

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 20-129
A RESOLUTION APPROVING THE SMITH VESTING TENTATIVE MAP
245 REED STREET, MILL VALLEY
ASSESSOR'S PARCEL: 048-101-23

SECTION I: FINDINGS

1. **WHEREAS**, Robin Smith has submitted a Vesting Tentative Map application to divide a developed, 2.89-acre (125,900-square-foot) into two separate lots.

The 2.89 acre site is currently developed with a single-family residence. The wooded site contains a number of tree species ranging from native oaks to invasive eucalyptus. The property is accessed from Reed Street by a relatively steep concrete driveway that leads to a level portion of the site for parking and access to the existing home. No changes to vehicular circulation or impacts to public rights-of-ways are proposed as part of this application. Existing utilities are undergrounded on site

Parcel 1 would have lot area of 38,760 square feet (0.89 acre), 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. Additionally, a proposed fire truck turnaround location is proposed in the existing driveway improvements on Parcel 1. East of the parking area on Parcel 1 is the boundary of Parcel 2.

Parcel 2 would have a lot area 86,120 square feet (1.98 acre). The proposed lot would utilize a large, level area of non-native grasses as the building envelope and would maintain the existing trees and vegetation that surround the area. The proposed building envelope is 8,660 square feet with an average slope of 7 percent. Parcel 2 would contain most of the existing driveway. An access easement to benefit Parcel 1 is included on the Vesting Tentative Map to allow use of the driveway. Utilities would be trenched and undergrounded within the existing driveway footprint when a residence is approved on the lot.

The average slopes for the Parcels 1 and 2 would be 28-percent and 44-percent, respectively

2. **WHEREAS**, on August 27, 2020, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 10561(b)(3) of the CEQA Guidelines because the future development of the newly created lot would be on the most level portion of the site, resulting in minimal disturbance to the site, preserving a majority of the property in its natural state. The proposed building area is located in an area that is clear of trees and predominantly vegetated with nonnative grasses. As a result, no trees would be required for removal to accommodate improvements.

A slope analysis was provided that demonstrated that the new parcel would have a lot area of 88,120 square feet and would have a slope of 44%. However, the area of the proposed building envelope is 8,660 square feet and the slope for the area is 7%. Because the area of potential development is limited to an area with a 7% average slope, the lot creation would not result in

significant impacts to the environment. Further, based on a Biological Site Assessment prepared by Daniel Edelstein no biological resources would be affected by the proposed land division or future development of the site because there are no expected negative impacts to the common plant and wildlife species on the property and the site does not host rare, special-status plant and wildlife species. As such, the project would not result in significant impacts to the environment.

4. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

- A. The Countywide Plan land use designation for the site is SF6, which allows residential density range between 4 to 7 units per acre. Because the property is located within the Mill Valley Urban Service Area, the maximum density is reduced to the lowest density of 4 units per acre. The proposed Project would subdivide the existing 2.89-acre lot into two lots. The two created lots would be consistent with the permitted density for the lot
- B. 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.
- C. 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 as indicated in the Biological Site Assessment prepared by Daniel Edelstein.
- D. 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.
- E. A review of the Marin County Community Development Agency mapping system shows the presence of an ephemeral stream on the property. The Biological Site Assessment indicates that this watercourse is not subject to the Stream Conservation Area policies as it does not support riparian habitat. As such, 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.
- F. 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.
- G. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because future development 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.
- H. 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.
- I. 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.

5. **WHEREAS**, the project is consistent with the goals and policies of the Tamalpais Area Community Plan for the following reasons:

- A. The proposed subdivision 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 existing development would not exceed the floor area limit for proposed Parcel 1 with the existing single-family residence, and future development of Parcel 2 will be subject to all applicable provisions of the Countywide Plan, the Tamalpais Area Community Plan and requirements of the Marin County Development Code.
- 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 it would respect the environmental constraints of the site. There are no known habitats for special-status species in the area, and the development would not be located in buffer areas surrounding wetlands, streams or other drainage areas. Removal of native vegetation would be minimized, and native trees would be protected or replaced.
- C. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because it would not take access from a new roadway or driveway connected directly to Shoreline Highway, would not reduce the existing levels of service on surrounding intersections, and would provide the required parking and adequate access as determined by the Department of Public Works.

6. **WHEREAS**, the project is consistent with the mandatory findings for Tentative Map approval under Marin County Code Section 22.84.060 for the following reasons:

A. A Tentative Map shall be approved if the following findings can be made for each proposed parcel as well as the entire subdivision, including any parcel designated as a remainder in compliance with Map Act Section 66424.6.

1. The proposed subdivision, including design and improvements, is consistent with the Marin Countywide Plan and any applicable Community Plan or Specific Plan.

The proposed subdivision will subdivide one lot into two lots. The tentative map plans demonstrate both lots will comply with all applicable provisions of the Marin Countywide Plan, the Tamalpais Community Plan and Development Code, as discussed below.

The property is developed with an asphalt driveway, utility connections, landscaping, parking and site improvements. Of the new parcels, Parcel 2 will be the only parcel that is not already developed with an existing building. The Tentative Map depicts a building envelope demonstrating that the site is physically suitable for a single-family residence and appurtenant improvements at a later date.

The existing driveway would be located on both properties. As shown on the Tentative Map, Parcel 1 will include a 2,080 square foot access easement area and Parcel 2 will include 30,160 square feet of easement area for landscape and patio purposes and an access easement to allow for access to both parcels.

