



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

April 3, 2007

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, California 94903

**Subject:** Binford Road, LLC Self-Storage Facility Revised Draft Mitigated Negative Declaration of Environmental Impact, Countywide Plan Amendment, Rezoning, Master Plan, Land Division, and Tidelands Permit  
8190 Binford Road, Novato  
Assessor's Parcels 125-190-21, -65 and -66

Dear Supervisors:

## Recommendation

Staff recommends that your Board conditionally approve the 2006 revised Binford Road, LLC Self-Storage Facility project by:

1. Adopting a resolution approving the Binford Road, LLC Self-Storage Facility Revised Mitigated Negative Declaration of Environmental Impact (Attachment 1);
2. Adopting a resolution approving the Binford Road, LLC Self-Storage Facility Countywide Plan Amendment application (Attachment 2);
3. Adopting an ordinance approving the Binford Road, LLC Self-Storage Facility Rezoning application, thereby amending the Marin County Development Code (Title 22) (Attachment 3);
4. Adopting an ordinance approving the Binford Road, LLC Self-Storage Facility Master Plan application (Attachment 4); and
5. Adopting a resolution approving the Binford Road, LLC Self-Storage Facility Land Division and Tidelands Permit applications (Attachment 5).

## Summary Analysis

### Background

On December 19, 2006, the Board of Supervisors conducted a continued public hearing to further consider the Planning Commission's recommendation to deny the Binford Road, LLC Storage Facility original project and to consider a revised project that reduced the size of development, increased the acreage for wetlands restoration and open space, and resulted in construction in one phase with an almost balanced cut and fill project. The Board accepted staff's recommendation to continue the public hearing in order to: (a) obtain comments from relevant agencies on the revised project; (b) determine if the Draft Negative Declaration of Environmental Impact prepared for the original project required modifications; (c) analyze the revised project for consistency with the Airport Land Use Plan, specifically Policy SZ-8.1 (Wetland Restoration Projects); and (d) submit a recommendation on the merits of the 2006 revised project. *(Please refer to the Introduction to the Revised Initial in Attachment 18.)*

## 2006 Revised Project

The revised project proposes to develop and operate a self-storage facility on 19.34 acres of the 47.3-acre project site. The Tentative Map divides the property into three parcels: Lot 1 (southwestern parcel) 9.47 acres; Lot 2, (northwestern parcel) 9.87 acres; and Lot 3, (eastern parcel) 27.96 acres. Development of the self-storage facility is proposed on the western portion of the site (Lots 1 and 2), while retention and restoration of wetlands and preservation of open space is proposed for the eastern portion (Lot 3), with dedication of Lot 3 to a public or conservation entity to be held as permanent open space. The applicant proposes to grant an easement over the Novato Canal within Lots 1 and 2, providing protection of the canal in perpetuity. The project would consist of approximately 386 storage units in 13 buildings, ranging from 14 to 24 feet in height, for personal recreational vehicles, boats, general household and office storage. Access to the storage units would be taken from Binford Road with two internal roadways on Lots 1 and 2 that would extend along the north and south diked levees. Water run-off from the new roadways would drain into grass line swales constructed along the tops of the banks with some of the run-off draining into the water quality retention ponds for filtering and some run-off filtering through the banks' vegetation and soils. Water run-off from the buildings' roofs would be collected into drainage pipes running to the water retention ponds for filtering. A public viewing area down the length of the Novato Canal towards the Petaluma River would be provided immediately off Binford Road. To allow the proposed development, the project requires an amendment to the Countywide Plan Land Use Designation from RC (Recreational Commercial) to IND (Industrial) for Lots 1 and 2 and OS (Open Space) for Lot 3 and re-zoning the property from RCR (Resort and Commercial Recreation District) to BFC-IP (Bayfront Conservation – Industrial Planned District) for Lots 1 and 2 and BFC-OA (Bayfront Conservation –Open Area ) for Lot 3. The project, constructed in one phase, would result in a balanced cut and fill project, using on-site fill from the existing levees on the eastern portion of the property for further filling and elevation of the development site to approximately 8.0 feet mean sea level on the western portion of the property, with no imported fill. *(Please refer to the detailed project description and the Comparison of Original Proposal to Revised Proposal Table in the Introduction to the Revised Initial Study included in Attachment 18 and Project Plans, Attachment 11.)*

