

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. _____

**AN ORDINANCE WITH FINDINGS AND CONDITIONS FOR APPROVAL OF
THE BINFORD ROAD, LLC SELF-STORAGE FACILITY REVISED PROJECT
MASTER PLAN (MP 01-02) APPLICATION**

**8190 BINFORD ROAD, NOVATO
ASSESSOR'S PARCELS 125-190-21, -65, and -66**

SECTION I: FINDINGS

- I. WHEREAS in July 2000, Binford Road, LLC submitted Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tidelands Permit applications requesting approvals for the construction and operation of a multi-purpose, self-storage facility as described below.

2000 Project General Description

The applicant requested approvals of a Countywide Plan Amendment and Rezoning and the development and operation of a multi-purpose self-storage facility on 29 acres of the 47.3-acre project site. The Countywide Plan (CWP) Amendment application proposed to change the CWP Land Use Designation from Recreational Commercial (RC) to Industrial (IND) for proposed Lots 1 and 2 and to Open Space (OS) for proposed Lot 3. The Rezoning application proposed to rezone the property from Resort and Commercial Recreation District (RCR) to Bayfront Conservation - Industrial Planned District (BFC-IP) for proposed Lots 1 and 2 and to Bayfront Conservation - Open Area (BFC-OA) for proposed Lot 3. The Tentative Map application proposed to reconfigure and divide the three existing parcels as follows: Lot 1 (southwestern parcel) 14.1 acres; Lot 2 (northwestern parcel) 14.9 acres; and Lot 3 (eastern parcel) 18.3 acres. Development of the self-storage facility would be located on the western-most portion of the site (Lots 1 and 2). Retention of existing wetlands, additional wetlands restoration, and preservation of open space were proposed on the eastern portion (Lot 3) of the site. Lot 3 was proposed to be dedicated to a public or conservation entity to be held as permanent open space. The applicant proposed to apply a conservation easement over the area within the Novato Canal (approximately 12.75 acres of portions of Lots 1 and 2). The development was proposed on approximately 16.25 dry-land acres of Lots 1 and 2, extending approximately 2,000 feet easterly from Binford Road along the northern and southern levees of the Novato Canal.

The project was proposed to be constructed in three phases over a 5-10 year period resulting in the following floor area of development for each phase: Phase 1 build-out 102,200 square feet of floor area; Phase 2 build-out 66,060 square feet of floor area; and Phase 3 build-out 57,040 square feet of floor area. Upon completion, the project would consist of approximately 685 storage units in 23 buildings totaling approximately 225,300 square feet of floor area as follows: approximately 95,880 square feet of floor

area on proposed Lot 1 (28% FAR on approximately 7.73 dry-land acres); and 129,420 square feet of floor area on proposed Lot 2 (35% FAR on approximately 8.52 dry-land acres) (29% collectively over Lots 1 and 2). The structures range in height from 14 to 24 feet. The finished floor elevations of the building would be approximately 8.0 feet above mean sea level. Buildings would be light construction with metal framing, stucco walls, with occasional split-face concrete block walls for the taller units and metal roofing and would be supported on piles. The finished floor elevations of the buildings would be approximately 8.0 feet above Ultimate build-out of the project would require approximately 85,000 cubic yards of imported fill to be deposited on the existing levee areas. The storage facility would be for personal vehicles, recreational vehicles and trailers, boats, general household items and office storage.

Access to the storage units would be from Binford Road and from two internal roadways extending along the north and south levees. Runoff from buildings and paved areas would be captured in two on-site holding ponds located on Lots 1 and 2. A public viewing area with parking would be provided immediately off Binford Road to provide public viewing of the wetlands running the length of the canal towards the Petaluma River. The project includes the continued restoration of approximately 4.1 acres of tidal marshlands.

The subject property is located at 8190 Binford Road, Novato and is further identified as **Assessor's Parcels 125-190-21, -65, and -66.**

- II. Prior to submittal of the proposed development applications and plans, 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 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, and relevant Countywide Plan and reviewing agency plan policies and regulations) relative to the potential development of the 47.3-acre property. The use of the EA was intended to provide the highest degree of environmental protection while permitting reasonable development on the project site, consistent with the goals, objectives, 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 site as open space would most fully implement CWP policies; however, this could only be accomplished with public acquisition. Alternatively, approving development on a portion of the property, with dedication of open space and restoration of wetlands on the remainder of the property, would achieve a high level of compliance with CWP Bayfront Conservation Area policies (Policies EQ-2.42 through EQ-2.74). The EA found that the western portions of the property could be developed with low intensity uses under appropriate measures. The EA was accepted by the Marin County Planning Commission on April 10, 2000. (Planning Commission Resolution PC 00-015). The applicant based the development proposal on the capabilities and constraints of the project site as evaluated in the EA.

- III. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study for the project as described in Finding I. above, pursuant to the requirements of the California Environmental Quality Act (CEQA), which determined that potential physical impacts relating to land use and planning, geophysical, water, air quality, biological resources, aesthetics and visual resources were avoided or mitigated to a point where no significant adverse environmental impacts would occur because mitigation measures to the project, as described in Finding I. above, and as agreed to by the applicant, would be incorporated as conditions of project approval, and there was no evidence that the project, as conditioned, would have a significant effect on the environment.
- IV. WHEREAS the Marin County Environmental Coordinator recommended a Mitigated Negative Declaration of Environmental Impact for the project, as described in Finding I. above, pursuant to the California Environmental Quality Act (CEQA). All project-related, potentially significant and adverse effects and appropriate mitigation measures were discussed in the Initial Study. With mitigation measures incorporated into conditions of approval, the proposed project as described in Finding I. above would have no significant adverse environmental impacts, and no conditions described in the CEQA Guidelines were identified in the Initial Study that would require the preparation of an Environmental Impact Report.
- V. WHEREAS on July 11, 2006, a Draft Mitigated Negative Declaration of Environmental Impact was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Draft Mitigated Negative Declaration of Environmental Impact and a Notice of the public review period and hearing date to consider approval of the Draft Negative Declaration of Environmental Impact was published in a general circulation newspaper pursuant to CEQA requirements.
- VI. WHEREAS after the close of the public review period on August 10, 2006, the Marin County Airport Land Use Commission held a duly-noticed public hearing on August 28, 2006, to consider the Binford Road LLC Self-Storage Facility, Countywide Plan Amendment, Rezoning, Master Plan, Land Division (Tentative Map), and Tideland's Permit applications because the project site is located within the referral area boundary (Designated Area 5) of the Airport Land Use Plan as shown on the GROSS Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use Plan).
- VII. WHEREAS the Airport Land Use Commission found that the Binford Road LLC Self-Storage Facility project is consistent with the Marin County Airport Land Use Plan for the following reasons:
 - A. The proposed development site of the Binford Road LLC Self-Storage Facility project is located outside of the Airport Clear Zone as shown on the GROSS Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use) and no development component or uses are located within the Clear Zone.

