In addition, some type of surface erosion protection (e.g. jute netting, erosion control blankets, punched straw) should be installed to reduce the erosive energy of incoming raindrops for the first couple of winter seasons.
- Preparation and implementation of an irrigation scheduling and chemical management plan governing the application of irrigation water and chemical amendments to landscaped areas adjacent to buildings and within or adjacent to parking lot facilities. Components of such a plan would likely include an irrigation schedule linked to soil moisture levels or related variables such as temperature, humidity and wind speed. Specific chemical inputs proposed for application to vegetation should be among those tested and cleared for use by the USEPA. Frequency and scheduling of these chemical inputs should also be indicated, based on-site-specific characteristics (e.g. soil and vegetative cover and rates of uptake) and the acknowledged sensitivity of downstream receiving waters.
- Implementation Mitigation Measure 5.2-8 (Site Erosion and Downstream Sedimentation and Flooding). ((CDA))

MM 5.2-10 Water Quality — Violation of Water Quality Standards and MM5.2-11 Cumulative Water Quality Impacts (both expanded from Before Building Permit to Before issuance of any Building, Grading or other construction permit)

8. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall provide a detailed erosion and sedimentation control plan and implement it during construction on the site. The plan shall contain detailed measures to control erosion of stockpiled earth and exposed soil, provide for revegetation of graded slopes before the first rainy season following construction, and specify procedures for monitoring the plan's
effectiveness. The revegetation component of the plan shall be consistent with the Landscape and Vegetation Management Plan required by Mitigation Measure 5.3-1(a). Implement Mitigation Measures 5.2-7 and 5.2-8.

MM 5.3-4(b) Disturbance to Freshwater Seeps and Wetlands (moved from Before Precise Development Plan (PDP) to Before issuance of any construction permit).

9. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicant shall provide plans for the bridge or arched culvert proposed for the Marinwood Avenue crossing of Miller Creek, which shall minimize disturbance to jurisdictional waters and riparian vegetation by designing it to conform with the County's minimum roadway width standards and restricting abutments to the upper channel banks. Construction shall be performed during the low flow period in the creek (from June through October), and construction debris shall be kept outside of the creek channel by using silt fencing or other effective methods. Replacement planting with native trees and shrubs shall be provided adjacent to the structure as part of mitigation following completion of bridge construction. Alternately, the applicant may mitigate for permanent impacts to U.S. Army Corps of Engineers (Corps) jurisdictional wetlands by purchasing an appropriate amount of mitigation credits by an approved mitigation bank within the Project service area or other type of mitigation approved by the Corps and the San Francisco Bay Regional Water Quality Control Board (RWQCB) through the permitting process.

MM 5.3-4(c) and (d) Disturbance to Freshwater Seeps and Wetlands (moved from Before Precise Development Plan (PDP) to Before issuance of any Building, Grading or other construction permit).

10. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall provide plans which demonstrate that proposed development will minimize disturbance within the Miller Creek corridor on the site to protect its function for fish and wildlife movement. The proposed bridge or arched culvert crossing should be designed to avoid impeding movement of fish and wildlife along the creek channel, and drop structures under the bridge shall be prohibited. Improvements to the existing creekside path should be limited to stabilizing and possibly surfacing, and lighting should be prohibited along the path to minimize disrupting creek use by wildlife at night.

MM 5.3-6 Disruption of Fish and Wildlife Habitat (moved from Before Building Permit to before issuance of any Building, Grading or other construction permit)

11. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall pay the project’s 1.5-percent proportional share of signalizing the intersection of Miller Creek Road and Marinwood Avenue, estimated to be $7,440.

MM 7.0-1(a) Existing Plus Project AM and PM Peak Hour Conditions, MM 7.0-2(a) Short Range Cumulative AM and PM Peak Hour Conditions and MM 7.03-(a) Long Range Cumulative AM and PM Peak Hour Conditions (moved from Before Precise Development Plan (PDP) to Before issuance of any Building, Grading or other construction permit).

12. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall pay the project’s 15.6-percent proportional share of signalizing the intersection of Highway 101 Southbound Ramps and Miller Creek Road, estimated to be $77,876.

MM 7.0-1(c) Existing Plus Project AM and PM Peak Hour Conditions, MM 7.0-2(c) Short Range Cumulative AM and PM Peak Hour Conditions and MM 7.03-(c) Long Range Cumulative AM and PM Peak Hour Conditions (moved from Before Precise Development Plan (PDP) to Before issuance of any Building, Grading or other construction permit).

13. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall pay the project’s 2.1-percent proportional share of signalizing the intersection of Miller Creek Road and Las Gallinas Avenue, estimated to be $10,615.
14. PRIOR TO THE ISSUANCE OF ANY BUILDING, GRADING, OR OTHER CONSTRUCTION PERMITS, the applicants shall provide the following information on the construction plans or documentation to DPW:
   a. Plot, label and dimension all easements which benefit or encumber the property
   b. Plot, label and dimension all proposed easements, specifically the proposed pedestrian and bike path easement (COA 5.d.) and drainage easement (COA 11.c)
   c. Any work which extends over the property line for the construction of the bridge and footings shall be coordinated with that property owner. Applicant shall provide DPW with written verification of coordination from that owner.
   d. Add a note to the plans indicating that all new easements shall be recorded prior to final inspection for senior residential facility.

15. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT for the senior residential facility, the applicant shall specify on the construction drawings, and in the associated documents, the number of independent living units and the number of assisted living units to be constructed. The minimum number of parking spaces to be provided for the senior residential facility shall be determined based on the following parking generation rate presented in an analysis by W-Trans dated March 17, 2018: 0.54 parking spaces per assisted living unit and 0.66 parking spaces per independent living unit. The total number of parking spaces to be provided for the senior residential facility does not include the eleven (11) parking spaces to be provided for the six (6) work force housing units to be constructed in a separate building. Applicants shall provide calculations to determine the number of accessible parking spaces and accessible van parking spaces to be provided for the senior residential facility per current State accessibility requirements for the intended use (provide reference to section in CBC being used for the proposed type of development). Plans shall show that the minimum number of accessible parking spaces, or greater, will be provided.

16. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT for the senior residential facility, applicants shall provide plans which show that conventional parking spaces in the garage are no less than 18.5 feet by 8.5 feet, which is a reduction from the requirements of MCC24.04.380(a) which requires a minimum of 9 feet by 20 feet for interior spaces.

17. Wheel stops are required by MCC 24.04.355(f), or overhang a curb adjacent to a landscape area (not walkway) as described in MCC24.04.335(h). Note that spaces along sidewalk in front of building must have wheel stops.

18. PRIOR TO ISSUANCE OF ANY BUILDING PERMIT for the six work force housing units, applicants shall demonstrate compliance with 2016 CBC 1102A.1.1 which requires that apartment buildings with 3 or more dwelling units shall be accessible to persons with disabilities. All proposed units are accessed up a flight of stairs.

-END-
We have received your referral for the following proposed project:

Marinwood Ave – The Oaks

<table>
<thead>
<tr>
<th>APN #</th>
<th>Site Address</th>
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<tbody>
<tr>
<td>164-270-05</td>
<td>Marinwood Ave, San Rafael 94903</td>
</tr>
</tbody>
</table>

We have the following comments:

☐ The proposed project is within the Sphere of Influence but not District facilities boundary.

☑ The proposed project is within the Sphere of Influence and District facilities boundary.

☐ The proposed project is not within the Sphere of Influence or District facilities boundary.

☑ The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. Please download the application form at: http://www.lgvsd.org/docs/application_allocation.pdf

☐ The proposed project has received an allocation of sewer capacity; however, the proposed building alteration/addition needs District staff review for possible additional load on sewer system.

☑ The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may be required.

☐ No comment.

The Las Gallinas Valley Sanitary District discourages individual sewer pumps. The District will require a recordable non-responsibility covenant should a pump be required.

PLEASE NOTE: The Las Gallinas Valley Sanitary District strongly discourages the construction of “back yard sewers” because of the difficulties in maintenance. Every effort should be made to construct sewers in public or private streets. Every manhole must be accessible to a 1 ½ ton truck. The use of recycled water and dual plumbing where appropriate are strongly encouraged.
ADDITIONAL COMMENTS ON PLANS DATED 4/5/2017:

1. Sanitary sewer information is missing on the plans. Applicants shall resubmit plans, more specifically civil plans to LGVSD for review when available. Plans must show including but not limited to the following: a table showing existing and proposed plumbing fixture count, existing and proposed floor plans showing location of plumbing fixtures, location of backwater prevention devices, sanitary sewer, cleanouts, manholes, and other relevant sanitary sewer information that may be applicable.

2. Based on District Ordinance adopted on October 27, 2016 preliminary cost estimates are:
   a. For new buildings, structures, and developments:
      i. $5,761 per Equivalent Sewer Unit
      ii. Actual fees may be adjusted according to specific conditions outlined in the Ordinance.
   b. For existing buildings, structures, and developments:
      i. $288 per Plumbing Fixture Unit (PFU)
      ii. Credit may be given to existing plumbing fixtures.
   c. For more information about District Ordinance and permitting process, please visit http://www.lgvsd.org/.
DATE: June 29, 2017
TO: Jocelyn Drake, Senior Planner
FROM: David McMullen REHS LAND DIVISION
RE: The Oaks M/P Amendment, Precise Development Plan & D/R
(Project ID P1547)

AP#: 164-270-05
ADDRESS: Marinwood Ave San Rafael CA

TYPE OF DOCUMENT

| X | DESIGN REVIEW |
| LAND DIVISION |
| USE PERMIT |
| VARIANCE |
| X | MASTER PLAN AMENDMENT |
| COASTAL PERMIT |
| LOT LINE ADJ. |
| X | PRECISE DEVELOPMENT PLAN |

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

| X | WATER | X | SEWAGE |
| POOLS | | | SOLID WASTE |
| X | HOUSING | X | 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.