## Revised Draft Mitigated Negative Declaration of Environmental Impact

Pursuant to Section 15073.5 (Recirculation of a Negative Declaration Prior to Adoption) of the *California Environmental Quality Act (CEQA) Guidelines*, a Revised Negative Declaration of Environmental Impact was prepared and circulated for public comment that specifically analyzed the changes in the 2006 revised project. Project modifications decrease the intensity and size of the original proposed project, permits construction in one phase instead of three phases, and reduce the number of potential impacts by eliminating the need for 85,600 cubic yards of fill and the associated truck traffic. All mitigation measures have been incorporated as conditions of approval, thereby assuring that the project is built in accordance with a Final Geotechnical Report, Best Management Practices, and a Storm Water Pollution Prevention Plan. The Marin County Environmental Coordinator recommends adoption of a Mitigated Negative Declaration of Environmental Impact for the revised project. *(Please refer to Attachment 1 for a detailed analysis and Special Conditions 1. – 20. Attachment 7.)*

## 2000 Environmental Assessment

Prior to submittal of the proposed development applications, the applicant submitted an *Environmental Assessment for 8190 Binford Road, Novato, California (EA)*, dated February 28, 2000 and prepared by LSA, Inc. and RJ Planning in accordance with Marin Countywide Plan (CWP), Policy EQ-2.49, and Marin County Code, Section 22.14.060 (C). The *EA*, with maps, was completed prior to the start of the dredging of the Novato Canal as part of the 1996 Stipulated Judgment No. 147983 (*Attachment 12*) and the U. S. Army Corps of Engineers' dredging permit, which required the clean-up operation. Since the dredging and clean-up of the site, the current base line conditions have changed. *(Please refer to Attachment 17).* The *EA* was prepared for the applicant for the purpose of developing a self-storage facility on the property. The *EA* assessed existing environmental conditions, capabilities, and constraints (geology and

soils, hydrology and drainage, biological resources, cultural and historic resources, traffic and circulation) relative to the potential development of the 47.3-acre property. The *EA* was intended to provide the highest degree of environmental protection, while permitting reasonable development on the project site, consistent with the goals and policies of the CWP. The *EA* proposed recommendations for siting and design of potential development to avoid adverse environmental impacts. The *EA* acknowledged that designation of the entire site as open space, with total wetlands restoration, would most fully implement the CWP Bayfront Conservation policies; however, the *EA* found this only could be accomplished with public acquisition. Alternatively, the *EA* determined that restricting development on the western portion of the property to low intensity uses, with dedication of open space and restoration of wetlands on the eastern portion of the property, would achieve a high level of compliance with CWP Bayfront Conservation Area Policies EQ-2.42 through EQ-2.74 (*Attachment 13*), subject to appropriate recommendations, including adequate buffer zones. The *EA* was accepted by the Marin County Planning Commission on April 10, 2000. (Planning Commission Resolution PC 00-015). The 2006 revised development proposal is based on the capabilities and constraints of the project site as evaluated in the *EA* and is consistent with the proposed recommendations contained within the *EA*. All development is restricted to the 19.34-acre western portion of the property (the first 1,400 feet east of Binford Road) on areas (diked) that are already filled and disturbed. It enhances, restores and preserves the 27.96-acre eastern portion of the property (the remainder 3,060 feet east of Binford Road) and the entire Novato Canal as tidal marshlands within the Tidelands Subzone. It provides buffer zones of 20 to 100 feet between the proposed development and wildlife habitat areas as recommended in the *EA*. (*Please refer to Finding III, Attachment 6 for a detailed analysis.*)