- B. The proposed development component of the Binford Road LLC Self-Storage Facility project is located within the Approach Zone, the Traffic Zone and the Overflight Zone as shown on the Gness Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use Plan), in which land use and/or zoning restrictions are established to protect public safety on the ground and to minimize risk by limiting exposure to humans.
 - C. While the height of the Approach Surface over the site varies, because the topography of the site varies, in accordance with Marin County Airport Land Use Plan (ALUP) Policies AH-1.2 (FAR Part 77 Penetration Areas) and AH-1.3 (FAR Part 77 Non-penetration Areas), no structures will be located within the height limits of the adopted Approach and Clear Zone Plan that would penetrate the FAR. The proposed height of the structures, 14 feet to 24 feet, will not penetrate the Approach Surface as the proposed heights do not exceed the height limits of the proposed zoning and the structures are not located in FAR Part 77 penetration areas as defined by the shaded topographic areas and the approach profiles on the Approach and Clear Zone Plan.
 - D. The proposed industrial land use is compatible with airport operations both in terms of noise impacts and general land use considerations and the proposed use is not considered a noise sensitive development. (Policy NC-1.1 Land Use Compatibility).
 - E. In accordance with Table 3.3 "Land Use Guidelines for Noise Compatibility" of the ALUP, the proposed industrial use is satisfactory at designated noise levels of the airport use within the airport generated noise contours reading at 55, 60, and 65 dB CNEL on the project site.
 - F. A Clear Zone Easement and an Approach Zone Easement were recorded on the central and eastern portions of the site in 1966 and 1967, respectfully and Department of Public Works staff has determined that additional Clear Zone Easements are not needed. However per Department of Public Works requirements, Plan Policy SZ-6.1 (Easement in the Clear Zone and Approach Zone) and Plan Policy SZ-6.2 (Easement-Traffic Pattern Zone and Overflight Zone), conditions of project approval will require recordation of: (1) an additional aviation easement to be offered to the County for Gness Field; and (2) an airport disclosure document to be recorded concurrently before recordation of a Parcel Map or issuance of construction permits, including grading or building, which ever comes first. No development is proposed or shall be permitted within the Clear Zone Easement.
- VIII. WHEREAS after the close of the public review period on August 10, 2006, the Marin County Planning Commission held a duly noticed public hearing on August 28, 2006 to review and consider testimony in favor of, and in opposition to, the proposed Draft Mitigated Negative Declaration of Environmental Impact and to review and consider testimony in favor of, and in opposition to, the merits of the proposed Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Master Plan, Land Division and Tidelands Permit applications.

- IX. WHEREAS, clarifications and corrections to the Initial Study were part of the August 28, 2006 Planning Commission staff report as part of the administrative record. The clarifications and corrections were minor in nature and only clarified the recommended Negative Declaration of Environmental Impact. These clarifications and corrections did not require re-circulation of the Initial Study. As part of the administrative record, responses to the Initial Study received during the 30-day public comment and review period were addressed in the August 28, 2006 Planning Commission staff report.
- X. WHEREAS at the August 28, 2006 Planning Commission hearing, the Commission directed staff to return to a continued public hearing on September 11, 2006, with a prepared draft Resolution with findings to support recommending to the Board of Supervisors denial of the applications without environmental review. In addition, the Planning Commission directed staff to return with some possible land use alternatives for the Commission to consider.
- XI. WHEREAS the Marin County Planning Commission conducted a continued public hearing on September 11, 2006, considered additional information presented by the applicant in response to the Commission's concerns and the possible land use alternatives presented by staff, and adopted a Resolution (Planning Commission Resolution No. PC 06-024) recommending that the Board of Supervisors adopt a Resolution denying the Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment (PA 01-01), Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (LD 01-01), and Tidelands Permit (TP 01-03) applications without environmental review.
- XII. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing on December 5, 2006 to review the administrative record and consider the Planning Commission's recommendation and to hear testimony in favor of, and in opposition to, the Draft Mitigated Negative Declaration of Environmental Impact and the merits of proposed project.
- XIII. WHEREAS at the December 5, 2006 continued public hearing, the applicant presented a modified project, which reduced the size of development and increased the amount of acreage for wetlands restoration and open space. The Board directed Planning staff to review this revised proposal and return with a recommendation to the Board at a continued public hearing on December 19, 2006.
- XIV. WHEREAS on December 6, 2006, Planning staff met with the applicant to discuss the revised proposal, at which time the applicant proposed a second alternative revision that would reduce further the amount of development and increase the acreage of wetlands restoration and open space than what was presented at the December 5, 2006, Board hearing. The revised smaller development project would be constructed in one phase and would result in almost a balanced cut and fill project. Subsequently, the applicant submitted revised plans to the Community Development Agency for the revised project as described below.

2006 Revised Project General Description

The revised Binford Road, LLC self-storage facility project, to be used for storage of personal vehicles, recreational vehicles and trailers, boats, general household items,

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and office storage, requests approval of a Countywide Plan Amendment and Rezoning for the development and operation of a multi-purpose self-storage facility on 19.34 acres of the 47.3-acre project site. The proposal would reconfigure and divide the property into the following three lots: Lot 1 (southwestern parcel fronting Binford Road) 9.47 acres; Lot 2 (northwestern parcel fronting Binford Road) 9.87 acres; and Lot 3 (eastern parcel) 27.96 acres. The Countywide Plan (CWP) Amendment proposes to change the CWP Land Use Designation from Recreational Commercial (RC) to Planned Industrial District (IND) (allowable Floor Area Ratio (FAR) 0.04 to 0.35) for proposed Lots 1 and 2 and to Open Space (OS) for proposed Lot 3. Rezoning is requested for the property from Resort and Commercial Recreation District (RCR) to Bayfront Conservation - Industrial Planned District (BFC-IP) for proposed Lots 1 and 2 and to Bayfront Conservation - Open Area (BFC-OA) for proposed Lot 3.

On proposed Lot 3, wetlands restoration on 4.1 acres of former uplands and seasonal wetlands restored to tidal marsh in 2001 as part of the U. S. Army Corp of Engineers permit would continue, an additional 8.25 acres of previously filled area would be restored to tidal marsh habitat, and the entire area of Lot 3 would be preserved as open space. Lot 3 is proposed to be dedicated to a public or conservation entity to be held as permanent open space. The Novato Canal would naturally restore to wetlands. The applicant proposes to apply a conservation easement over the area within the Novato Canal (approximately 9.3 acres of portions of Lots 1 and 2).

Development of the self-storage structures would be located on 9.54 acres of dry land at the western-most portion of the site (Lots 1 and 2), extending approximately 1,100 feet easterly from Binford Road along the northern and southern levees of the Novato Canal. Water runoff retention ponds would extend an additional approximately 400 feet easterly along the northern and southern levees. Roof water run-off would drain to grassy swales and then to the canal.

The project would consist of approximately 386 storage units in 13 buildings totaling approximately 133,540 square feet as follows: 61,650 square feet of floor area on proposed Lot 1 (31% FAR on approximately 4.57 dry-land acres) and 71,890 square feet of floor area on proposed Lot 2 (33% FAR on approximately 4.97 dry-land acres). The one-story structures would range in height from 14 to 24 feet. The finished floor elevations of the building would be approximately 8.0 feet above mean sea level. Buildings would be light construction with metal framing, stucco walls, with occasional split-face concrete block walls for the taller units, and metal roofing. Construction of the reduced improvements and the expanded wetlands restoration would be executed in one phase and would involve excavation of fill used on existing levees (approximately 55,198 cubic yards) to be used as fill (approximately 54,847 cubic yards) on the development site, resulting in rebalancing the existing fill, except for approximately 350 cubic yards of off-haul.

Access to the storage units would be from Binford Road, with the construction of two internal roadways extending along the north and south levees. Beyond these roadways, a gravel road on the northern levee providing access to the KCBS towers would be realigned into a 20-foot wide access easement. Similarly, an existing access easement on the southern levee would be realigned to a 20-foot wide access easement. Landscaping would be installed along the northern and southern property boundaries to

provide screening of the proposed structures and buffering between the development and adjacent dry lands and wetlands. A public viewing area with parking would be provided immediately off Binford Road to provide public viewing of the wetlands running the length of the canal towards the Petaluma River.