The proposal is "Acceptable " with the following conditions:

**WATER** Ok, public water source available applicant to provide will serve letter from MMWD to EHS.

**SEWAGE** The applicant will need to provide will serve letter from Las Gallinas Valley Sanitary District to EHS.

**FOOD ESTABLISHMENT** Prior to building permit approval the applicant will need to submit proposed food facility plans to EHS, attention Pricilla VanLiew.

**HOUSING** Research in progress, contact is Eithne Bullick.
Jocelyn Drake  
Marin County Planning Dept.  
3501 Civic Center Dr. #308  
San Rafael, CA 94903

February 3, 2017

RE: WATER AVAILABILITY – The Oaks Senior Living Facility  
Assessor’s Parcel No.: 164-270-05  
Location: Marinwood Ave., San Rafael

Dear Ms. Drake:

The above referenced parcel is not currently being served and no water has been allocated to this property. This parcel does not meet the conditions for service as set forth by the District which state in part: “the property must be fronted by a water main; the structure must be within 125 feet of the water main.” Under these conditions, water service to this property will require a pipeline extension from the end of the District’s existing facilities. The applicant must enter a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District’s Board of Directors. The applicant may apply for a variance to these requirements. This variance must be submitted to the District’s Board of Directors for their review and action. All costs associated with a pipeline extension are borne by the applicant.

Upon completion and acceptance of these facilities, or approval of the variance request, this property will be eligible for water service upon request and fulfillment of the requirements listed below.

2. Submit a copy of the building permit.
3. Pay appropriate fees and charges.
4. Complete the structure’s foundation within 120 days of the date of application.
5. Comply with the District's rules and regulations in effect at the time service is requested.
6. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Plans shall be submitted, and reviewed to confirm compliance. The following are required:
   • Verification of indoor fixtures compliance
   • Landscape plan
   • Irrigation plan
   • Grading plan
Any questions regarding District Code Title 13 – Water Conservation should be directed to Water Conservation Department at (415) 945-1497. You can also find information about the District’s water conservation requirements online at www.marinwater.org. Please note, according to the drawing titled Vegetation Management and Planting Plan, dated 06-17-2016, plantings are proposed on the adjacent parcel. Water intended for one property may not be used to supply another; therefore, no irrigation piping may traverse the property line.

7. Comply with the backflow prevention requirements, if upon the District’s review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
8. Comply with Ordinance No. 429, requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing “substantial remodel” that necessitates an enlarged water service.

9. The use of recycled water is required, where available, for all approved uses. Approved uses include irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to Dewey Sorensen (415) 945-1558.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Sincerely,

Chris Borjian
Engineering Technician

CB

Enclosure
1. Oakview Master Plan (MP 95-001) (Ordinance 3421), January 11, 2005
The Board of Supervisors of the County of Marin ordains as follows.

SECTION I: FINDINGS

I. WHEREAS Irving Schwartz, submitted a Master Plan application, on behalf of Virginia Daphne and Edward Bacciocco, proposing the development of a maximum 28-unit residential subdivision and assisted living facility on a 106.3-acre property. A concurrent Land Division application would divide the property into two lots. Proposed Lot 1 would reserve 15.3 acres for 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Proposed Lot 2 would reserve 11.0 acres for a maximum 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan designates an area for the future development of a 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The Master Plan includes standards for the future residences, including proposed building envelopes, maximum height, general design and massing, and a maximum floor area of 4,500 square feet per home, excluding garage space for two vehicles. The assisted living component of the Master Plan would provide for future development of a maximum 150-unit retirement community with a maximum 75 independent living units with kitchens, and a maximum 75 assisted living units along with administrative and support services. Access to the future assisted living facility would be provided by a private roadway extension to Marinwood Avenue south, across Miller Creek. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as 200 Lucas Valley Road, San Rafael, and further identified as Assessor's Parcel 164-270-03.

II. WHEREAS a Final Environmental Impact Report (EIR) was prepared for the project for compliance with the California Environmental Quality Act (CEQA). The Draft EIR, Final EIR, Final EIR Response to Comments Amendment, and Amendment to the Final EIR have been reviewed and considered by the Board of Supervisors for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures. The Board of Supervisors has adopted a separate resolution finding that the Amendment to the Final EIR does not trigger recirculation of the EIR pursuant to Section 15088.5 of the CEQA Guidelines because the revisions do not result in significant new information or new significant environmental impacts or a substantial increase in the severity of an environmental impacts.
III. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on December 6, 2004 and unanimously recommended (6-0) certification of the Final EIR with the proposed amendments and approval of the proposed project to the Board of Supervisors.

IV WHEREAS the Marin County Board of Supervisors held a duly-noticed public hearing on January 11, 2005 to consider the merits of the proposed project, and hear testimony in favor of, and in opposition to, the project.

V. WHEREAS the Marin County Board of Supervisors finds that the proposed project, as modified herein, is consistent with the following policies contained in the Marin Countywide Plan (CWP).

A. The project will result in a mix of single-family and assisted living uses that are consistent with the City Centered Corridor’s Planned Residential (PR) land use designation for the property. The residential density of 0.97 units per acre (based on 103 residential units including 28 single-family residential units and 75 independent assisted living units) is within the density range of between one unit per acre to one unit per 10 acres that is established by the PR land use designation. The 94,400 square foot assisted living facility represents a 2% non-residential floor area ratio on the 106.3-acre property, which is within the low end of the PR land use designation’s 1% to 9% non-residential floor area ratio range. (Environmental Quality Policy EQ-1.1 and Community Development Policies CD-1.1, CD-8.5, CD-10.2)

B. The project is consistent with the CWP’s Stream Conservation Area (“SCA”) policies. The overriding objective of the SCA policies is to preserve, protect, and enhance existing species and habitat diversity from erosion, sedimentation, pollution and habitat destruction. Streams and their riparian and woodland habitat are irreplaceable and should be protected as essential environmental resources because of their values for erosion control, water quality, fish and wildlife, aesthetics, recreation, and the health of human communities. No development is proposed within the SCA, with exception of a future bridge and roadway crossing, which is an allowed use within the SCA. Mitigations established in the EIR would require that the bridge or arched culvert crossing of Miller Creek be designed to minimize disturbance to riparian vegetation and disturbance to the creek channel and to replace all trees and shrubs that are removed within the SCA. The project would also include erosion control measures to minimize surface runoff and deposit of sediment into Miller Creek. (Environmental Quality Policies EQ-1.1, EQ-2.3, EQ-2.4, EQ-2.5, EQ-2.8, EQ-2.9, EQ-2.10, EQ-2.11, EQ-2.18, EQ-2.19, EQ-2.20, EQ-2.21, EQ-2.22, EQ-2.23, EQ-2.24, EQ-2.26)

C. The project would comply with the CWP’s policies to minimize or prevent air, water, and noise pollution and comply with applicable air quality standards. The project would incorporate measures to reduce dust generation during construction, to minimize soils erosion that could affect water quality, and to incorporate measures to the design and construction of the future structures to minimize noise impacts. Although the project would convert an existing intermittent drainageway to a storm drain system, the EIR found that the project
would not result in substantial alterations to the natural drainage systems. *(Environmental Quality Policies EQ-2.75, EQ-2.78, EQ-3.2)*

D The project would be consistent with the CWP’s policies which discourage development in natural resource areas and CWP’s restrictions on development in areas which contain special status species and migratory species and significant natural areas, wetlands, riparian habitats, and freshwater habitats. The EIR found that the project would have less-than-significant impacts on all special-status species and communities and would not cause irreversible damage to hydrological or biological processes. Any active raptor nests that are established within the vicinity of proposed grading would result in the implementation of measures to avoid impacts to the nest until the young birds have fledged the nest. Mitigations requiring the project to minimize disturbance of the wildlife corridor along Miller Creek would minimize potential impacts on fish and wildlife species. *(Environmental Quality Policies EQ-2.87, EQ-2.88, EQ-3.4, EQ-3.6, Community Development Policy CD-2.7)*

E The project would not affect geologic, archaeological or historic sites. The project would not affect potential archaeological or cultural resources since none were found at the site. Native grasslands and freshwater seeps and wetlands that are removed by the project would be required to be replaced at a ratio of 1:1 for native grasslands and 2:1 for wetlands. The conceptual landscape plan includes a stipulation that non-native plants will be discouraged and/or prohibited. *(Environmental Quality Policies EQ-3.5, EQ-3.13, EQ-3.27, EQ-3.30)*

F Consistent with applicable CWP policies, the project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and would result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. Although some incursion into sensitive woodland habitat, native grasslands, freshwater seeps and wetlands would occur, the EIR would require that residential building envelopes be revised to minimize tree removal and for grassland and wetland restoration to be incorporated into the final design of the project. The project would avoid known geologic hazards, including ancient bedrock landslides. *(Environmental Quality Policy EQ-3.8, Community Development Policy CD-2.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.4)*

G. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP’s Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. *(Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4, EH-6.1, EH-6.3)*
H. The EIR includes mitigations that would ensure that the project would not contribute to the incremental increase in non-point stormwater contaminant on surrounding water bodies or increase the potential for flooding hazards. These include the required construction of stormwater detention/treatment basins to minimize impacts associated with increases in peak flows as well as implementation of stormwater pollution prevention measures. *(Environmental Quality Policy EQ-2.31, Environmental Hazards Policy EH-8.6)*

I. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marinwood Fire Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. Public services are available to serve the development. The Marinwood Community Services District would provide parks and recreation and fire protection services. The Marin Municipal Water District has sufficient water supplies for domestic and fire protection purposes to service the proposed development. Sewage treatment is proposed to be provided from the Las Gallinas Sanitary District. The Dixie Elementary School District and the San Rafael High School District have adequate capacity to accommodate the additional students that are expected to be generated by the proposed project. The project would also provide adequate recreation, open space, and public access through designation of 67.7 acres for open space along with trail improvements along Miller Creek and future pedestrian and bicycle connections through the site. *(Environmental Quality Policies EQ-2.27, EQ-3.9, EQ-3.10, EQ-4.1, and Environmental Hazards Policy EH-11.3)*

J The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The project complies with the visual quality policy by minimizing tree removal to 23 trees. The visual impact analysis contained in the EIR evaluated the project's day- and night-time impacts would result in less-than-significant impacts. Requirements to reduce the size of the future homes would ensure that the development is compatible with the surrounding community as well as the hillside character of the property. *(Environmental Quality Policies EQ-3.11, EQ-3.14, EQ-3.25)*

K The project has been designed to minimize the amount of grading and to limit it to the construction of building pads, streets, and parking areas. Retaining wall construction has either been avoided due to the proposed slopes, or minimized to the extent feasible. Much of the proposed grading is necessary for remediation of on-site landslides to remove geotechnical hazards. *(Environmental Quality Policy EQ-3.16)*

L The project would provide a mix of single-family and assisted living facilities which increase both housing and jobs opportunities in the City Centered Corridor near transportation and transit facilities. Compliance with the County's
inclusionary housing requirements would provide affordable residential and assisted living units. The assisted living facility would result in limited numbers of new service jobs that would benefit from the site's proximity to existing transit, retail and commercial uses nearby. (Community Development Policies CD-2.1, CD-2.2, CD-2.3, CD-2.4, CD-3.5)

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

N. The project would be required to comply with the County's energy efficiency ordinance, Marin Green Home Rating System, and the Leadership in Energy and Environmental Design standards, and to partly utilize alternative energy sources, such as photovoltaic systems, to minimize the project's energy consumption. These measures, include, but are not limited to, use of energy-saving measures such as "Energy Star" rated appliances, avoidance of paints and stains containing Volatile Organic Compounds, and use of water conserving landscapes and low flush toilets and low flow shower heads. (Community Development Policy CD-4.1, Housing Element Policies H2.4, H2.5)
O. The project would comply with CWP standards for traffic congestion by ensuring that traffic generated by the project and by cumulative development in the area would result in intersection levels of service of "D" or better.  *(Transportation Policies T-1.1, T-1.3)*

P. Mitigations identified by the EIR and proposed in the project would ensure that the development complies with the CWP's noise guidelines for acceptable exterior and interior noise levels. The mitigations include installation of noise-buffering property line fencing, use of sound-rated windows, siting outdoor living spaces away from noise generators, and adherence to residential construction hours that would minimize noise impacts. *(Noise Policies N-1.1, N-2.1, N-2.4)*

Q. The proposed project would incorporate architectural standards and maximum home sizes that would ensure that the future development would be designed to reflect a sensitive transition in scale from and compatibility with the surrounding neighborhood, utilizing high quality, pedestrian-oriented site planning and architectural designs. *(Housing Element Policies H2.1, H2.3)*

R. The project would comply with the CWP's policies by providing inclusionary housing units that would be affordable to very low and low income households and by incorporating potential second units to the future design of the residential component of the Master Plan. The assisted living component of the project would also address a special needs population. *(Housing Element Policies H3.19, H3.26, H4.1, H4.2)*

S. The project is consistent with the CWP's policy for establishing zoning densities within the Urban Service Area that would provide for less intensive development than that which would be allowed for an adjoining city. Under the RMP-1.38 (Residential Multiple-family Planned District, 1.38 units per acre maximum density) zoning designation for the property, the 103-unit project would result in a density of 0.97 unit per acre, which would be less intensive than the two units per acre maximum density that would be allowed under the city's Hillside Residential land use designation for the property, which would provide for up to 212 residential units. *(Community Facilities Policy CF-1.1)*

T. Based on the cost-revenues analysis that was prepared as part of the EIR, the project would pay its fair share of the cost of public services. *(Community Development Policy CD-7.3, Community Facilities Policy CF-5.2)*

U. Although the CWP does not designate any trails through the project site, the Master Plan proposes to improve the existing pathway along Miller Creek and to dedicate a pedestrian and bicycle trail easement that would connect Marinwood Avenue with Lucas Valley Road. *(Trails Policy TR-1.3)*

VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project, as modified herein, is consistent with the requirements of the RMP-1 38 (Residential Multiple-family Planned District, 1.38 units per acre) zoning district and the Planned District development standards contained in Section 22.16.030 of the Marin County Code, based on the following.
A. The Master Plan includes a conceptual roadway designs for the future roadways that will not exceed a 15% grade, consistent with the requirements of Section 22.16.030.E.1.

B. The future residential and assisted living development will be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site. Both uses have been sited to avoid steep wooded hillsides and the primary ridgeline that separates the Highway 101 from the Marinwood sides of the development. Vehicular access could be provided to the future uses without significant roadway extensions. Additionally, the EIR has evaluated the proposed development areas and found the sites to be geologically stable. Therefore, the requirements of Section 22.16.030.F.1 are met.

C. No portion of the development areas will be located within the ridgeline area, consisting of land located within 300 feet horizontally or within 100 feet vertically of the primary ridgeline that separates the Highway 101 from the Marinwood sides of the development. Although portions of the rear yards of some of the residential lots extend into the ridgezone, no development will occur within this area due to the placement of the building envelope for these lots outside of the ridgezone area. Therefore, the requirements of Section 22.16.030.F.2 are met.

D. The future residential and assisted living development will be required to comply with energy conservation requirements of the Marin Green Home Rating System and the Leadership in Energy and Environmental Design green building standards, respectively. Compliance would be accomplished through the design and orientation of buildings to maximize solar access, and through utilization of a site and building designs that emphasize use of energy efficiency principles, renewable water conservation features, indoor air quality measures, site protection consideration, and green materials, consistent with the requirements of Section 22.16.030.F.3.

E. Noise impacts on the future residents of assisted living development will be minimized to meet the Countywide Plan noise criteria through use of sound-rated windows and a building design that focuses outdoor living areas on the backside of the building and away from the noises associated with Highway 101. The future single-family residential development has been sited to maintain substantial setbacks of over 50 feet from the nearest residences through future installation of a landscape buffer in order to minimize noise impacts. Therefore, the requirements of Section 22.16.030.F.4 are met.

F. The project would comply with the requirements of Section 22.16.030.G by incorporating the following facilities and design features: (1) reclaimed waste water will be used for irrigation of the assisted living facility; (2) the development will use materials, siting principles, and construction techniques that minimize consumption of resources such as energy and water and incorporate recycling and use of water-conserving appliances; (3) recreation facilities will be provided from the open space, creek trail, and designation of an easement for a future bicycle and pedestrian trail that connects Marinwood Avenue with Lucas Valley Road along the Highway 101 frontage.
G. The conceptual landscaping plan incorporates plan species that will minimally disturb natural areas and that are compatible with the native plant setting, consistent with the requirements of Section 22.16 030.H. The final design of the project’s landscaping will be required to include fire-resistive, native, and drought tolerant plant species.

H. Future exterior lighting that is visible from off-site areas will be designed for safety purposes, incorporating low-wattage fixtures that are directed downward and shielded to prevent adverse lighting impacts on nearby properties, consistent with the requirements of Section 22.16.030.I.

I. The project includes the proposed dedication of approximately 67.7 acres of land for public open space and conservation purposes, consistent with the requirements of Section 22.16 030 J. The land that is offered for dedication includes wildlife habitat, riparian corridors, and wetland features that would be protected.

J. Through future Precise Development Plan review, the design of individual buildings will be reviewed to ensure that they incorporate building materials and colors that blend into the natural environmental unobtrusively and that attain maximum heights at, or below, the 30 foot height limit for primary structures and 15 foot height limit for accessory structures, consistent with the requirements of Sections 22.16.030.K.1. and 22 16.030.K.2. Additionally, the assisted living facility will be allowed through subsequent review and approval of a Use Permit.

K. The conceptual grading, drainage, and tree removal and preservation plan would comply with the requirements of Section 22.16.030.L. by: (1) minimizing the extent of future grading that is required to provide access to the future development areas; (2) minimizing tree removal to 23 trees; (3) incorporating drainage improvements that would minimize potential soils erosion while maintaining creekside areas in their natural state as much as possible; (4) siting development in areas with adequate fire protection service and where water would be available for fire protection purposes; and (5) avoiding seismic or geologic hazards areas to the extent feasible and acceptable based on geotechnical analyses.

L. Future power and utility lines will be undergrounded, consistent with the requirements of Section 22.16.030.M.

M. The project is consistent with the Marin Countywide Plan, based on the findings contained in Finding IV above, and as required by Section 22 16.030.N.

VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project, as modified by conditions herein, would not adversely impact the public health, safety, and welfare of residents living and working in the surrounding community because the project would: (1) result in residential and assisted living uses that increase the housing opportunities for both families and a special needs senior population; (2) not result in significant environmental impacts associated with land use, visual, geological, hydrological, biological, traffic, archaeological, air quality,
VIII. WHEREAS the Marin County Board of Supervisors finds that the proposed Master Plan would result in public benefits associated with the dedication of approximately 67.7 acres of open space, the construction of a creekside trail, the voluntary dedication of an approximately 9.4-acre parcel of land for future construction of a freeway interchange, the provision for a future pedestrian and bicycle easement that would link Marinwood Avenue with Lucas Valley Road along the Highway 101 frontage to the property, and the development of affordable housing and housing that would serve a special needs population for seniors.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby enacts an ordinance approving the Oakview Master Plan 95-001 subject to the following conditions of approval.