#### Countywide Plan Policies

Portions of the property are within the Tidelands Subzone (specifically, the Novato Canal and the eastern portion of the property) and portions of the property are within the Diked Historic Marshlands Subzone (specifically, the levees and diked areas) as designated by the CWP Bayfront Conservation Zone (BCZ). CWP Program EQ-2.49b requires that all properties designated within the BCZ be assigned with the combining Bayfront Conservation (BFC) overlay zoning. Development of the property is subject to the BCZ CWP Policies EQ-2.42 through EQ-2.74 (*Attachment 13*), which require protection and enhancement of the diversity of wildlife and aquatic habitats and buffer zones between development and sensitive habitat areas (CWP Program EQ-2.43d). While fullest compliance with the CWP BCZ policies would be achieved by restoring all of the filled areas of the property to tidal action, except for minimal diking to protect adjacent private property from flooding, it is not feasible to reach this level of restoration through land use regulations of a private development proposal. However, the 2006 revised proposal achieves a high level of compliance with the CWP BCZ Policies, while allowing a reasonable amount of low impact development because the proposed development would be located in the less constrained areas as defined in the *EA* and entirely on disturbed, filled (diked) areas. The most constrained areas would be restored and preserved for their habitat and environmental qualities. Public enjoyment of the marshlands would be provided by a public viewing platform overlooking the Novato Canal towards the Bayfront and the Petaluma River. (*Please refer to Finding IV, particularly C, D, E, and F, Attachment 6 for a detailed analysis.*)

#### **Conclusion**

Staff concludes that findings can be made to approve the proposed CWP Amendment and zoning change because the proposed low impact use of the site is consistent with the Bayfront Conservation Zone policies requiring protection and enhancement of the baylands habitat diversity and resource values, as set forth in the 1994 CWP. The project site is located within the draft Bayfront Conservation Corridor, and the proposal is consistent with the draft goals and policies (Policies BIO-3.1 – 3.2 and BIO-5.1 - 5.10) of the 2005 Draft Marin Countywide Plan (DMCWP) (*Attachment 14*) for the purposes of preserving, enhancing and buffering the diversity of the baylands ecosystem, including tidal marshlands and adjacent uplands, and protecting the diverse habitat and connectivity values of the proposed Bayfront Conservation Corridor. (*Please refer to Finding V. Attachment 6 for a detailed analysis.*)

Staff finds that the Revised Draft Mitigated Negative Declaration of Environmental Impact provides adequate environmental information and analysis to make an informed decision on the 2006 revised project. Staff finds that the 2006 revised project, submitted in response to issues raised at the public hearings, is an environmentally superior project to the original 2000 project and does not raise any new substantive issues that were not addressed adequately by the Airport Land Use Commission at its hearing on August 28, 2006. The 2006 revised project differs in that it proposes almost 6 more acres of restored wetlands in the vicinity of the Airport's Clear Zone. The proposed revised project remains in compliance with the key policies of Airport Land Use Plan. *(Please refer to Finding VI, Attachment 6 for a detailed analysis.)* In balancing competing environmental goals and applicable development regulations, the proposed development and use is environmentally superior to the existing RC land use and RCR zoning designations, which allow marina development and commercial boat building and repair, without protection, enhancement, or restoration of the Tidelands Subzone, a highly sensitive ecosystem.

The 2006 revised project contains sufficient public benefits to offset any detriments that may be caused by the nature of the proposal. Enhancing, restoring, and preserving 59% of the 47.30-acre property as open, tidal marshlands and allowing the Novato Canal to remain open, tidal marshlands, without human or mechanical intrusion, would provide an environmental public benefit. Staff concludes that findings can be made, subject to recommended mitigation measures incorporated into the conditions of approval and additional conditions, to approve the Master Plan, Tentative Map, and Tidelands Permit for the 2006 revised project, thereby allowing a reasonable economic use of the property while striving for high quality in the built environment, enhancing the natural environment, and preserving valuable habitat resources. Approval of the project would abate and invalidate all entitlements and conditions as set out in the 1970 and 1977 Rio Del Mar Marina" Master Plans and the Marin County Superior Court 1977 Stipulated Judgment (No. 72266) and the 1996 Stipulated Judgment, (No. 147983) that allowed the use of the property as a boat marina and boat repair and building facility. Additional review of design specifics for the proposed project, as approved through the Master Plan, would be provided through the County review process of the required subsequent Precise Development Plan application.