The subject property is located at **8190 Binford Road, Novato** on property further identified as **Assessor's Parcels 125-190-21, -65, and -66.**

- XV. WHEREAS on December 19, 2006 at a continued public hearing, the Marin County Board of Supervisors reviewed and considered the information contained in the Draft Mitigated Negative Declaration of Environmental Impact and the comments and responses thereto and took testimony in favor of, and in opposition to, the Draft Mitigated Negative Declaration of Environmental Impact and the merits of proposed revised project.
- XVI. WHEREAS at the close of the December 19, 2006, continued public hearing, the Marin County Board of Supervisors continued the public hearing and directed staff to review the proposed revised project presented to the Board at the December 19, 2006 hearing and the Draft Mitigated Negative Declaration of Environmental Impact for the original project and return to the Board at a continued public hearing on February 13, 2007 with a recommendation.
- XVII. WHEREAS upon review of the Draft Mitigated Negative Declaration of Environmental Impact prepared for the original project, the Marin County Environmental Coordinator determined that, pursuant to Section 15073.5 (Recirculation of a Negative Declaration Prior to Adoption) of the California Environmental Quality Act Guidelines, a revised Mitigated Negative Declaration of Environmental Impact needed to be prepared and recirculated to address the revised project.
- XVIII. WHEREAS the Marin County Community Development Agency - Planning Division prepared a Revised Initial Study and Negative Declaration of Environment Impact for the 2006 revised project as described in Finding XIV above, including a Mitigation Monitoring and Reporting Program, pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project, which determined that potential physical impacts relating to land use and planning, geophysical, water, air quality, biological resources, aesthetics and visual resources are avoided or mitigated to a point where no significant adverse environmental impacts will occur because mitigation measures to the project, as described in Finding XIV above, and as agreed to by the applicant, have been incorporated as conditions of project approval, and there is no evidence that the project, as conditioned, will have a significant effect on the environment.
- XIX. WHEREAS on January 31, 2007, a Revised Draft Mitigated Negative Declaration of Environmental Impact was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Draft Mitigated Negative Declaration of Environmental Impact and a Notice of the public review period and a hearing date of March 27, 2007 to consider approval of the Negative Declaration of Environmental Impact was published in a general circulation newspaper pursuant to CEQA requirements.

- XX. WHEREAS after the close of the public review period on March 5, 2007, the Marin County Board of Supervisors further continued the hearing date to April 3, 2007 to consider the Revised Draft Mitigated Negative Declaration of Environmental Impact for the Binford Road LLC Self-Storage Facility, Countywide Plan Amendment, Rezoning, Master Plan, Land Division (Tentative Map), and Tidelands Permit applications for the 2006 revised project.
- XXI. WHEREAS the Marin County Board of Supervisors held a duly-noticed continued public hearing on April 3, 2007 to consider the Binford Road LLC Self-Storage Facility Revised Draft Mitigated Negative Declaration of Environmental Impact on the revised project and Countywide Plan Amendment, Rezoning, Master Plan, Land Division (Tentative Map), and Tidelands Permit applications and to hear testimony in favor of, and in opposition to the Draft Mitigated Negative Declaration of Environmental Impact and the merits of 2006 revised project.
- XXII. WHEREAS at the April 3, 2007 continued public hearing, the Marin County Board of Supervisors found that the 2006 revised project, submitted in response to issues raised at the public hearings and analyzed in the Revised Draft Mitigated Negative Declaration of Environmental Impact was an environmentally superior project to the original project and did not raise any new substantive issues that were not addressed adequately by the Airport Land Use Commission at its hearing on August 28, 2006.
- XXIII. WHEREAS at the April 3, 2007 continued public hearing, the Marin County Board of Supervisors found that the Revised Negative Declaration of Environmental Impact, together with the comments and responses, provided an adequate and complete environmental document for purposes of approving the 2006 revised Binford Road, LLC Self-Storage Facility and adopted the Revised Mitigated Negative Declaration of Environmental Impact and Mitigation, Monitoring and Reporting Program ("Exhibit A") for the Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment (PA 01-01), Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (LD 01-01), and Tidelands Permit (TP 01-03) applications for the 2006 revised project.

**SECTION II: AN ORDINANCE WITH FINDINGS AND CONDITIONS RELEVANT TO THE
BINFORD ROAD, LLC SELF-STORAGE FACILITY MASTER PLAN FOR
APPROVAL OF THE 2006 REVISED PROJECT**

- I. WHEREAS Binford Road, LLC Self-Storage Facility submitted a Master Plan application for the construction and operation of a storage facility on the project site. Master Plan approval is required per Chapter 22.44 (Master Plan) of the Marin County Code in accordance with the proposed rezoning of the property to BFC-IP and BFC-OA for development and operation of a self-storage facility and preservation of open space and natural resources on the 47.3-acre site.

SECTION III: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts an Ordinance pursuant to Marin County Code Chapter 22.44 (Master Plan), Section 22.44.030 and Section 22.44.050 approving the Binford Road, LLC Self-Storage Facility Master

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Plan (MP 01-02) application, with findings contained in "Exhibit 1", attached to this ordinance and incorporated herein by reference and subject to the conditions of approval contained in "Exhibit 2", attached to this ordinance and incorporated herein by reference as part of the Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tideland Permit 2006 revised project.

SECTION IV: EFFECTIVE DATE

This Ordinance shall be, and is hereby declared to be, in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

SECTION V: VESTING AND DURATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that upon final approval from the Board of Supervisors, the Master Plan approval is valid for two years from date of approval. The applicant must vest said approval by submitting and receiving approval of a Precise Development Plan application in compliance with the conditions of approval or all rights granted in this approval shall expire and become void unless the applicant applies for an extension of time with appropriate fees to the Community Development Agency at least 30 days before the expiration date above and an extension of time for up to four years has been granted in compliance with Marin County Code Section 22.44.050 B. (Extensions).

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 3rd day of April 2007, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

MATTHEW H. HYMEL
Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

**A RESOLUTION WITH FINDINGS AND CONDITIONS FOR APPROVAL OF
THE BINFORD ROAD, LLC SELF-STORAGE FACILITY REVISED PROJECT
LAND DIVISION (LD 01-01) (TENTATIVE MAP) AND TIDELANDS PERMIT (TP 01-03)
APPLICATIONS**

**8190 BINFORD ROAD, NOVATO
ASSESSOR'S PARCELS 125-190-21, -65, and -66**

SECTION I: FINDINGS

- I. WHEREAS in July 2000, Binford Road, LLC submitted Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tidelands Permit applications requesting approvals for the construction and operation of a multi-purpose, self-storage facility as described below.

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square feet of floor area on proposed Lot 2 (35% FAR on approximately 8.52 dry-land acres) (29% collectively over Lots 1 and 2). The structures range in height from 14 to 24 feet. The finished floor elevations of the building would be approximately 8.0 feet above mean sea level. Buildings would be light construction with metal framing, stucco walls, with occasional split-face concrete block walls for the taller units and metal roofing and would be supported on piles. The finished floor elevations of the buildings would be approximately 8.0 feet above Ultimate build-out of the project would require approximately 85,000 cubic yards of imported fill to be deposited on the existing levee areas. The storage facility would be for personal vehicles, recreational vehicles and trailers, boats, general household items and office storage.

