



COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DIVISION**

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION  
Smith and Belknap Lot Line Adjustment**

**Decision:**

**Approved with Conditions**

**Date:**

**January 12, 2021**

Project ID No:

P2951

Applicant(s):

Bob Belknap

Owner(s):

Robin and Lynne Smith

Bob and Irene Belknap

Assessor's Parcel No(s):

048-101-23 and 048-041-  
33

Property Address:

245 and 251 Reed Street,  
Mill Valley

Project Planner:

Kathleen Kilgariff  
415.473.7173

[kkilgariff@marincounty.org](mailto:kkilgariff@marincounty.org)

Signature:

*Kathleen Kilgariff*

Countywide Plan Designation:

SF6 (Single Family, 4 to 7 unit per acre)

Community Plan Area:

Tamalpias Valley Plan Area

Zoning District:

R-1 (Residential, Single-family, Planned, 7,500 sq. ft.  
minimum)

Environmental Determination:

Categorically Exempt per CEQA Guidelines Section  
15061(b)(3)

## PROJECT SUMMARY

On August 27, 2020, the Marin County Deputy Zoning Administrator approved the division of a developed, 125,900-square foot lot at 245 Reed Street, Mill Valley into two separate lots (referred to as Parcel 1 and 2).

Parcel 1 would have lot area of 38,760 square feet, and would maintain the existing single-family residence, detached garage, a portion of the driveway and existing utilities. The driveway would serve both Parcels 1 and 2, with an access easement granted to Parcel 2. Parcel 2 would have a lot area 86,120 square feet.

Prior to recordation of the map to subdivide the property at 254 Reed Street, the property owners determined that they would like to abandon an existing easement for landscaping purposes and instead, adjust the lot lines between the above noted Parcel 2 and the property at 251 Reed Street. The lot line adjustment would result in a 2,070 square foot transfer of land from Parcel 2

to 251 Reed Street. As such, Parcel 2 would now measure 84,050 square feet in area and 251 Reed Street would measure 62,230 square feet in area.

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 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.

## **TAMALPAIS AREA COMMUNITY PLAN CONSISTENCY**

- A. The project is consistent with the policies related to preserving community character, including Policies LU 1.1, LU 1.3, LU 1.4, and LU 1.5, because the project entails modifying a lot line between two developed properties and would not result in new development. As a result, the lot line adjustment would preserve the existing natural and built characteristics of the surrounding environment. Given the size of the properties, the modified lots would maintain compliance with floor area ratio standards. Further, because the project does not entail improvements to the lots, there will be no change to sunlight, views and privacy enjoyed by adjacent homes.
- B. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation, including Policies LU2.1, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, and 17.1, because there is no development associated with the scope of work. Instead, the lot line adjustment will modify existing property lines while maintaining existing improvements in their current configuration. Therefore, the lot line adjustment would not result in impacts to habitats for special-status species in the area nor removal of native vegetation or trees.

## **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 currently 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. However, prior Tentative Map approval was granted on August 27, 2020, which authorized a split of the existing property at 254 Reed Street.

**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 Tamalpais Area 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 lots have an R1 (Residential, Single-Family) zoning classification, and comply with the required development standards. The lot line adjustment would result in the transfer of land that is currently used for landscape purposes at 251 Reed Street. As such, the existing homes are well set back from the lot line and would comply with all zoning requirements.

## **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 a 2,070 square foot transfer of land from 245 Reed Street (APN 048-101-23) to 251 Reed Street (APN 048-041-33).
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 "Proposed Lot Line Adjustment between Lands of Smith and Lands of Belknap," consisting of 2 sheets prepared by L.A Stevens & Associates, Inc., date stamped October 30, 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, no later than eight business days from the date of this decision (January 22, 2021).

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

CDA – Assistant Director  
CDA – Planning Manager  
DPW – Land Development  
DPW – Survey  
Assessor-Recorder’s Office – Mapping Division