



**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION  
Goudreau and Fries Lot Line Adjustment**

**Decision:** Approved with Conditions  
**Date:** August 25, 2020

Project ID No:	P2822	Applicant(s):	Andrew Davis
		Owner(s):	Beth Goudreau, Tie and Jacob Fries
		Assessor's Parcel No(s):	169-141-141 and -146
		Property Address:	41 and 45 Aztec Avenue, Forest Knolls
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	<i>Kathleen Kilgariff</i>
Countywide Plan Designation:		SF4 (Single-Family, 1-2 units/acre)	
Community Plan Area:		San Geronimo Valley Community Plan	
Zoning District:		R1-B3 (Residential, Single-Family; 20,000 square foot minimum lot area)	
Environmental Determination:		Exempt per CEQA Guidelines Section 15061(b)(3)	

### PROJECT SUMMARY

The applicant requests Lot Line Adjustment approval to adjust the lot lines between two contiguous legal lots of record to result in an equal transfer of 94 square feet of land between 41 and 45 Aztec Avenue, Forest Knolls. As such, the properties would maintain their current lot sizes.

Pursuant to Section 22.90.020 of the Marin County Development Code, Lot Line Adjustment approval is required because the project involves adjusting lot lines between two adjacent parcels, where land is taken from one parcel and added to an adjacent parcel without creating more parcels than originally existed.

### COUNTYWIDE PLAN CONSISTENCY

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

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.

- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The lot line adjustment would not result in new construction. However, the project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

### **SAN GERONIMO VALLEY COMMUNITY PLAN CONSISTENCY**

The proposed project is consistent with the San Geronimo Valley Community Plan for the following reasons:

- A. The project is consistent with the natural resources policies, including policies ER-1.3, ER-1.7, ER 1.8, ER-2.1, and CD-1.1, because it would not be located on any visually prominent ridgelines and would preserve other natural site characteristics such as hillsides, water courses, stands of mature native trees, and rock outcroppings, which enhance natural habitats and the visual appeal of the area.
- B. The project is consistent with the rural character and village identify policies, including policies CD-1.2, CD-1.3, CD-1.4, CD-5.1, and CD-1.11, because it would limit tree and vegetation removal, minimize grading, and result in a building mass that is compatible with the surrounding area, and have adequate landscaping on site.

- C. The project is consistent with the cultural resource policies, including CD-2.1 and CD-2.2, because it would not adversely affect historical or archaeological resources.
- D. The project is consistent with the agricultural enhancement policies, including AG-1.1, AG 1.2, and CD-2.1, because it would not be located in areas with the most productive agricultural soils and would not adversely affect any agricultural operations.

## **DEVELOPMENT CODE CONSISTENCY**

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

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

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

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

Both lots are developed with permitted single-family residences and are considered legal lots of record, created in compliance with the applicable subdivision regulations.

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

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

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

As outlined above, the lot line adjustment would comply with policies of the Countywide Plan and the the San Geronimo Valley Community Plan. The lots are not located within the Coastal zone. Therefore, the policies and standards contained in the Local Coastal Program are not applicable.

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

The lot line adjustment would not result in modifications to the existing site improvements. However, the property at 45 Aztec Avenue, currently has improvements within the required side yard setback area. The properties are zoned R1-B3. As a result, there is a 15-foot required side yard setback from the property line to the exterior walls of the main residence. The lot line adjustment would bring the existing improvements into conformance with the 15-foot required side yard setback area.

The R1-B3 establishes a 20,000 square foot minimum lot area. However, the two existing properties are currently less than 20,000 square feet in area. The lot line adjustment entails

an equal exchange of land. Therefore, the lot line adjustment to transfer 94 square feet of land between the properties would not create new nonconforming lots.

As such, the proposed lot line adjustment would comply with zoning development standards.

## **ACTION**

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

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

## **CONDITIONS OF PROJECT APPROVAL**

### **CDA-Planning Division**

1. The Lot Line Adjustment approval authorizes the adjustment of the lot lines between two contiguous legal lots of record to result in an equal transfer of 94 square feet of land between 41 and 45 Aztec Avenue, Forest Knolls.
2. Deed(s) to be recorded with the County Recorder to vest this Lot line Adjustment must be in substantial conformance with the approved plans on file with the Marin County Community Development Agency, Planning Division, identified as Exhibit A, entitled "Lot Line Adjustment," consisting of 1 sheet prepared by 1031Survey, Inc., date stamped June 4, 2020, except as modified by the conditions listed herein.
3. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
4. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

### **Department of Public Works**

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

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

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

**VESTING**

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually recorded the Lot Line Adjustment documents in accordance with the requirements of the Department of Public Works.

**RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, or postmarked no later than eight business days from the date of this decision (September 4, 2020).

cc: *{Via email to County departments and Design Review Board}*

- CDA – Assistant Director
- CDA – Planning Manager
- DPW – Land Development
- CDA – Environmental Health Services
- DPW – Survey
- Assessor-Recorder’s Office – Mapping Division
- Marin Municipal Water District

Attachments:

- 1. Agency responses

**INTERDEPARTMENTAL TRANSMITTAL  
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES  
ROOM 236, 415-473-6907**

**DATE:** June 9, 2020  
**TO:** Jeremy Tejirian  
**FROM:** Becky Gondola, REHS  
**RE:** 41/45 Aztec Ave Lot Line Adjustment  
  
**AP#:** 169-141-21 & 169-141-46  
**ADDRESS:** 41 and 45 Aztec Ave. Forest Knolls

<b>TYPE OF DOCUMENT</b>
DESIGN REVIEW
LAND DIVISION
USE PERMIT
VARIANCE
MASTER PLAN
COASTAL PERMIT
<b>x LOT LINE ADJ.</b>
OTHER

**THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:**

WATER	<b>x SEWAGE</b>	SOLID WASTE
POOLS	HOUSING	FOOD ESTABLISHMENT

**THIS APPLICATION IS FOUND TO BE:**

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

The lot line application is complete with respect to the septic systems on both lots. EHS has no exception to the approval of the adjustment.



# MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169  
[marinwater.org](http://marinwater.org)

VIA ELECTRONIC MAIL

June 25, 2020  
Service Nos. 25618 & 25617

Kathleen Kilgariff  
Marin County Planning Dept.  
3501 Civic Center Dr. #308  
San Rafael, CA 94903

RE: WATER AVAILABILITY – Lot Line Adjustment  
Assessor's Parcel Nos.: 169-141-46 and 169-141-21  
Location: 41 and 45 Aztec Ave., Forest Knolls

**Project Description: Lot line adjustment**

Dear Ms. Kilgariff:

The District has the following comments on this project:

- The proposed project will not impair the District's ability to continue service to these properties.
- The purchase of additional water entitlement for the property is required.
- The installation of a new water service is required.
- Comply with Ordinance No. 429 requiring the installation of a gray water recycling system when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.
- The proposed project is not within the District's service area.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. If you are pursuing a landscaping project subject to review by your local planning department and /or subject to a city permit, please contact the district water conservation department at 415-945-1497 or email to [plancheck@marinwater.org](mailto:plancheck@marinwater.org). More information about district water conservation requirements can be found online at [www.marinwater.org](http://www.marinwater.org)

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at 415-945-1558.

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

Sincerely,

*Nicole Momsen*

Nicole Momsen  
Engineering Technician

NM