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- III. WHEREAS the Marin County Community Development Agency - Planning Division prepared an Initial Study for the project as described in Finding I. above, pursuant to the requirements of the California Environmental Quality Act (CEQA), which determined that

potential physical impacts relating to land use and planning, geophysical, water, air quality, biological resources, aesthetics and visual resources were avoided or mitigated to a point where no significant adverse environmental impacts would occur because mitigation measures to the project, as described in Finding I. above, and as agreed to by the applicant, would be incorporated as conditions of project approval, and there was no evidence that the project, as conditioned, would have a significant effect on the environment.

- IV. WHEREAS the Marin County Environmental Coordinator recommended a Mitigated Negative Declaration of Environmental Impact for the project, as described in Finding I. above, pursuant to the California Environmental Quality Act (CEQA). All project-related, potentially significant and adverse effects and appropriate mitigation measures were discussed in the Initial Study. With mitigation measures incorporated into conditions of approval, the proposed project as described in Finding I. above would have no significant adverse environmental impacts, and no conditions described in the CEQA Guidelines were identified in the Initial Study that would require the preparation of an Environmental Impact Report.
- V. WHEREAS on July 11, 2006, a Draft Mitigated Negative Declaration of Environmental Impact was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Draft Mitigated Negative Declaration of Environmental Impact and a Notice of the public review period and hearing date to consider approval of the Draft Negative Declaration of Environmental Impact was published in a general circulation newspaper pursuant to CEQA requirements.
- VI. WHEREAS after the close of the public review period on August 10, 2006, the Marin County Airport Land Use Commission held a duly-noticed public hearing on August 28, 2006, to consider the Binford Road LLC Self-Storage Facility, Countywide Plan Amendment, Rezoning, Master Plan, Land Division (Tentative Map), and Tidelands Permit applications because the project site is located within the referral area boundary (Designated Area 5) of the Airport Land Use Plan as shown on the Gness Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use Plan).
- VII. WHEREAS the Airport Land Use Commission found that the Binford Road LLC Self-Storage Facility project is consistent with the Marin County Airport Land Use Plan for the following reasons:
 - A. The proposed development site of the Binford Road LLC Self-Storage Facility project is located outside of the Airport Clear Zone as shown on the Gness Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use) and no development component or uses are located within the Clear Zone.
 - B. The proposed development component of the Binford Road LLC Self-Storage Facility project is located within the Approach Zone, the Traffic Zone and the Overflight Zone as shown on the Gness Field Safety Zones Map (Figure 3.1, Marin County Airport Land Use Plan), in which land use and/or zoning restrictions are established to protect public safety on the ground and to minimize risk by limiting exposure to humans.

- C. While the height of the Approach Surface over the site varies, because the topography of the site varies, in accordance with Marin County Airport Land Use Plan (ALUP) Policies AH-1.2 (FAR Part 77 Penetration Areas) and AH-1.3 (FAR Part 77 Non-penetration Areas), no structures will be located within the height limits of the adopted Approach and Clear Zone Plan that would penetrate the FAR. The proposed height of the structures, 14 feet to 24 feet, will not penetrate the Approach Surface as the proposed heights do not exceed the height limits of the proposed zoning and the structures are not located in FAR Part 77 penetration areas as defined by the shaded topographic areas and the approach profiles on the Approach and Clear Zone Plan.
 - D. The proposed industrial land use is compatible with airport operations both in terms of noise impacts and general land use considerations and the proposed use is not considered a noise sensitive development. (Policy NC-1.1 Land Use Compatibility).
 - E. In accordance with Table 3.3 "Land Use Guidelines for Noise Compatibility" of the ALUP, the proposed industrial use is satisfactory at designated noise levels of the airport use within the airport generated noise contours reading at 55, 60, and 65 dB CNEL on the project site.
 - F. A Clear Zone Easement and an Approach Zone Easement were recorded on the central and eastern portions of the site in 1966 and 1967, respectfully and Department of Public Works staff has determined that additional Clear Zone Easements are not needed. However per Department of Public Works requirements, Plan Policy SZ-6.1 (Easement in the Clear Zone and Approach Zone) and Plan Policy SZ-6.2 (Easement-Traffic Pattern Zone and Overflight Zone), conditions of project approval will require recordation of: (1) an additional aviation easement to be offered to the County for Gness Field; and (2) an airport disclosure document to be recorded concurrently before recordation of a Parcel Map or issuance of construction permits, including grading or building, which ever comes first. No development is proposed or shall be permitted within the Clear Zone Easement.
- VIII. WHEREAS after the close of the public review period on August 10, 2006, the Marin County Planning Commission held a duly noticed public hearing on August 28, 2006 to review and consider testimony in favor of, and in opposition to, the proposed Draft Mitigated Negative Declaration of Environmental Impact and to review and consider testimony in favor of, and in opposition to, the merits of the proposed Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Master Plan, Land Division and Tidelands Permit applications.
- IX. WHEREAS, clarifications and corrections to the Initial Study were part of the August 28, 2006 Planning Commission staff report as part of the administrative record. The clarifications and corrections were minor in nature and only clarified the recommended Negative Declaration of Environmental Impact. These clarifications and corrections did not require re-circulation of the Initial Study. As part of the administrative record,

responses to the Initial Study received during the 30-day public comment and review period were addressed in the August 28, 2006 Planning Commission staff report.

- X. WHEREAS at the August 28, 2006 Planning Commission hearing, the Commission directed staff to return to a continued public hearing on September 11, 2006, with a prepared draft Resolution with findings to support recommending to the Board of Supervisors denial of the applications without environmental review. In addition, the Planning Commission directed staff to return with some possible land use alternatives for the Commission to consider.
- XI. WHEREAS the Marin County Planning Commission conducted a continued public hearing on September 11, 2006, considered additional information presented by the applicant in response to the Commission's concerns and the possible land use alternatives presented by staff, and adopted a Resolution (Planning Commission Resolution No. PC 06-024) recommending that the Board of Supervisors adopt a Resolution denying the Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment (PA 01-01), Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (LD 01-01), and Tidelands Permit (TP 01-03) applications without environmental review.
- XII. WHEREAS the Marin County Board of Supervisors held a duly noticed public hearing on December 5, 2006 to review the administrative record and consider the Planning Commission's recommendation and to hear testimony in favor of, and in opposition to, the Draft Mitigated Negative Declaration of Environmental Impact and the merits of proposed project.
- XIII. WHEREAS at the December 5, 2006 continued public hearing, the applicant presented a modified project, which reduced the size of development and increased the amount of acreage for wetlands restoration and open space. The Board directed Planning staff to review this revised proposal and return with a recommendation to the Board at a continued public hearing on December 19, 2006.
- XIV. WHEREAS on December 6, 2006, Planning staff met with the applicant to discuss the revised proposal, at which time the applicant proposed a second alternative revision that would reduce further the amount of development and increase the acreage of wetlands restoration and open space than what was presented at the December 5, 2006, Board hearing. The revised smaller development project would be constructed in one phase and would result in almost a balanced cut and fill project. Subsequently, the applicant submitted revised plans to the Community Development Agency for the revised project as described below.