2. The site is physically suitable for the type and proposed density of development.

The density of development on the site would comply with the maximum allowed for properties in the R-1 zoning district as well as slope-based minimum lot area requirements. As proposed, Parcel 1 would measure approximately 38,760 square feet in area where a minimum of 7,500 square feet is required by the R-1 zoning district and a minimum of 26,041 square feet is required based on slope. Similarly, Parcel 2 would measure 86,120 square feet in area where a minimum of 7,500 square feet is required by the R-1 zoning district and a minimum of 43,560 square feet is required based on slope. Thus, both parcels would meet the minimum lot size required.

Further, as discussed in Section 6 above, the project site has a Countywide Plan Land Use Designation of SF6 (Single-Family Residential), which allows density range of four to seven units per acre. Given the fact that the property is located within the Mill Valley Urban Service Area, only the lowest end of the density range is allowed, limiting maximum density to 4 units per acre. As proposed, the proposed subdivision would result in a residential density of two units per acre, which is lower than the lowest end of the density range established by the SF6 land use designation of four units per acre.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

The proposed subdivision does not have the potential to cause substantial environmental damage or cause public health problems as any future development would consist of a single-family residence, limited to the maximum floor area allowed by the Tamalpais Area Community Plan, and would be subject to development standards outlined in the Marin County Countywide Plan and Development Code. The proposed building envelope is on the most level portion of the property, is clear of significant vegetation, including protected trees and species, and would not impact mapped watercourses. Further, consistent with all new development, utilities are required to be undergrounded. Additionally, as documented on the Biological Site Assessment, prepared by Daniel Edelstein the site is in a developed area with no sensitive habitat for threatened species, does not contain special-status plant species, nor provide wildlife habitat.

4. The design of the subdivision and type of improvements is not likely to cause serious public health or safety problems.

The property is currently developed with a single-family residence, detached garage, and access improvements. The proposed project does not result in a change to existing development. Parcel 1 will contain the existing residence, and garage, and a portion of the access improvements. Parcel 2 will be an undeveloped property, with an 8,660 square foot building envelope. This building envelope will be developed with a new residence in the future, along with site improvements for access and utilities.

5. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large for access through

or use of property within the proposed subdivision. This finding may be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

The proposed subdivision would not conflict with easements acquired by the public at large or for access through or use of property within the proposed subdivision. The project is compatible with the existing neighborhood and the surrounding environmental setting. The site is in a developed area with no sensitive habitat for threatened species. Utilities and public services already serve the site.

6. **The proposed subdivision is consistent with the Subdivision Design Standards contained in Chapter 22.82 of this Development Code, all other applicable provisions of this Development Code, and any other applicable provisions of the County Code, and the Map Act.**

As required by Marin County Code Section 22.82.050, the Tentative Map is designed so that each lot complies with the minimum lot area requirements of the R-1 Zoning District as well as slope-based minimum lot area requirements. As proposed, Parcel 1 would measure approximately 38,760 square feet in area where a minimum of 7,500 square feet is required by the R-1 zoning district and a minimum of 26,041 square feet is required based on slope. Parcel 2 would measure 86,120 square feet in area where a minimum of 7,500 square feet is required by the R-1 zoning district and a minimum of 43,560 square feet is required based on slope. Thus, both parcels would meet the minimum lot size required.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator 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.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Smith Vesting Tentative Map subject to the conditions as specified below:

CDA-Planning Division

1. This Tentative Map approval authorizes the division of a developed, 2.89-acre (125,900-square-feet) into two separate lots.

The 2.89 acre site is currently developed with a single-family residence. The wooded site contains a number of tree species ranging from native oaks to invasive eucalyptus. The property is accessed from Reed Street by a relatively steep concrete driveway that leads to a level portion of the site for parking and access to the existing home. No changes to vehicular circulation or impacts to public rights-of-ways are proposed as part of this application. Existing utilities are undergrounded on site

Parcel 1 would have lot area of 38,760 square feet (0.89 acre), 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. Additionally, a proposed fire truck turnaround location is proposed in the existing driveway improvements on Parcel 1. East of the parking area on Parcel 1 is the boundary of Parcel 2.

Parcel 2 would have a lot area 86,120 square feet (1.98 acre). The proposed lot would utilize a large, level area of non-native grasses as the building envelope and would maintain the existing trees and vegetation that surround the area. The proposed building envelope is 8,660 square feet with an average slope of 7 percent. Parcel 2 would contain most of the existing driveway. An access easement to benefit Parcel 1 is included on the Vesting Tentative Map to allow use of the driveway. Utilities would be trenched and undergrounded within the existing driveway footprint when a residence is approved on the lot.

The average slopes for the Parcels 1 and 2 would be 18.3-percent and 41.6-percent, respectively.

2. Future construction of buildings on Parcel 2 must be located entirely within the approved building envelope.
3. BEFORE RECORDATION OF THE SUBDIVISION, the applicant shall apply for and obtain Parcel Map Plan Check approval from the Planning Division.
4. BEFORE RECORDATION OF THE SUBDIVISION, the applicant, or successors in interest, shall pay an affordable housing fee commensurate to 20 percent of the prevailing housing in-lieu fee rate.
5. The project shall conform to the Planning Division's "Uniformly Applied Standards 2020" with respect to all of the standard conditions of approval.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that 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 subdivision shall not be deemed vested until the recordation of the Tentative Map.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required fee must be postmarked or

submitted to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (September 9, 2020).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 27th day of August 2020.

Michelle Levenson

MICHELLE LEVENSON
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed

Michelle Reed
DZA Recording Secretary