Marin County Community Development Agency - Planning Division

1. Pursuant to Chapter 22.44 of the Marin County Code, the Oakview Master Plan is approved for the future development of a maximum 28-unit residential subdivision and a maximum 94,400 square foot, 150-unit assisted living facility on the existing 106.3-acre property. A concurrent Land Division application would divide the property into two lots. Lot 1 would encompass in concept 15.3 acres for a maximum of 28 detached single-family residential lots, 1.8 acres of public right-of-way, 34.2 acres of open space, and 0.6 acres for freeway interchange improvements, for a total of 51.9 acres. Lot 2 would encompass in concept 11.0 acres for a maximum 94,400 square foot assisted living facility, 34.6 acres of open space, and 8.8 acres for freeway interchange improvements, for a total of 54.4 acres. The residential component of the Master Plan is approved for the future development of a maximum 28-unit residential subdivision that would be accessed by a public roadway extension to Erin Drive. The assisted living component of the Master Plan would be accessed by a private roadway extension to Marinwood Avenue south, across Miller Creek. The property is located at the northwestern quadrant of the U.S. Highway 101/Lucas Valley Road interchange, on property addressed as 200 Lucas Valley Road, San Rafael, and further identified as Assessor's Parcel 164-270-03.


3. Pursuant to Marin County Section 22.44.030(C)(2), a Precise Development Plan shall be submitted for review and approval for a portion of, or the entire area of, the Master Plan. No development, land improvements and/or building construction shall commence until a Precise Development Plan is approved. A Tentative Subdivision
Map may be submitted for the future residential development on Parcel 1 in conjunction with the Precise Development Plan.

4. Future development of the residential component of the Master Plan on Parcel 1 of the Oakview Tentative Map shall be subject to the following requirements.

   a. A Precise Development Plan shall be required for all future residential development on Parcel 1.

   b. The design of the subdivision and residences shall incorporate traditional neighborhood design and sustainable development principles, including but not necessarily limited to the following elements.

      Lot sizes and configurations should provide for a variation in building setbacks from the street.

      2. There should be a variation in building heights with a mixture of one- and two-story, split level designs that reflect the hillside topography.

      3. Buildings should address the street at a pedestrian scale utilizing architectural elements, such as covered porches, verandas, projecting bay windows, recessed openings, and site trellises and covered walkways.

      4. Garage and parking areas should be deemphasized by recessing the garage doors from the front wall of the residence, locating garages as a detached or attached element toward the rear of the residence, utilizing side-entry garage designs, and sharing driveways, whenever feasible.

      5. Second floors should be setback from the lower, street level of the residence and from the side property lines, where feasible in order to avoid large expanses of exterior wall areas in a single plane.

      6. Roof forms and roof lines should be broken into a series of smaller building components to reflect the surrounding natural landscape and should generally follow the direction of the natural slope.

      7. Outdoor spaces should be incorporated into the design of the residence through limited site terracing and integration of outdoor spaces into rooftop terraces at lower stories, porches, and verandas.

      8. Site improvements, such as patios, should minimize the use of paved (impervious) areas.

      9. Exterior colors should be coordinated with the predominant colors and values of the surrounding landscaping utilizing earthtone wall colors and darker roof colors.

     10. The street design should be pedestrian-friendly through use of traffic calming measures such as landscaped islands and variations in pavement material, whenever feasible.
11 The future single-family residences shall meet the Certified or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines and shall incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials. The Precise Development Plan shall designate a certain percentage of the 28 residential units to include installation of a solar energy system, such as a solar electric system (photovoltaics) or solar thermal system, based on the Community Development Agency's Solar Development Potential Analysis, dated November 8, 2004, that is maintained with the Oakview Master Plan file and exhibit in the Community Development Agency.

c. The maximum allowable building area for the land area that is covered by Lots 1 to 12 shall not exceed 3,000 square feet per residential unit. The maximum enclosed building area may be increased to 3,500 square feet if a second unit with no interior connection to the main unit is constructed. The maximum allowable building area for the land area that is covered by Lots 13 to 28 shall not exceed 3,500 square feet per residential unit. The maximum enclosed building area may be increased to 4,000 square feet if a second unit with no interior connection to the main unit is constructed. The building area includes the sum of the gross area of all floors in all buildings on a site, including attached and detached garages and storage buildings, measured from the exterior faces of the exterior walls, but excluding all unenclosed horizontal surfaces, such as balconies, courts, decks, porches, and terraces. The maximum size is not an entitlement and specific building designs shall be evaluated through the subsequent Tentative Map and Precise Development Plan review under their own merits for conformance with the County's adopted plans and policies at that time.

d. A maximum height limit of 25 feet from natural or finished grade, whichever is more restrictive, following completion of the subdivision improvements shall apply to Lots 1 to 12. A maximum height limit of 30 feet from natural or finished grade, whichever is more restrictive, following completion of the subdivision improvements shall apply to Lots 13 to 28. The maximum height is not an entitlement and specific building designs shall be evaluated through the subsequent Tentative Map and Precise Development Plan review under their own merits for conformance with the County's adopted plans and policies at that time.

e. The project shall be subject to the requirements of Marin County Code Chapter 22.22 (Affordable Housing Regulations) in effect at the time the Precise Development Plan and Tentative Subdivision Map are determined to be complete by the County. Based on the current requirements, at least six of the 28 future lots or units shall be dedicated to the County for development of units that are affordable to low or very low income households. In no case shall the number of inclusionary residential units that are required for the development be less than that which is required at the time of the Master Plan's approval. Second units shall not be allowed to be counted towards satisfaction of the project's inclusionary requirements without an amendment to the Master Plan.
The dedication requirement will not apply if the applicant elects to construct the affordable units, provided the applicant executes a below market rate agreement in conformance with Marin County Code Section 22.22.040 and acknowledges that the project would consist of inclusionary units to be occupied by, and affordable to, very low and low income residents in perpetuity. The applicant shall have the option of constructing six rental units on-site to meet the inclusionary requirements, subject to compliance with Marin County Code Section 22.22.030.

f. The project shall comply with the wetland mitigation requirements for all wetlands that would be impacted by the residential component of this Master Plan. Since the designated on-site wetland mitigation site is located on the adjoining assisted living parcel, the applicant shall demonstrate that permission has been obtained from the future owner of Parcel 2 for wetland mitigation or that an equivalent method of mitigation for the wetland impacts on Parcel 1 can be implemented in compliance with this requirement. To the maximum extent feasible, the wetland mitigation shall be on-site. The required wetland mitigation shall not occur on the parcel intended for the Lucas Valley off-ramp.

g. The landscape plan for the area of land west of the Erin Street extension shall consist of trees that are planted outside of the existing public utility easement and tree types where the drip line at maturity will not extend into the public utility easement.

h. The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plan species.

i. The Precise Development Plan shall provide for the use of recycled water for landscape irrigation and any other approved uses, including fire protection, to the extent it is feasible and acceptable to the Marin Municipal Water District and the Marinwood Fire Department.

5 Future development of the assisted living component of the Master Plan on Parcel 2 of the Oakview Tentative Map shall be subject to the following requirements.

a. A Precise Development Plan and a Use Permit shall be required for the future maximum 94,400 square foot assisted living facility on Parcel 2. The assisted living component shall consist of a maximum 150-unit retirement facility with up to 75 independent living units with kitchens, and up to 75 assisted living units along with administrative and support services. The maximum size is not an entitlement and a specific building design shall be evaluated through the subsequent Precise Development Plan review under its own merits for conformance with the County's adopted plans and policies at that time.

b. The project shall be subject to the requirements of Marin County Code Chapter 22.22 (Affordable Housing Regulations) in effect at the time the County issues a final decision on the Precise Development Plan and Use Permit. Based on the current requirements, the project shall designate at least 15 of the 75 future independent assisted care units to be affordable to very low and low income residents in perpetuity. In no case shall the number of inclusionary assisted living
units that are required for the development be less than that which is required at the time of the Master Plan’s approval. The affordability requirements shall apply only to the housing portion of the total care expense. A below market rate agreement shall be executed in compliance with Marin County Code Section 22.22030.

c. The assisted living facility shall meet the Silver rating criteria of the Leadership in Energy and Environmental Design (LEED) green building standards and incorporate green building principles and materials, with a focus on energy efficiency, renewable energy, water conservation, indoor air quality, site protection, and green materials.

d. Consistent with the Marin County Unincorporated Area Bicycle and Pedestrian Master Plan, the Precise Development Plan for the assisted living facility shall include the proposed dedication of a pedestrian and bicycle easement of sufficient width to accommodate the required improvements, as determined by the Department of Public Works, between Marinwood Avenue and the point of the property closest to the intersection of Lucas Valley Road and Los Gamos Road. The final width and alignment of the easement shall be established at the Precise Development Plan phase for the assisted living project; however, in no case shall the easement be less than 12 feet in width. In addition, the Precise Development Plan shall include provisions to construct a sidewalk and pedestrian and bicycle pathway from the assisted living facility, across Miller Creek, to the end of Marinwood Avenue.

e. The applicant shall implement the proposed noise attenuation measures to ensure that the project has been designed to meet the Countywide Plan’s criteria for acceptable interior and exterior noise levels. This can be done by using sound rated windows and providing the buildings with mechanical ventilation so that the windows could be maintained closed. Non-openable (sealed) windows shall be provided on the Highway 101 frontage of the building. Outdoor areas exposed to an Ldn of 60 dB or less shall be provided on the westerly back side of the building.

f. The landscape plan shall incorporate predominantly fire-resistive, native, and drought tolerant plan species.

g. The applicant shall demonstrate that the assisted living facility complies with any applicable standards and criteria for toxic air contaminants (TAC). The applicant shall undertake any necessary studies and investigations to determine the project’s compliance with any official TAC standards or criteria. The project design shall incorporate design measures to reduce health risks to acceptable levels in compliance with any official TAC standards or criteria.