2006 Revised Project General Description

The revised Binford Road, LLC self-storage facility project, to be used for storage of personal vehicles, recreational vehicles and trailers, boats, general household items, and office storage, requests approval of a Countywide Plan Amendment and Rezoning for the development and operation of a multi-purpose self-storage facility on 19.34 acres of the 47.3-acre project site. The proposal would reconfigure and divide the property into the following three lots: Lot 1 (southwestern parcel fronting Binford Road) 9.47

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BOS ATTACHMENT 5

acres; Lot 2 (northwestern parcel fronting Binford Road) 9.87 acres; and Lot 3 (eastern parcel) 27.96 acres. The Countywide Plan (CWP) Amendment proposes to change the CWP Land Use Designation from Recreational Commercial (RC) to Planned Industrial District (IND) (allowable Floor Area Ratio (FAR) 0.04 to 0.35) for proposed Lots 1 and 2 and to Open Space (OS) for proposed Lot 3. Rezoning is requested for the property from Resort and Commercial Recreation District (RCR) to Bayfront Conservation - Industrial Planned District (BFC-IP) for proposed Lots 1 and 2 and to Bayfront Conservation - Open Area (BFC-OA) for proposed Lot 3.

On proposed Lot 3, wetlands restoration on 4.1 acres of former uplands and seasonal wetlands restored to tidal marsh in 2001 as part of the U. S. Army Corp of Engineers permit would continue, an additional 8.25 acres of previously filled area would be restored to tidal marsh habitat, and the entire area of Lot 3 would be preserved as open space. Lot 3 is proposed to be dedicated to a public or conservation entity to be held as permanent open space. The Novato Canal would naturally restore to wetlands. The applicant proposes to apply a conservation easement over the area within the Novato Canal (approximately 9.3 acres of portions of Lots 1 and 2).

Development of the self-storage structures would be located on 9.54 acres of dry land at the western-most portion of the site (Lots 1 and 2), extending approximately 1,100 feet easterly from Binford Road along the northern and southern levees of the Novato Canal. Water runoff retention ponds would extend an additional approximately 400 feet easterly along the northern and southern levees. Roof water run-off would drain to grassy swales and then to the canal.

The project would consist of approximately 386 storage units in 13 buildings totaling approximately 133,540 square feet as follows: 61,650 square feet of floor area on proposed Lot 1 (31% FAR on approximately 4.57 dry-land acres) and 71,890 square feet of floor area on proposed Lot 2 (33% FAR on approximately 4.97 dry-land acres). The one-story structures would range in height from 14 to 24 feet. The finished floor elevations of the building would be approximately 8.0 feet above mean sea level. Buildings would be light construction with metal framing, stucco walls, with occasional split-face concrete block walls for the taller units, and metal roofing. Construction of the reduced improvements and the expanded wetlands restoration would be executed in one phase and would involve excavation of fill used on existing levees (approximately 55,198 cubic yards) to be used as fill (approximately 54,847 cubic yards) on the development site, resulting in rebalancing the existing fill, except for approximately 350 cubic yards of off-haul.

Access to the storage units would be from Binford Road, with the construction of two internal roadways extending along the north and south levees. Beyond these roadways, a gravel road on the northern levee providing access to the KCBS towers would be realigned into a 20-foot wide access easement. Similarly, an existing access easement on the southern levee would be realigned to a 20-foot wide access easement. Landscaping would be installed along the northern and southern property boundaries to provide screening of the proposed structures and buffering between the development and adjacent dry lands and wetlands. A public viewing area with parking would be provided immediately off Binford Road to provide public viewing of the wetlands running the length of the canal towards the Petaluma River.

The subject property is located at **8190 Binford Road, Novato** on property further identified as **Assessor's Parcels 125-190-21, -65, and -66.**

- XV. WHEREAS on December 19, 2006 at a continued public hearing, the Marin County Board of Supervisors reviewed and considered the information contained in the Draft Mitigated Negative Declaration of Environmental Impact and the comments and responses thereto and took testimony in favor of, and in opposition to, the Draft Mitigated Negative Declaration of Environmental Impact and the merits of proposed revised project.
- XVI. WHEREAS at the close of the December 19, 2006, continued public hearing, the Marin County Board of Supervisors continued the public hearing and directed staff to review the proposed revised project presented to the Board at the December 19, 2006 hearing and the Draft Mitigated Negative Declaration of Environmental Impact for the original project and return to the Board at a continued public hearing on February 13, 2007 with a recommendation.
- XVII. WHEREAS upon review of the Draft Mitigated Negative Declaration of Environmental Impact prepared for the original project, the Marin County Environmental Coordinator determined that, pursuant to Section 15073.5 (Recirculation of a Negative Declaration Prior to Adoption) of the California Environmental Quality Act Guidelines, a revised Mitigated Negative Declaration of Environmental Impact needed to be prepared and recirculated to address the revised project.
- XVIII. WHEREAS the Marin County Community Development Agency - Planning Division prepared a Revised Initial Study and Negative Declaration of Environment Impact for the 2006 revised project as described in Finding XIV above, including a Mitigation Monitoring and Reporting Program, pursuant to the requirements of the California Environmental Quality Act (CEQA) for the project, which determined that potential physical impacts relating to land use and planning, geophysical, water, air quality, biological resources, aesthetics and visual resources are avoided or mitigated to a point where no significant adverse environmental impacts will occur because mitigation measures to the project, as described in Finding XIV. above, and as agreed to by the applicant, have been incorporated as conditions of project approval, and there is no evidence that the project, as conditioned, will have a significant effect on the environment.
- XIX. WHEREAS on January 31, 2007, a Revised Draft Mitigated Negative Declaration of Environmental Impact was completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Draft Mitigated Negative Declaration of Environmental Impact and a Notice of the public review period and a hearing date of March 27, 2007 to consider approval of the Negative Declaration of Environmental Impact was published in a general circulation newspaper pursuant to CEQA requirements.
- XX. WHEREAS after the close of the public review period on March 5, 2007, the Marin County Board of Supervisors further continued the hearing date to April 3, 2007 to consider the Revised Draft Mitigated Negative Declaration of Environmental Impact for the Binford Road LLC Self-Storage Facility, Countywide Plan Amendment, Rezoning,

Master Plan, Land Division (Tentative Map), and Tidelands Permit applications for the 2006 revised project.

- XXI. WHEREAS the Marin County Board of Supervisors held a duly-noticed continued public hearing on April 3, 2007 to consider the Binford Road LLC Self-Storage Facility Revised Draft Mitigated Negative Declaration of Environmental Impact on the revised project and Countywide Plan Amendment, Rezoning, Master Plan, Land Division (Tentative Map), and Tidelands Permit applications and to hear testimony in favor of, and in opposition to the Draft Mitigated Negative Declaration of Environmental Impact and the merits of 2006 revised project.
- XXII. WHEREAS at the April 3, 2007 continued public hearing, the Marin County Board of Supervisors found that the 2006 revised project, submitted in response to issues raised at the public hearings and analyzed in the Revised Draft Mitigated Negative Declaration of Environmental Impact, was an environmentally superior project to the original 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.
- XXIII. WHEREAS at the April 3, 2007 continued public hearing, the Marin County Board of Supervisors found that the Revised Negative Declaration of Environmental Impact, together with the comments and responses, provided an adequate and complete environmental document for purposes of approving the 2006 revised Binford Road, LLC Self-Storage Facility and adopted the Revised Mitigated Negative Declaration of Environmental Impact and Mitigation, Monitoring and Reporting Program ("Exhibit A") for the Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment (PA 01-01), Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (LD 01-01), and Tidelands Permit (TP 01-03) applications for the 2006 revised project.

