

MARIN COUNTY PLANNING DIVISION ADMINISTRATIVE DECISION Mainland Development Company Sign Review			
Decision:		Approved with conditions	
Date:		August 5, 2020	
Project ID No:	P2795	Applicant(s):	Signcraft
		Owner(s):	Pacific Urban Residential
		Assessor's Parcel No(s):	043-301-10
		Property Address:	2 Harbor Point Drive, Mill Valley
		Project Planner:	Michelle Levenson, 415-473-3615, mlevenson@marincounty.org
		Signature:	
Countywide Plan Designation:		PR (Planned, residential)	
Community Plan Area:		Strawberry	
Zoning District:		BFC-RMP 15.5 (Residential, multi-family, planned, bayfront conservation combining district	
Environmental Determination:		Exempt per CEQA Guidelines Section 15303, Class 3	

PROJECT SUMMARY

The applicant requests Sign Review approval to install a 29.3-square-foot, freestanding sign on a developed lot in Mill Valley. The sign would be constructed of aluminum with a wood grain panel with white sign copy reading "Harbor Point Apartments"; the sign would not be lit.

Sign Review approval is required because the project involves the installation of a freestanding sign (Marin County Code Section 22.60.020(2)(b)) and the sign area would exceed the standard under Marin County Development Code Section 22.28.040 for multi-family residential use thus requiring Sign Review approval (Marin County Code Section 22.60.020(2)(a)).

KEY ISSUES

The project was reviewed by the Strawberry Design Review Board (SDRB) on July 20, 2020. The SDRB recommended that the applicant modify the sign such that the blue logo located at the top of the sign be removed; the SDRB believed that such a modification would result in a more simple, attractive design that would complement the adjacent architecture. In addition, the SDRB

requested that the applicant come back to the SDRB to present the modified sign design and present it along with a Master Sign Program for the property.

While planning staff discussed the SDRBs recommendations with the applicant, the applicant stated that it was not feasible to delay the installation of the sign. In addition, the applicant expressed concern regarding the time that would be needed to process a Master Sign Program as well as the inherent difficulties and associated coordination that would be needed to develop a Master Sign Program as multiple owners and different uses span the area.

The County is unable to deny the sign review on the basis of the absence of a Master Sign Program nor can the County require the submittal of a Master Sign Program as a Master Sign Program is not a requirement or a finding that is necessary to render a decision on a sign review application.

COUNTYWIDE PLAN CONSISTENCY

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

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

STRAWBERRY COMMUNITY PLAN CONSISTENCY

The proposed sign would be consistent with the Strawberry Community Plan as it would not be sited in a location that would interfere with views to the Bay and would not interrupt a continuous view (policies 2.12 and 2.13).

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Sign Review (Marin County Code Section 22.60.040)

- A. Exceeding the General Standards for Permanent Signs By Use (22.28.040) and/or the Standards for Specific Sign Types (22.28.050) is necessary to overcome a visibility disadvantage caused by an unfavorable orientation of the front wall to the public right-of-way or by an unusually large setback.**

The sign would be located at a corner, slightly downgrade of the adjacent roadway. While the area of the sign would exceed the standards for signs for multifamily uses, the additional sign area is needed to ensure that it would be visible to motorists traveling along East Strawberry and Seminary Drive(s). The proposed, 29.3-square-foot sign would replace an existing 32.6-square-foot existing sign resulting in an overall decrease in sign area than currently exists on site. In addition, the height of the sign would be decreased from the existing sign, improving its visibility from the roadway.

- B. The sign would be in proper scale with the uses and structures on the property and in the surrounding community.**

The proposed sign would result in a decrease in sign area than currently exists, and would be in proper scale with the adjacent structures and landscaping.

- C. The colors, contrast, typography, and materials used for the sign would be simple and attractive and compliment the architectural design found on the property and in the surrounding community.**

The wood grain panel and white typography of the sign would harmonize with the surrounding natural environmental and earthen hues of the residential buildings beyond. The proposed sign design which includes a light blue logo at the top of the sign adds to the perceived height of the sign and would provide an obtrusive contrast to the natural-appearance of the proposed sign materials. As such, condition of approval 1a has been included below, to ensure that the blue logo is removed from the sign. As conditioned, the colors and contrast of the proposed sign would be simple and compliment the architectural design found on the property and the surrounding community.

- D. The location and appearance of the sign would be compatible with other signs in the vicinity and the character of the surrounding community.**

There are no other signs in the nearby vicinity of the proposed sign. However, the owner proposes to reface an existing sign for the Harbor Point Apartments located within the Harbor Point Apartment property with similar materials and typography.

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

This Sign Review approval authorizes the installation of a 29.3-square-foot, freestanding sign on a development lot in Mill Valley. The sign would be constructed of aluminum with a wood grain panel with white sign copy reading "Harbor Point Apartments"; the sign would not be lit.

1. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Harbor Point, 2 Harbor Point Drive, Mill Valley CA 94941," consisting of 4 sheets prepared by Signcraft, received in final form on May 8, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. The design of the sign shall be modified to remove the blue logo located at the top of the sign.
2. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all of the standard conditions of 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 obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

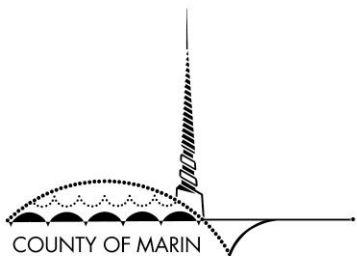
RIGHT TO APPEAL

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, no later than eight business days from the date of this decision (August 17, 2020).

cc: *{Via email to County departments and Design Review Board}*
CDA – Assistant Director
CDA – Planning Manager
Strawberry Design Review Board

Attachment:

1. Marin County Uniformly Applied Conditions 2020



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

2020

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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 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 finished 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.
12. 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.
13. 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.
14. 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.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. 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.
17. 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.

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.