6 If Open Space Parcels A and B are not accepted by a public entity for dedication purposes, the applicant shall ensure that a legal means of ensuring their maintenance be provided either through a deed restriction or private covenants, conditions, or restrictions. This requirement shall be satisfied prior to subsequent approval of a Building Permit.
7. Prior to or concurrent with the approval of a Precise Development Plan for either the residential or assisted living components of the Master Plan, whichever occurs first, the County shall rezone the property to a RMP-0.97 (Residential Multiple Family Planned, 0.97 units per acre maximum density) or equivalent to reflect the maximum density of 103 units that are approved in concept by the Master Plan.

8. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the subdivider defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Oakview Master Plan Land Division, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the subdivider of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

9. Any changes or additions to the project shall be submitted to the Community Development Agency - Planning Division for review to determine whether a Master Plan Amendment is required.

Marin County Department of Public Works

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

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

The voluntary offer of dedication of land area at the southeasterly corner of the property between Highway 101 and Lucas Valley Road for future southbound Highway 101 off-ramp improvements has been made in-lieu of paying the applicant's fair share of intersection improvements at the Lucas Valley Road / Los Gamos Road interchange since the signalization is intended to compliment the interchange improvements as identified in the Northgate Activity Center Plan. The EIR has identified that the applicant's fair share is 38% of the approved design and construction budget.
Compliance with this condition of approval shall satisfy the EIR Mitigations 7.0-1(b), 7.0-2(b), and 7.0-3(b).

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

a. Improvement plans shall be prepared in accordance with the Marin County Code Chapter 22.100 and shall conform to Marin County Code Title 24 (Development Standards), as approved by the Department of Public Works.

b. An updated soils report shall be submitted to address areas of instability, effects of drainage on site stability, and any subdrain systems that are needed to protect existing and proposed improvements.

c. A drainage easement shall be offered for dedication to the Marin County Flood Control District along Miller Creek in conjunction with the subsequent development of the assisted living component of the Master Plan. The easement shall be approximately equal to the Stream Conservation Area line as shown on Sheet 3 of the Tentative Map.

d. Plans shall show the location of the stormwater detention/treatment basin(s) along with appurtenant facilities in conjunction with the subsequent development of the residential component of the Master Plan. The drainage improvements shall fully attenuate the 100-year peak flows from sub-watersheds 2 and 3 to pre-project levels, and shall be accompanied by hydrologic and hydraulic calculations.

e. A parking study and supporting information shall be submitted to establish the parking needs for the assisted care facility.

f. Plans shall be reviewed and approved by a Registered Soils Engineer or a Registered Civil Engineer with soils expertise. Proof of the same may be demonstrated by the engineer’s stamp and signature on the plans or by letter.

g. Las Gallinas Avenue, extending from the Las Gallinas Avenue / Lucas Valley Road intersection to the Elvia Way intersection, shall be shown on the site plan in conjunction with the subsequent development of the residential component of the Master Plan, along with all required improvements to the Las Gallinas intersection and local streets.

h. Marinwood Avenue, including the Miller Creek / Marinwood Avenue intersection and the Miller Creek / Highway 101 intersection, shall be shown on the site plan in conjunction with the subsequent assisted care component of the Master Plan, along with all required improvements to the intersections and local streets.

i. A one-foot non-access easement fronting Lucas Valley Road shall be shown on future Lot 28 of the subsequent Tentative and Final Map for the residential component of the Master Plan.
j. A gate or alternative method to restrict routine vehicle access shall be provided for the 12-foot wide emergency access path adjacent to Lucas Valley Road in conjunction with the subsequent development of the residential component of the Master Plan. Accommodations for pedestrian access to Lucas Valley Road shall be provided.

k. The applicant shall provide an offer of dedication of a sufficiently shaped and sized area within the area that is designated as “Open Space Parcel C” as shown on the Master Plan Exhibit to accommodate future construction of a County standard end of a cul-de-sac road turnaround at the end of Ellen Drive as approved by the Public Works Director. The “Open Space Parcel C” shall not be described in the two-lot Parcel Map since the final alignment and size of the required turnaround will be determined as part of the subsequent Precise Development Plan and Tentative Subdivision Map for the residential component of the Master Plan.

Marin Municipal Water District

12. All future landscape and irrigation plans must be designed in accordance with the most current District landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the applicant shall obtain the District's approval of all working drawings for planting and irrigation systems.

13. Recycled water shall be used for the assisted living facility’s common landscape irrigation and any other approved use, as determined by the District. Landscape and irrigation plans shall comply with the District’s recycled water criteria.

Marinwood Fire Department

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

Project Environmental Impact Report Mitigations

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

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

16. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall submit detailed grading and drainage plans which identify the extent and location of all work, including measures determined by the applicant’s geologist and geotechnical engineer to be necessary in the field at the time of construction. Mitigation measures shall consist of a combination of site-specific recommendations by the applicant’s consultant and local agency and code requirements. The following measures would be feasible in mitigating site-specific conditions and producing stable natural slopes, as well as engineered slopes, where cutting and filling would occur on the site. (Geology 5.1-3)

a. Evaluate the effects of bedding orientation (information acquired during the design phase investigation required for the Precise Development Plan) on the gross stability of existing and proposed slopes in the development area to prepare the geotechnical consultant to observe and direct grading operations and make site-specific determinations (see immediately following measure).

b. Examine natural and cut slopes during grading to confirm their potential for long-term stability. If the geotechnical consultant determines that the exposed earth materials are weaker than expected, mitigate this condition by recompressing as an earth buttress or stability fill or by the selected use of retaining walls or other acceptable methods, as have been proposed by the applicant’s geologist.

c. Design drainage facilities to conform with agency and code standards. This should include terrace drains every 30 feet of vertical height on all graded slopes with grades steeper than 5:1. The terrace drains should have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also should be fitted with downdrains every 150 linear feet of terrace to allow for quick drainage.

d. Plant cut and fill slopes with ground cover in order to prevent erosion, raveling, or development of rills, sloughs, and other failures which could reduce the effectiveness of stabilization methods whereas roots of newly planted vegetation would enhance stability of graded slopes by holding materials in place.

17 PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit detailed drainage plans which include the use of drainage devices during grading to reduce the potential for seepage from Area D to the adjacent residential development. This should include a subdrain system to intercept this seepage water and a surficial drainage system to reduce the ponding and infiltration of surface water into the landslide. The drainage system should be designed by the project engineer and installed under his/her supervision. (Geology 5.1-4)

18. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that the foundations for the structures have been designed for creep loads. The design phase investigations for development of individual lots should determine the
depth of the weathering profile and the zone affected by creep and should be used to establish specific design standards for each lot to comply with the Uniform Building Code as required to obtain site alteration and building permits from the County for construction of individual housing units or ancillary residential structures. (Geology 5.1-5)

19. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate that all on-site structures, roads, and utilities are designed in conformance with the Uniform Building Code in order to mitigate seismic impacts. (Geology 5.1-6)

20. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate compliance with the following mitigations to mitigate potential rockfall impacts. (Geology 5.1-9)

   a. All unstable materials encountered adjacent to development areas shall be removed.

   b. Plans shall depict the removal of the materials and place rip-rap or other engineered erosion control devices, construct rockfall entrapment trenches, or undertake selective rock bolting of remaining materials with galvanized or gray PVC-coated gabion mesh.

   c. The development shall be set back from eroding rock faces not mitigated by the above measures or in addition to implementing those measures, depending on specific situations.

21. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the following measures shall be required to mitigate artificial fill impacts. (Geology 5.1-10)

   a. The applicant shall conduct field investigations when formulating the Final Grading Plan to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development.

   b. Plans shall depict the removal and recompaction of artificial fill located in or adjacent to areas of proposed grading during landslide repair, grading operations for road construction, or development of individual private lots under the observation and testing of a registered engineer.

22. PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN OR ISSUANCE OF A BUILDING PERMIT FOR THE ASSISTED CARE COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that a funding entity has been established to insure the effectiveness of long-term maintenance in mitigating the project’s geotechnical and hydrologic impacts. This entity could be a homeowners’ or property owners’ association, an assessment district, or a Geologic Hazards Abatement District for the project site. The entity shall provide for the technical aspects of long-term maintenance to be handled by a geotechnical consultant and reviewed by the County. The professional consultant should follow a regular maintenance schedule and should prepare and submit progress reports to the County every six months for its review. Only site
property owners would participate by paying taxes/fees into the fund. (Geology 5.1-13)

23. PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the improvement plans shall include the construction of a stormwater detention/treatment basin to reduce peak flow impacts. The basin location shall be selected to minimize excessive topographic manipulation, even if one or more designated residential lots must be eliminated to accommodate its construction. Since stormwater quality impacts can be mitigated, in part, through the integration of water quality enhancements to normal detention basin design, the detention basin should be designed to serve a two-fold purposes: (1) fully attenuate 100-year peak flows from Sub-watersheds 2 and 3 to pre-project levels and, thus, reduce pressure on the downstream storm drain system – the Gallinas Creek tributary (i.e. Highway 101 box culvert); and (2) filter and cleanse stormwater runoff by use of a vegetated inlet swale and detention area (forebay). (Hydrology 5.2-2, 5.2-4, 5.2-10, 5.2-11) Other considerations shall include:

a. Structure measures for normal pond dewatering and end-of-season (e.g. April) dewatering (fully) for mosquito control.

b. An emergency overflow spillway with appropriate energy dissipater at the outlet.

c. A monitoring and maintenance plan shall be prepared for the detention basin to ensure proper long-term basin functioning. The plan would include provisions for sediment removal and basin repair, as well as associated conditions governing the use of heavy mechanical equipment (e.g. backhoes, excavators) and environmental safeguards and procedures. This information shall be incorporated into the project’s Stormwater Pollution Prevention Plan that is submitted to the Department of Public Works.

d. Prior to the release of the project performance bond, maintenance of the detention basin by a funding entity shall be established by the project applicant. Such an entity could choose to maintain the basin and other erosion and sediment control measures itself or could hire bonded independent contractors. Alternatively, this requirement would not be applicable if a public agency ultimately agrees to maintain the detention basin.

24 PRIOR TO APPROVAL OF A FINAL MAP FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the following measures shall be incorporated into the project to reduce impacts on downstream flooding due to inadequate storm drain system capacities. (Hydrology 5.2-3)

a. The existing 18-inch storm drainpipe along the rear of 281 Ellen Drive shall be replaced with a 30-inch reinforced concrete pipe, as indicated in the project Schematic Grading Plan.

b. The gaps in the existing concrete, cross-slope interceptor ditch network and any other defects that could result in the diversion of ditch/hillslope runoff onto adjacent lots in the Marinwood Subdivision shall be repaired.
25. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR EACH COMPONENT OF THE PROJECT, the applicant shall prepare and implement a comprehensive Stormwater Pollution Prevention Plan (SWPPP), which is submitted as part of the NPDES General Construction Activity Stormwater Permit (General Permit) filing with the State Water Resources Control Board. The SWPPP shall describe on-site measures for erosion control and stormwater treatment to be implemented during and following project construction, as well as a schedule for monitoring of performance. These measures are referred to as Best Management Practices (BMPs) for the control of point and non-point source pollutants in stormwater. BMPs incorporated in the project SWPPP would likely include in-situ protection, seeding, and mulching of bare ground, planting of trees and shrubbery in both disturbed upland and riparian areas, and installation of other forms of biotechnical slope stabilization, such as appropriately staked strawbale perimeters, silt fences, or staked plant wattles on the slope contour. Grading activities at the proposed Miller Creek crossing is allowed only during the period between May 1 and October 15. Grading in site areas outside of the SCA can occur during the winter season, as long as erosion control measures approved as part of the SWPPP are properly installed and properly maintained during this period. (Hydrology 5.2-7, 5.2-8, 5.2-11)

26. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE ASSISTED LIVING FACILITY COMPONENT OF THE MASTER PLAN, the applicant shall acquire a 1603 Stream Alteration Agreement from the California Department of Fish and Game (CDFG). In addition to measures outlined in the project SWPPP for graded or exposed soil surfaces, the applicant's construction contractor(s) and field engineer should implement temporary measures, where required, to minimize channel sedimentation during bridge construction. Due to the good quality stream habitat and culverting impacts to aquatic life, a bypass pipe through the work area is not appropriate. Some form of cofferdam segregating the work areas from the active channel would be preferred. All such measures would be described in the Stream Alteration Agreement submitted and would be subject to approval by the CDFG. The applicant shall also submit an application or letter of notification, as appropriate, to the U.S. Army Corps of Engineers for an Army Fill Permit, in accordance with provisions of the Nationwide Permit Program and acquire a Waiver of Water Quality Certification from the Regional Water Quality Control Board. (Hydrology 5.2-8, 5.2-10, 5.2-11)

27. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall demonstrate compliance with the following measures to minimize impacts on-site and downstream water quality (Hydrology 5.2-10, 5.2-11)

a. The stormwater detention basins recommended for construction as part of the program for peak flow mitigation should be designed to maximize their water quality treatment function. Proper configuration, sizing and inlet/outlet characteristics would maximize deposition of particulates in incoming stormwater and would favor the growth of emergent vegetation to facilitate filtering opportunities. Specific design characteristics for wet ponds are listed in the California Storm Water Best Management Practices Handbook for Construction Activity.
b. Due to the close proximity to the sensitive wetland and aquatic habitats in the receiving waters of Miller Creek and lower Gallinas Creek, the following Best Management Practices are considered a minimum for Oakview stormwater treatment to comply with the requirements of the NPDES General Permit and provisions of Title 24 of the Marin County Code (24.04 625), citing erosion control requirements associated with site grading.

c. A regular schedule of street and parking lot sweeping shall be instituted. The frequency of cleaning should be higher (e.g. twice monthly) during the winter rainy season, yet maintained year-round. Regular cleaning of paved surfaces reduce the “first flush” phenomenon wherein the highest concentration of contaminants are flushed off the surfaces during the early portion of a runoff event.

d. Grass-lined swales shall be incorporated to convey stormwater from paved surfaces to creek channels or wetlands. Grass-lined swales filter particulates from stormwater and, as a result, reduce the entry of heavy metals and contaminated sediments to drainageways. The current development plan includes one grass-lined (i.e. vegetated) swale each toward the lower end of Sub-watersheds 2 and 3, although the one proposed for Sub-watershed 2 would not provide significant water quality benefits. Two additional swale locations could be integrated into the project design for Sub-watershed 6 stormwater drainage. The first swale would extend downslope from the eastern edge of the Lot 30 parking lot to the top of the existing cut-slope, at the freeway interface. The second swale would extend from the northernmost storm drain inlet along Roadway C (Marinwood Avenue extension), parallel to the freeway, to the southern bank of Miller Creek. To forestall excessive rilling within such swales, it may be necessary to install biodegradable fabric along the swale flowline. Initially, the swale may need to be irrigated along with the landscaping.

e. All disturbed areas shall be revegetated prior to the onset of each winter rainy season during and for 2-3 years following completion of construction. Use of an erosion control grass and forb mixture, favoring native species, would be best suited to this task. In addition, some type of surface erosion protection (e.g. jute netting, erosion control blankets, punched straw) should be installed to reduce the erosive energy of incoming raindrops for the first couple of winter seasons.

f. An irrigation scheduling and chemical management plan shall be prepared and implemented to govern the application of irrigation water and chemical amendments to landscaped areas adjacent to buildings and within or adjacent to parking lot facilities. Components of such a plan would likely include an irrigation schedule linked to soil moisture levels or related variables such as temperature, humidity and wind speed. Specific chemical inputs proposed for application to vegetation should be among those tested and cleared for use by the USEPA. Frequency and scheduling of these chemical inputs should also be indicated, based on-site-specific characteristics (e.g. soil and vegetative cover and rates of uptake) and the acknowledged sensitivity of downstream receiving waters.

28 PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed Landscape and Vegetation Management Plan in consultation with a plant ecologist experienced in management of native species. The Plan should be
incorporated into the final landscape plan prepared as a part of the Precise Development Plan and should: (1) provide for re-establishment of native vegetation on graded slopes around the fringe of the proposed development; (2) provide details on native plantings associated with proposed restoration, enhancement, and mitigation; (3) establish a program to salvage suitable native plants for use in landscaping and revegetation; (4) identify unsuitable species which should not be used in landscaping; (5) control the establishment and spread of introduced broom; and (6) specify long-term management provisions to ensure re-establishment of landscape improvements. Aspects of the plan should include the following. (Biological Resources 5.3-1a)

a. Landscaping and revegetation should emphasize the use of native plant species along the fringe of proposed structures and grading. Plant lists should be expanded to include valley oak (Quercus lobata), California buckeye (Aesculus californica), California rose (Rosa californica), common rush (Juncus patens), creeping wildrye (Leymus triticoides), purple needlegrass (Nassella pulchra), iris-leaved rush (Juncus xiphioides), and slender rush (Juncus tenuis).

b. Suitable tufts of native grasses to be removed by the project should be salvaged before grading and used in landscaping and revegetation, providing a source of mature plants and re-establishing much of the desirable local cover which otherwise would be lost with development. The anticipated limits of grading should be flagged, and plant material suitable for use in the salvage program should be marked, carefully removed, and stored. The salvage material should be transplanted to selected mitigation areas at the appropriate time of the year before grading (generally in October and November), with maintenance provided as necessary to ensure re-establishment.

c. Non-native ornamental species used in landscape plantings should be restricted to the immediate vicinity of streets and development areas on residential lots on Parcel 1 and the parking lots and buildings on Parcel 2. The landscape plan should prohibit use of invasive non-native species which may spread into adjacent undeveloped areas. Unsuitable species include blue gum eucalyptus (Eucalyptus globulus), acacia (Acacia spp.), pampas grass (Cortaderia selloana), broom (Cytisus and Genista spp.), gorse (Ulex europaeus), bamboo (Bambusa spp.), giant reed (Arundo donax), English ivy (Hedera helix), German ivy (Senecio milanioides), and periwinkle (Vinca sp.), among others.

d. Species planted adjacent to retained woodlands should be native to the site, and "other trees offering seasonal color" should be eliminated from the Conceptual Landscape Plan.

e. Graded slopes and areas disturbed as part of the project should be monitored to prevent establishment and spread of French and Scotch broom. Removal and monitoring should include annual late winter removal of any rooted plants when soils are saturated and cutting back of any remaining flowering plants in the spring before seed begins to set in late April.
The landscape plan should specify provisions to maintain landscaping and graded slope revegetation with replacement plantings and seeding for a minimum of five years to ensure re-establishment of cover.

29. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a plan that would prevent vehicles and motorcycles from traveling off designated roadways in order to prevent further disturbance to grassland cover and other vegetation. (Biological Resources 5.3-1b)

30. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the development envelope shown on the Master Plan's Residential Area Layout has been revised to minimize tree removal within the building envelope areas. Deed restrictions or some other mechanism should be established over individual lots to prevent possible tree removal and disturbance of other native vegetation outside the identified building envelopes. Trees adjacent to building envelopes on Lots 8, 9, and 10 should be thinned or pruned under the guidance of a certified arborist rather than removed during house construction and yard landscaping. (Biological Resources 5.3-2a)

31. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that trees near the limits of anticipated grading would be preserved and protected where feasible from an engineering and geotechnical standpoint and warranted based on the good to excellent health and structure of the tree. Individual specimen-sized trees should be preserved by retaining walls, short over-steepened slopes, and other methods. Protection of larger native trees with trunk diameters exceeding 24 inches should take precedence over smaller live oaks and California bay which are abundant in the woodland habitat. (Biological Resources 5.3-2b)

32. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit detailed guidelines, prepared by a certified arborist, to protect trees to be preserved from possible damage. Trees to be retained should be identified in the field with flags or other obvious marking method before any grading. Standards contained in the preservation guidelines should include the following. (Biological Resources 5.3-2c)

a. Grade changes should be avoided within 1.5 times the width of the tree dripline, and any encroachment should be prohibited closer than one-third the distance from the dripline to the trunk. Restrictions on the limits of grading, adjustments to the final grade of cut and fill slopes, and use of retaining walls should all be used to protect individual trees worthy of preservation.

b. Temporary fencing should be provided along the outermost edge of the dripline of each tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
c. Paving within the tree dripline should be prohibited or stringently minimized by using porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch where hardscape improvements are necessary for access in the vicinity of trees.

d. Trenching within the tree dripline should be prohibited, and any required utility line within the dripline should be installed by boring or drilling through the soil.

e. The amount of landscape irrigation within the tree dripline should be minimized by prohibiting turf or any landscaping with high water requirements and by limiting permanent irrigation improvements to bubbler, drip, or subterranean systems.

f. Storage of construction equipment, materials, and stockpiled soils should be prohibited within the tree driplines.

g. The precise lot lines for Lots 8, 9, and 10 and the adjacent lots shall be selected to maintain maximum flexibility and setbacks in siting the future homes in order to protect the three oak trees.

33. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit a tree replacement program to provide for replacement of native trees removed by proposed development. The tree replacement program should be included as a component of the project's Landscape and Vegetation Management Plan and implemented as part of site revegetation and landscaping. Provisions of the tree replacement program should include the following. (Biological Resources 5.3-2d)

a. Oaks and other native trees should be replaced at a ratio of 2:1 (ratio of replacement trees to number of trees removed).

b. Species composition of plantings in the tree replacement program should generally be consistent with the percentage of each tree species removed. If off-site nursery stock is used for replacement plantings, plants preferably should be seedlings with a container size of one-gallon or smaller. Younger plant material tends to have a higher survival rate than older nursery stock which has become established under ideal growing conditions provided at most nurseries.

c. A program to collect seed and grow seedlings for use in the tree replacement program should be considered as part of the tree replacement program. Seed should be collected on-site in the fall months, planted in temporary containers, and maintained for a period of one or more years until seedlings are ready for planting. Oak seedlings grown from an on-site seed source would be preferable to use of off-site nursery stock, and this program should be encouraged.

d. If trees proposed for removal are successfully salvaged and transplanted, no additional replacement mitigation should be required for those trees.
e. Tree replacement plantings should be monitored as part of the Landscape and Vegetation Management Plan for a minimum of five years. If mature salvaged trees die within this time period, replacement plantings should be made at the 2:1 ratio. Any on-site salvage, locally-collected and grown seedlings, or nursery stock plantings lost within this monitoring period should be replaced at a 1:1 ratio on an annual basis.

34. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall submit a grassland restoration and enhancement program to mitigate the loss of native grasslands disturbed by proposed development which provides for replacement of native grasslands at a 1:1 ratio, meets or exceeds the cover class lost, and emphasizes the use of purple needlegrass and California oatgrass. A qualified plant ecologist experienced in grassland restoration using native grasses should prepare the program. The grassland program should be included as a component of the Landscape and Vegetation Management Plan required for the project and should be implemented as part of site revegetation and landscaping. Provisions of the grassland program should include. (Biological Resources 5.3-3)

a. Deed restrictions or some other mechanism should be established over individual lots to prevent removal of native grasslands outside the building envelopes, particularly in the area of Lots 2 to 7, 17 to 20, 27, and 28.

b. Native grasslands disturbed by proposed development should be restored and replaced at a minimum 1:1 ratio with replacement provided on a per acre basis for each cover class lost. Success criteria for replacement should provide for establishment of native grasslands which meet or exceed the cover class of the existing stands lost as a result of development.

c. Replacement grasslands should be consolidated to the degree feasible to improve the value of the currently scattered stands, expanding the extent of native grasslands in the proposed open space in the southern part of the site, and used to revegetate the graded slopes above the proposed office area and recommended wetland mitigation area.

d Prior to construction, the boundary of proposed grading within or adjacent to stands of native grasslands to be preserved should be clearly staked with color-coded flags set at 50-foot intervals, and disturbance from construction equipment operation, storage, or other activities should be prohibited inside the delineated "no disturbance zone." Native grasslands within the limits of grading should be considered as possible salvage material to be used in the replacement program

e. Tree plantings shown in the Conceptual Landscape Plan and replacement plantings required for anticipated tree removal should be restricted to outside the existing and restored native grasslands

f. The program should identify the on-site mitigation areas and acreage, specify performance criteria, maintenance, and long-term management responsibilities, monitoring requirements, and contingency measures, and define site preparation, revegetation procedures, and an implementation schedule.
35. PRIOR TO APPROVAL OF THE FIRST PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed wetland protection, replacement, and restoration program, prepared by a qualified wetland consultant, which satisfies adopted standards and criteria of the County, Corps, CDFG, and RWQCB. The program should be prepared as a component of the required Landscape and Vegetation Management Plan at the Precise Development Plan stage of the County's planning and project approval process and should be implemented as part of site revegetation and landscaping. The wetland plan should clearly identify the total wetland and other jurisdictional area affected by the project, replace wetland habitat at a minimum 2:1 ratio (consistent with County policy), and provide for re-establishment, enhancement, and/or replacement of wetland vegetation. Details of the plan should include the following. (Biological Resources 5.3-4a)

   a. The location(s) of mitigation areas shall be identified. Mitigation for loss of existing wetlands should be provided at a minimum replacement ratio of 2:1, consistent with The Marin Countywide Plan, and should result in created or restored wetlands with a higher habitat value than that of the lost wetland areas.

   b. Replacement wetlands should preferably be located on-site, but could include consideration of both on-site and an off-site location in the general vicinity. Use of the southeastern portion of the site for wetland mitigation would be unacceptable given that this area will most likely be developed with freeway interchange improvements in the future.

   c. Performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures shall be specified. Monitoring should be provided for a minimum of five years and continue until the success criteria are met.

   d. Site preparation and revegetation procedures, an implementation schedule, and funding sources to ensure long-term management of the overall wetland mitigation plan shall be specified.

36. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the applicant shall submit a detailed erosion and sedimentation control plan, which would be implemented during construction on the site. The plan should contain detailed measures to control erosion of stockpiled earth and exposed soil, provide for revegetation of graded slopes before the first rainy season following construction, and specify procedures for monitoring the plan's effectiveness. The revegetation component of the plan should be consistent with the required Landscape and Vegetation Management Plan. (Biological Resources 5.3-4b)

37. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the design of the bridge or arched culvert proposed for the Marinwood Avenue crossing of Miller Creek would minimize disturbance to jurisdictional waters and riparian vegetation and conforms with the County's minimum roadway width standards and would restrict abutments to the upper channel banks. Construction should be performed during the low flow period in the
creek (from June through October), and construction debris should be kept outside of the creek channel by using silt fencing or other effective methods. Replacement planting with native trees and shrubs should be provided adjacent to the structure as part of mitigation following completion of bridge construction. (Biological Resources 5.3-4c)

38. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the following measure would be required to mitigate impacts on wildlife resources. (Biological Resources 5.3-6)

   a. Disturbance within the Miller Creek corridor on the site should be minimized to protect its function for fish and wildlife movement. The proposed bridge or arched culvert crossing should be designed to avoid impeding movement of fish and wildlife along the creek channel, and drop structures under the bridge should be prohibited. Improvements to the existing creekside path should be limited to stabilizing and possibly surfacing, and lighting should be prohibited along the path to minimize disrupting creek use by wildlife at night.

39. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the following measures would be required to mitigate impacts on special-status species. If any active raptor nests are established within the vicinity of proposed grading in the future, they should be avoided until young birds are able to leave the nest (fledge) and forage on their own. Avoidance may be accomplished either by scheduling grading and tree removal during the non-nesting period (August 15 through January 14) or, if this is not feasible, by conducting a pre-grading survey for raptor nests. Provisions of the pre-grading survey effort, if necessary, should include the following. (Biological Resources 5.3-7)

   a. If grading is scheduled during the sensitive nesting period (January 15 through August 14), a qualified wildlife biologist, chosen by the County and paid for by the applicant, should conduct a pre-grading raptor survey to confirm the presence or absence of active nests in the vicinity of proposed construction activities.

   b. If active nests are encountered, the biologist should prepare and implement species-specific measures to prevent abandonment of the active nest(s). At a minimum, grading in the vicinity of a nest's tree should be deferred until the young birds have fledged, and a construction-disturbance setback of at least 300 feet should be provided. Grading or other disturbance in the vicinity of the nest should not be permitted until the biologist confirms that the young raptors have fledged. The biologist should submit a survey report to the County verifying that the young have fledged before grading in the construction-disturbance setback area is initiated.

   c. As necessary, representatives of the CDFG and USFWS should be consulted about appropriate construction restrictions, building setbacks, landscape screening, and other methods to ensure compliance with the Migratory Bird Treaty Act and provisions of the State Fish and Game Code.
40. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall submit a landscape plan which implements the proposed project landscaping (which includes street trees, a 20-foot wide landscaped area between existing homes on Ellen Drive and Lisa Court and the proposed homes, and the project site landscaping along Lucas Valley Road) as shown in the Conceptual Landscape Plan. This would break up the form and lines of project site development. (Visual 5.4-1, 5.4-3, 5.4-4)

41. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN, the following measures would be required to be incorporated into the Precise Development Plan to mitigate visual impacts. (Visual 5.4-2)

   a. Shield or focus outdoor night lighting downward and select roadway and pavement surfaces to minimize upward reflected light.

   b. Recess lighting elements within fixtures to prevent glare

   c. Conceal lights to avoid glare and avoid placing lights too close to objects to prevent reflected glare.

   d. Avoid high-angle high-candela distribution.

   e. Select lighting fixtures which can be shielded after installation, if a problem is identified.

   f. Because light trespass effects are subjective and site-specific, quantifiable criteria (such as controlling the amount of luminescence or restricting certain angles of lighting) usually cannot be identified. For this reason, the applicant should consult a lighting design specialist to determine light source locations, light intensities, and types of light sources for the assisted living facility. A lighting plan for site roadways and public areas (such as assisted living facility parking lots) should be incorporated in the Precise Development Plan as a condition of Master Plan approval.

42. PRIOR TO OCCUPANCY FOR THE ASSISTED LIVING COMPONENT OF THE MASTER PLAN, the applicant shall implement the proposed project landscaping (which includes landscaping around the assisted living facility area) as shown in the Conceptual Landscape Plan in order to break up the form and lines of the building. (Visual 5.4-5)

43. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall demonstrate that measures to reduce dust and equipment exhaust emissions have been incorporated into the construction plans. Implementation of the following measures would reduce the dust impacts associated with grading and new construction. (Air Quality 5.6-3)

   a. All active construction areas shall be watered at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
b. All hauling trucks shall be covered or at least two feet of freeboard shall be maintained.

c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).

f. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.

g. Limit traffic speeds on any unpaved roads to 15 mph.

h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

i. Replant vegetation in disturbed areas as quickly as possible.

j. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

k. Install wind breaks, or plant trees/vegetative wind breaks on the windward side(s) of construction areas.

l. Suspend excavation and grading activity when winds cause dust clouds to extend beyond the construction site and affect nearby land uses.

m. Limit the area subject to excavation, grading, and other construction activity at any one time.

n. Properly maintain construction equipment and avoid unnecessary idling near residences.

o. Designate a disturbance coordinator that would respond to complaints regarding construction-related air quality issues. The phone number for this disturbance coordinator shall be clearly posted at the construction sites.

44. PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN FOR THE RESIDENTIAL COMPONENT OF THE MASTER PLAN, the applicant shall demonstrate that the following measures have been incorporated into the project to reduce the impact of noise exposure on future residential use of proposed Lots 27 and 28. (Noise 5.7-1)

a. Design property-line privacy fences to shield the backyards of Lots 27 and 28. Fences should be six feet high and of solid construction so that there are no
cracks or gaps either in the fence itself or at the bottom. A double-sided wooden fence or board-on-board construction consisting of a minimum of three-quarter-inch thick wood would provide the necessary sound attenuation. A masonry sound wall of the type discouraged by County policy would not be required. Lot-by-lot site plans submitted to the County during design review should show the noise reduction solution selected.

b. Depending on proposed site orientation and noise shielding (in response to the immediately preceding measure), design and build (or require the future homeowners to build) second floors of housing units on Lots 27 and 28 with mechanical ventilation so that windows can be closed to achieve interior noise criteria.

45. PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT, the applicant shall demonstrate that measures would be undertaken during all phases of construction to minimize exposure of neighboring properties to excessive noise levels from construction-related activity. The type of construction, site location, and noise sensitivity of nearby land uses would determine the hours of construction to be established by the Community Development Agency. The conditions of approval would specify hours for staging and type of construction activities. The following measures would be required to mitigate the project's short-term construction noise impacts. (Noise 5.7-3)

a. Adequately muffle and maintain all equipment used on the project site. All internal combustion engine-driven equipment should be fitted with intake and exhaust mufflers which are in good condition. Good mufflers with quieted compressors should result in all non-impact tools generating a maximum noise level of 85 dB when measured at a distance of 50 feet.

b. Powered construction equipment should be turned off when not in use.

c. Assign a disturbance coordinator to be available on-site during construction.

d. Clearly post the name and telephone number of the disturbance coordinator so that neighbors have a contact person at the project site with whom to discuss problems and who can facilitate resolution of these problems.

e. Confine residential construction to 8:00 AM to 5:00 PM on weekdays, at least during periods when construction is taking place within 1,000 feet of the nearest existing homes. Construction hours for activity in other parts of the site could be lengthened as appropriate, including commercial construction on Parcel 2.

46. PRIOR TO APPROVAL OF A PRECISE DEVELOPMENT PLAN, the applicant shall demonstrate that the following measures have been incorporated into the design of the project to reduce the potential impacts of wildland fires. (Public Services 5.8-2)

a. A Fire Management Plan shall be prepared and shall include both a Vegetation Modification Plan (to ensure that a minimum defensible space -- 30 to 100 feet depending on specific site conditions -- would be provided by reducing flammable vegetation and fuel load) and a Vegetation Maintenance Plan (to describe the on-
going annual vegetative maintenance program). The annual Vegetation Maintenance Plan reports would address the site's fire hazards based on fuel load, slope, aspect, topography, and other factors and should determine priority problem areas on the site where fire safety measures should be emphasized. Approval of the Fire Management Plan by the MFD would be required before construction, and implementation would be required prior to framing. Because the Master Plan does not yet describe long-term site maintenance aspects of the project (such as establishment of a homeowners' association or equivalent organization composed of all the site's residential, office, and open space landowners), the Vegetation Maintenance Plan should establish a mechanism and identify who would be responsible for implementing all elements of the Plan.

b. New plantings of trees and vegetation with a high fire risk (such as Bishop Pine \(Pinus muricata\), Tan Oak \(Lithocarpus densiflorus\), California Bay \(Umbellularia californica\), and Coyote Brush \(Bacharis pilularis\)) should be prohibited within the defensible space zone of buildings. Existing trees with a high fire risk within the defensible space zone of buildings (such as California Bay) could be retained with permission of the Marinwood Fire Department and would require special consideration in the Vegetation Management Plans, as described below. Resistant plantings should be encouraged (such as Coast Live Oak \(Quercus agrifolia\), Pacific Wax Myrtle \(Myrica californica\), California Lilac \(Ceanothus spp.\) and Toyon \(Heteromeles arbutifolia\)), all of which are included in the Conceptual Landscape Plan.

c. The applicant and individual residential or assisted care developers should be responsible for implementing the following fire prevention measures during construction. These should include (but not be limited to) the following:

1) Installing all project roadway and water requirements before any residential sidewall construction on the site, consistent with Section 10.502 of the Uniform Fire Code.

2) Clearing brush and other potential fire fuel around construction areas.

3) Maintaining and clearly marking on-site fire response equipment (such as fire extinguishers, fire retardant blankets, shovels, buckets, etc.) at each construction area.

4) Ensuring that all construction workers are trained to use on-site fire response equipment and workplace safety measures.

5) Locating and clearly identifying a cellular phone or other communication device on-site at all times during construction.

47 The following off-site traffic improvements shall be developed in conjunction with the subsequent development of the assisted care component of the Master Plan.
a. The applicant shall pay the project's fair share cost toward the signalization of the Miller Creek Road / northbound Highway 101 off-ramp intersection prior to issuance of a building permit associated with the subsequent development of the assisted living component of the Master Plan. The EIR has identified that the applicant's fair share is 6% of the approved design and construction budget. (Traffic 7.0-3[c])

b. The applicant shall pay the project's fair share cost toward the signalization of the Miller Creek Road / southbound Highway 101 off-ramp intersection. The fees shall be paid prior to issuance of a building permit associated with the subsequent development of the assisted living component of the Master Plan. The EIR has identified that the applicant's fair share for this intersection is 60% of the approved design and construction budget. (Traffic 7.0-1[c], 7.0-2[c], 7.0-3[c])

c. The intersection of Miller Creek Road and Marinwood Avenue shall be signalized. (Traffic 7.0-1[a], 7.0-2[a], 7.0-3[a])

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

SECTION III: VESTING

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

SECTION IV: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.
SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 11th day of January, 2005, by the following vote:


NOES: NONE

ABSENT: SUPERVISORS Steve Kinsey, Cynthia L. Murray

HAROLD C. BROWN, JR., PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Mark Riesenfeld
Clerk of the Board of Supervisors