**SECTION II: A RESOLUTION WITH FINDINGS AND CONDITIONS RELEVANT TO THE
BINFORD ROAD, LLC SELF-STORAGE FACILITY LAND DIVISION AND
TIDELANDS PERMIT FOR APPROVAL OF THE 2006 REVISED PROJECT**

- I. WHEREAS the Binford Road, LLC Storage Facility Land Division (Tentative Map) proposes to divide the project site into three lots in accordance with Marin County Development Code (Title 22) Chapter 22.52 (Subdivision). A Tidelands Permit is required for the proposed project in accordance with Marin County Development Code (Title 22) Chapter 22.52 (Tidelands Permits) to allow the proposed grading and fill work to take place in land and water areas below an elevation of seven and one-half feet Mean Lower Low-Water (MLLW) datum.

SECTION III: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors pursuant to Marin County Code, Chapter 22.52 (Tidelands Permit); and Chapter 22.84 (Tentative Map) hereby adopts a Resolution conditionally approving the Binford Road, LLC Storage Facility Land Division (Tentative Map) (LD 01-01), and Tidelands Permit (TP 01-03) with findings contained in "Exhibit 1", attached to this resolution and incorporated herein by reference and subject to the

conditions of approval contained in "Exhibit 2", attached to this resolution and incorporated herein by reference as part of the Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tidelands Permit 2006 revised project.

SECTION IV: VESTING AND DURATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Tentative Map approval is valid for three years from date of approval. The applicant must vest said approval by submitting and receiving approval of a Precise Development Plan application in compliance with the conditions of approval or all rights granted in this approval shall expire and become void unless the applicant applies for an extension of time for up to three years with appropriate fees to the Community Development Agency at least 30 days before the expiration date above and an extension of time has been granted in compliance with Marin County Code Section 22.84.140 (Extensions of Time for Tentative Maps). The Tidelands permit is valid for a period of two year to coincide with the Master Plan, unless an extension of time is granted in conjunction with a Master Plan extension.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 3rd day of April 2007, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

MATTHEW H. HYMEL
Clerk of the Board

“EXHIBIT 1”

**FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT
CONSISTENCY WITH THE MARIN COUNTYWIDE PLAN 1994, THE DRAFT MARIN
COUNTYWIDE PLAN 2005, THE 2000 ENVIRONMENT ASSESSMENT, THE MARIN
COUNTY AIRPORT LAND USE PLAN FOR GROSS FIELD, THE MARIN COUNTY
DEVELOPMENT CODE AND ZONING MAP AS AMENDED FOR THE BINFORD ROAD,
LLC SELF-STORAGE FACILITY**

**Countywide Plan Amendment (PA 01-01),
Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (Tentative Map) (LD 01-01)
and Tidelands Permit (TP 01-03)**

**8190 Binford Road, Novato
Assessor's Parcels 125-190-21, -65, and -66.**

WHEREAS Binford Road, LLC has submitted applications seeking the necessary Countywide Plan amendment and re-zoning entitlements for a revised project (2006) proposing to construct and operate a multi-purpose, (personal vehicles, recreational vehicles, boats, general household and office items) self-storage facility utilizing 19.34 acres of the 47.3-acre project site. The proposal would reconfigure and divide the property into the following three lots: Lot 1 (southwestern parcel fronting Binford Road) 9.47 acres; Lot 2 (northwestern parcel) 9.87 acres; and Lot 3 (eastern parcel) 27.96 acres. The Countywide Plan (CWP) Amendment proposes to change the CWP Land Use Designation from Recreational Commercial (RC) to Planned Industrial District (IND) (allowable Floor Area Ratio (FAR) 0.04 to 0.35) for proposed Lots 1 and 2 and to Open Space (OS) for proposed Lot 3. Rezoning is requested for the property from Resort and Commercial Recreation District (RCR) to Bayfront Conservation - Industrial Planned District (BFC-IP) for proposed Lots 1 and 2 and to Bayfront Conservation - Open Area (BFC-OA) for proposed Lot 3.

Development of the self-storage structures would be located on 9.54 acres of dry land at the western-most portion of the site on proposed Lots 1 and 2, extending approximately 1,100 feet easterly from Binford Road along the northern and southern levees of the Novato Canal. Water runoff retention ponds would extend an additional approximately 300 feet easterly along the northern and southern levees. Water run-off from the new roadways will 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 vegetation and ground, before reaching any watercourses or wetlands. Water run-off from the roofs will be collected into drainage pipes running to the water retention ponds for filtering.

The project would consist of approximately 386 storage units in 13 buildings totaling approximately 133,540 square feet as follows: 61,500 square feet of floor area on proposed Lot 1 (31% FAR on approximately 4.57 dry-land acres) and 71,740 square feet of floor area on proposed Lot 2 (33% FAR on approximately 4.97 dry-land acres). The one-story structures would range in height from 14 to 24 feet. Buildings would be light construction with metal framing, stucco walls, with occasional split-face concrete block walls for the taller units, and metal roofing. Construction of the reduced improvements and the expanded wetlands restoration would be executed in one phase and would involve excavation resulting in rebalancing the existing fill already deposited on the existing levees except for approximately 350 cubic yards of off-haul.

On proposed Lot 3, wetlands restoration on 4.1 acres of former uplands and seasonal wetlands restored to tidal marsh in 2001 as part of the U. S. Army Corp of Engineers permit would continue, an additional 8.25 acres of previously filled area would be restored to tidal marsh habitat, and the entire area of Lot 3 would be preserved as open space. Lot 3 is proposed to be dedicated to a public or conservation entity to be held as permanent open space. The Novato Canal would naturally restore to wetlands. The applicant proposes to apply a conservation easement over the area within the Novato Canal (approximately 9.3 acres of portions of Lots 1 and 2).

Access to the storage units would be from Binford Road with the construction of two internal roadways extending along the north and south levees. Beyond these roadways, a gravel road on the northern levee providing access to the KCBS towers would be realigned into a 20-foot wide access easement. Similarly, an existing access easement on the southern levee would be realigned to a 20-foot wide access easement. Landscaping would be installed along the northern and southern property boundaries to provide screening of the proposed structures and buffering between the development and adjacent dry lands and wetlands. A public viewing area with parking would be provided immediately off Binford Road to afford the public views of the marsh wetlands running the length of the canal towards the Petaluma River.

The subject property is located at **8199 Binford Road, Novato** and is further identified as **Assessor's Parcels 125-190-21, -65, and -66**.