Respectfully submitted,

Reviewed by:

Johanna M. Patri, AICP  
Acting Principal Planner

Alex Hinds  
Director

REVIEWED BY:	<input type="checkbox"/> Auditor Controller	<input checked="" type="checkbox"/> Not Applicable
	<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> Not Applicable
	<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> Not Applicable

## Attachments

1. Resolution with Findings Adopting the Revised Mitigated Negative Declaration of Environmental Impact for the Binford Road, LLC Self-Storage Facility Revised Project
2. Resolution with Findings and Conditions for Approval of the Binford Road, LLC Self-Storage Facility Revised Project Marin Countywide Plan Amendment (PA 01-01) Application
3. Ordinance with Findings and Conditions Amending the Marin County Development Code (Title 22) for Approval of the Binford Road, LLC Self-Storage Facility Revised Project Rezoning Application
4. Ordinance with Findings and Conditions for Approval of the Binford Road, LLC Self-Storage Facility Revised Project Master Plan Application
5. Resolution with Findings and Conditions for Approval of the Binford Road, LLC Self-Storage Facility Revised Project Land Division and Tidelands Permit Applications
6. "Exhibit 1", Findings for Project Approval
7. "Exhibit 2" Conditions of Approval

8. "Exhibit A" Binford Road, LLC Self-Storage Facility Revised Mitigated Negative Declaration Environmental Impact, Countywide Plan Amendment, Rezoning, Master Plan, Land Division, and Tidelands Permit Mitigation Monitoring Program and Monitoring Compliance Checklist
9. Location Map
10. Existing Zoning Map
11. Project Plans and Comments
  - a. Graphic Rendering
  - b. Tentative Map, Preliminary Grading, Binford Road and Reinforced Earth Fill Bank Sections and Cross Sections (Sheets C-1 to Sheets C-5), prepared by Steven J. Lafranchi & Associates, and further identified as "Exhibit A" of plans on file in the CDA offices
  - c. Conceptual Architectural Plans, consisting of four sheets, prepared by Pacific Design Group, Architecture, and one sheet, prepared by SalemHowes Associates, Inc, and further identified as "Exhibit B" of plans on file in the CDA offices
  - d. Conceptual Landscape Plans, consisting of three sheets, prepared by Bertotti, and further identified as "Exhibit C" of plans on file in the CDA offices
  - e. Letters LSA Associates, Inc. Clear Zone Analysis, dated December 8, 2006 and December 15, 2006
  - f. Letter Kim R. Blackseth, Interests, Inc. Disabled Access Comments, dated March 28, 2006
  - g. Letter Miller Pacific, Peer Review Geotechnical Re-Review, dated February 14, 2005
12. 1996 Stipulated Judgment No. 147983 and Project Site Background Information
13. 1994 CWP Policies EQ-2.41 – EQ-2.74
14. 2005 Draft CWP Bayfront Conservation Corridor Map and draft CWP Policies BIO-3.1 – 3.2 and Bio-5.1 – 5.10
15. Project Site Background Information
16. Agency Correspondence
  - a. Department of the Army, U. S. Army Corps of Engineers, Mar 26, 2005
  - b. San Francisco Bay Conservation and Development Commission, October 19, 2001
  - c. City of Novato, March 11, 2003 and August 22, 2000
  - d. North Marin Water district, August 21, 2000, January 5, 2001, July 25, 2006
  - e. Novato Fire Protection District 10/2004
  - f. Marin County Environmental Health Services
  - g. Department of Public Works
    - 1) Jeff Rawles, Deputy Director February 13, 2007
    - 2) Ken Robbins, Airport Operations Coordinator, October 4, 2001 and FAA Form 7460-1
    - 3) Land Development 3/26/04, 3/16/05, 5/02/05
    - 4) Traffic Operations Division April 26, 2006
    - 5) Rocky A. Burks, Disability Access Coordinator March 23, 2006
  - h. Marin County Open Space District April 19, 2005
17. Current Baseline Maps, prepared by LSA Associates, Inc.

*(The following attachment is included only in the Board of Supervisors report packet. Copies of the attachment is available for public review in the Community Development Agency, Room 308, from 8:00 a.m. to 4:00 p.m. daily.)*

18. Draft Revised Mitigated Negative Declaration of Environmental Impact

*Cur/jp/Binford Road/BOS 4-03-07 letter final*