- II. WHEREAS the Marin County Board of Supervisors held a duly noticed continued public hearing on April 3, 2007, to consider the merits of the proposed project and consider testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Board of Supervisors finds that prior to submittal of the proposed development applications and plans, the applicant submitted an *Environmental Assessment for 8190 Binford Road, Novato, California (EA)*, dated February 28, 2000 and prepared by LSA, Associates, 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* was prepared for the applicant for the purpose of developing a self-storage
- IV. 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, and relevant Countywide Plan and

reviewing agency plan policies and regulations) relative to the potential development of the 47.3-acre property. The use of the *EA* was intended to provide the highest degree of environmental protection while permitting reasonable development on the project site, consistent with the goals, objectives, 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 total site as open space would most fully implement Bayfront Conservation CWP policies; however, this could only be accomplished with public acquisition. Alternatively, restricting development on the western portion of the property, 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 (Policies EQ-2.42 through EQ-2.74). The *EA* found that the western portions of the property could be developed with low intensity uses under appropriate measures. The *EA* was accepted by the Marin County Planning Commission on April 10, 2000. (Planning Commission Resolution PC 00-015). The applicant based the development proposal on the capabilities and constraints of the project site as evaluated in the *EA*. The 2006 revised project is consistent with the findings and recommendations contained within the *EA* for the following reasons:

- 1) The uplands environmental condition of the property is artificial, as all upland areas are diked bay marshland subzones, considered in the *EA* to be areas designated as "less to moderately constrained". Converting these artificial diked uplands areas to tidal wetlands will provide a superior habitat resource.
- 2) The artificial upland areas on the eastern portion of the site (Lot 3) will be removed, except for enough levee to be preserved to protect adjacent properties, and these upland, diked areas will be restored to tidal wetlands.
- 3) Implementation of the revised project will not impact any "Tidelands Subzones", as designated in the *EA*, including the Novato Canal.
- 4) The construction and operation of the proposed self-storage facility will: prevent human access into the Novato Canal; improve water quality; provide protection for wildlife and their habitats; provide a planting area ranging from 20 feet to 100 feet in width to provide a buffer between the development and habitat resource areas; result in a more environmentally sensitive land use of the property than the approved recreational boating and industrial boat building and repair uses allowed by the current CWP RC land use designation and RCR zoning.
- 5) Water quality of the Novato Canal and the marshlands will be improved. Water run-off from the new roadways will 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 vegetation and ground, before reaching any watercourses or wetlands. Water run-off from the roofs will be collected into drainage pipes running to the water retention ponds for filtering.
- 6) Today, there are no seasonal or freshwater wetlands on the development site (*Please refer to Figures 10 – 13, Attachment 17.*) Previously, four small areas (totally

less than two acres) of marginal seasonal wetlands consisting of saline, brackish water, were filled on the western portion of the property as part of the U. S. Army Corps of Engineers (Corps) clean-up with mitigation required. Approximately 4.1 acres of wetlands have been restored on the eastern portion of the property and are in their fifth year of monitoring by LSA Associates, Inc. under the Corps.

- 7) The filling that will occur as part of the construction of the proposed 2006 revised project consists of fill being placed on top of fill. No new areas will be filled.
- 8) While it will not go out of range of tidal action, the Novato Canal will be allowed to silt in under the current proposal, with no future dredging or human or mechanical intrusion. It will reach an equilibrium of depth, width, and tidal action with additional vegetation of core grass, bullrush, pickle weed, etc. and will result in an enhanced, superior wildlife habitat resource that what would ever exist under the current permitted uses for water recreation and boat ship building and repair. These uses result in impact to the channel and marsh lands than the proposed project and
 - require additional dredging activity and disturbance over time;
 - leave diked uplands, an artificial environment; and
 - result in more human and mechanical intrusion and resultant impact, including, but not necessarily limited to, noise, air quality, water quality, pollution
- 9) The project maximizes tidal marshland restoration within the Tidal Subzone. The structures on the diked areas of the western portion of the property would shield within the tidal marshlands wildlife from any direct human contact and disturbance.
- 10) Any upland habitat area at the site are historic, diked areas that have been artificially created. Within the areas surrounding the project site, there exists a more superior mix of upland habitat areas, including grasslands and oak woodlands that provide connectivity and habitat diversity.
- 11) The purpose of a buffer is to provide protection to the wildlife from human intrusion. In general, studies have shown that a 100-foot distance between human intrusion and wildlife, particularly birds, provides a comfort zone, with the human element and intrusion not perceived to be a threat. In the case of the proposed project, the more intervention there is i.e. structures that do not pose a threat to the wildlife, the less distance is needed to provide a safe haven. Within the center core of the property, along the Novato Channel, there will not be a direct means of access to wildlife, i.e. vehicles or human, that will pose a threat to wildlife, therefore, the *EA* determined that a buffer zone ranging from 20 to 100 feet in width was adequate.
- 12) Ground elevation and line of site needs to be taken into account when providing adequate protection to wildlife. The wildlife in the Novato Canal would be at a lower elevation than the structures, with a setback from the top of bank of ranging from 20 to 100 feet in width with no human intrusion and out of the line-of-site of the wildlife.

- V. WHEREAS the Marin County Board of Supervisors finds that the proposed project, which seeks to amend the current Recreational Commercial (RC) Countywide Plan land use designation over the 47.3-acre project site by designating the 19.34-acre western portion, closest to Binford Road (Lots 1 and 2), Industrial (IND) (FAR 0.04 to 0.35); and designating the 27.96-acre eastern portion (Lot 3) Open Space (OS), is consistent with the goals and applicable policies of the Marin Countywide Plan (CWP) as approved for amendment, subject to implementation of the mandatory Negative Declaration of Environmental Impact mitigation and monitoring measures and the conditions of approval contained in "Exhibit 2" herein, for reasons including, but not necessarily limited to, the following:
- A. The property is located within the City-Centered Corridor of the CWP, where urban development and land uses are concentrated, along with resource protection in designated corridors, including the Bayfront Conservation Zone. The project site will be served by existing public infrastructure and facilities. Access to the project site is from Binford Road, a publicly maintained street. The proposed project has been reviewed by staff of the Novato Sanitary District, the North Marin Water District and the Novato Fire Protection District, that will provide services to the project site. The project will have a less-than-significant impact on existing public services, including police and fire protection, public water service, and electrical, natural gas and communication services. The project has been reviewed by the Marin County Public Works Department to determine that the project will not significantly impact existing drainage and roadway systems. No direct or indirect physical adverse impacts will result from social or economic effects related to the proposed project. The costs of providing limited County services to the project are not expected to result in significant adverse physical effects on the environment. (*Policies EQ-1.1 Land Use within the City-Centered Corridor, EQ-3.9 Adverse Impacts on Services, Circulation, Economic, and Social Environment, and EQ-3.10 Coordination of Public Services*)
- B. The approved project is consistent with the approved CWP Industrial (IND) over 19.34 acres (Lots 1 and 2) and Open Space (OS) over 27.96 acres (Lot 3) land use designations because The IND land use designation is intended to allow for industrial uses such as the proposed self-storage facility with a floor area ratio range (FAR) of 4% to 35%. The OS land use designation is intended for preservation of open space and protection of natural resource. Only publicly owned lands may be designated for open space unless subject to deed restrictions or other agreements (CWP Policy CD-8.7) and the applicant proposes to deed the OS designated lands (Lot 3) to a public entity or non-profit conservation organization. The proposed CWP IND land use designation would be consistent with CWP Policy CD-9.3 North Novato where industrial use at a floor area ratio (FAR) of .04 to .35 percent, with Master Plan approval, is allowed within the City-Centered Corridor. The proposed project would result in a 31% FAR on approximately 4.57 dry-land acres on Lot 1 and a 33% FAR on approximately 4.97 dry-land acres on Lot 2. The amendment would modify CWP Community Development Map 1.3 to incorporate the IND and OS land use designations. The proposed land use categories are intended to allow for the proposed development and the proposed preservation of open space and protection of natural resources.

- C. The property is located in the Bayfront Conservation Zone (BCZ) as established in the 1994 Countywide Plan. Portions of the property are in the Tidelands Subzone, (particularly the Novato Canal and the eastern portion of the property) and portions of the property are in the Diked Historic Marshlands Subzone (the levees and diked areas). The Bayfront Conservation overlay designation requires habitat protection and enhancement of the diversity of wildlife and aquatic habitats and setbacks of development from sensitive habitat areas to buffer these area and enhance habitat resources. Development in the BCZ is subject to the Bayfront Conservation Area policies of the 1994 Countywide Plan (CWP Policies EQ-2.42 through EQ-2.74). Through the re-zoning process for the project site, a Bayfront Conservation Zone overlay zoning would be established, with land uses governed by CWP Policies EQ-2.42 through EQ-2.74. (*Policy CD-8.7 and CD-9.3 and Community Development Map 1.3a, and Policy CD-8.11*)
- D. The applicant based the development proposal on the capabilities and constraints of the project site as evaluated in an *Environmental Assessment (EA)*, dated February 28, 2000 and prepared by LSA, Inc. and RJ Planning, prior to submittal of the development applications for the proposed project. The *EA* assessed the existing environmental conditions and proposed recommendations for siting and design to avoid adverse environmental impacts. The *EA* was accepted by the Marin County Planning Commission on April 10, 2000. (Planning Commission Resolution PC00-015) The project has been reviewed by all Trustee Agencies, including the State Department of fish and Game, the U. S. Fish and Wildlife Service, the U. S. Army Corps of Engineers, the Regional Water Quality Control Board, the Environmental Protection Agency, and the San Francisco Bay Conservation and Development Commission. No adverse comments regarding the project have been received from these agencies. (*Policy EQ-2.49, EQ-2.50 Coordination with Trustee Agencies with Bayfront Conservation Areas*).
- E. The project site is located in the Bayfront Conservation Zone. There are no seasonal or fresh water wetlands on the project site and the *EA* concludes that the property is not suitable for agriculture. All existing upland areas on the property are diked and disturbed areas. As conditioned, the project is consistent to a great degree with the Bayfront Conservation Area policies requiring preservation and enhancement of the diversity of wildlife and aquatic habitats within the Bayfront tidal marshes. The project situates development close to Binford Road, on lands already filled and outside of lands subject to tidal action and provides for additional restoration of the historic diked bay lands to tidal marsh over the remaining previously disturbed uplands. The proposed development will not impact the surrounding upland habitats consisting primarily of grasslands and oak woodlands. The project removes continual use of the project site, including the entire of Novato Creek, as a boat marina and boat building and repair facility which require dredging over the long term and creates a greater human intrusion and exposure than a self-storage use. Conditions of approval required a monitoring program to be submitted to monitor the success of the proposed tidal marsh wetlands restoration. The tidelands subzone areas consisting of the Novato Canal and the eastern portion of the property will be left in their natural state. Buffer zones (upland habitat areas), consisting of 20 to 100-feet in width (as discussed in the County-approved *Environmental Assessment* for the project site) will be constructed and maintained between the development and wetland areas.

Historic diked areas will be removed and will be used as fill on the already filled development site to meet FEMA standards, thereby requiring no additional fill on the project site. Conditions of approval limit access during construction to environmentally sensitive marshland, especially during spawning and nesting seasons. Implementation of the proposed development will not significantly encroach into sensitive wildlife habitats, limit normal range areas, create barriers which cut off access to food, water, or shelter, or cause damage to fisheries or fish habitats. No existing wetland areas will be impacted. No net loss of existing wetlands will occur. Development of all wetland restoration area will occur before construction, or concurrently with, the development of the storage facility, site improvements and infrastructure. The proposed project limits access to the marshland areas because of the narrowness of the site and physical configuration of the proposed development. The *LSA Environmental Assessment* concludes that the site is not wide enough to accommodate trails and other unrestricted human access without disturbing the marshland habitat areas. (Policy EQ-2.42 *Wildlife and Aquatic Habitat*; Policy EQ-2.43 *Development and Access Limitations in Bayfront Conservation Areas*, Program EQ-2.43a to Program EQ-2.43d.)

- F. The development site is located in the designated Diked Historic Marshland (Bayland) Subzone. Novato Creek and the eastern-most portion of the site is located in the designated Tidelands Subzone, two subzones within the BFC that are either 1) subject to tidal action or 2) former marshlands that have been diked off from tidal action, with a small (2.7 acres) portion of seasonal wetlands, as identified in the *Environmental Assessment*. The CWP defines the Tidelands Subzone as those areas which should be left in their natural state because of their biological importance to the estuarine ecosystem and generally prohibits shall prohibit diking, filling, or dredging in areas subject to tidal action (Tidelands subzone) No filling will occur in these zones, as these zones will be left as open space, either through rezoning to Open Space (OA) with lands dedicated or a governmental or conservation entity or an easement placed over Novato Creek. The project avoids development activities in tidal subzone defined as all areas subject to tidal action and all of the contiguous land up to the line of highest tidal action. The CWP requires the enhancement and protection of the wildlife and aquatic habitat value of the diked historic marshlands subzones, and encourages land uses which do not require diking, filling, or dredging. The project will not require any further dredging operations because The tidal wetlands, with potential habitat area for special status plant and wildlife species, associated with the Novato Canal will be preserved. The project consists of a low intensity development and use on the western most portion (first 1,400 feet east of Binford Road) of the levees, with the maximum practicable setbacks and buffers of 20 to 100 feet as recommended in the *EA* between the wetlands and development, while allowing some economic reuse of the disturbed areas. Water-oriented uses are not proposed, thereby eliminating continued dredging and allowing Novato Creek to return to wetlands. Although ultimate compliance with CWP Policies EQ-2.44 and EQ-2.45 would be achieved by restoring all of the fill areas of the property to tidal action, except for the minimum required to maintain the dikes and protect adjacent private property from flooding, the project, subject to conditions of approval, would occur in a manner which minimizes impacts within the Bayfront Conservation Zone (i.e. earth disturbance, erosion, and water pollution) while allowing a reasonable use of private property through County land

use regulations. Use of existing fill is proposed only in previously diked and disturbed areas. With the implementation of all mitigation measures and conditions of project approval, including the implementation of a Storm Water Pollution Prevention Plan, the siting, development, and use of the proposed storage facility, within the Bayfront Conservation Zone would not result in any significant adverse environmental impacts on the water quality of the bay and marshes. Furthermore, the project has been designed utilizing the recommendations contained in the EA to avoid significant adverse impacts on the water quality and existing tidal marshlands that could result from development and operating the proposed self-storage facility on the project site. These recommendations include, but are not necessarily limited to:

- 1) No construction of facilities will be built in the Novato Canal nor will any human or mechanical intrusion occur.
- 2) The project consists of less than 30 percent impervious surfaces on the project site, above which there may be potential offsite water quality impacts related to water run-off over the long term.
- 3) No filling will occur in the canal or any of the nearby on-site or off-site wetlands.
- 4) The project would not generate any waste discharge that would contaminate water resources or inter-tidal environments.
- 5) The project will provide a minimum 20-foot to 100-foot wide setback (buffer zone) from the top of the bank along the Novato Canal and the edge of the developed area.
- 6) Removing the levees on the eastern portion of the property, will increase the area for the movement patterns of the bay's tides and currents, thereby enhancing the tidal zone and protecting the ecological connectivity along the bayshore.
- 7) Conditions of approval require submittal of a Non-toxic Pest and Insecticide Control Plan, as

(EQ-2.44 Tidelands Subzone EQ-2.45 Diked Historic Marshlands Subzone, EQ-2.46 Freshwater Habitats; EQ-2.51 Minimal Impacts within the Bayfront Conservation Zone, EQ-2.52 Disruption to Runoff and Stream Flow; EQ-2.53 Siting of Industrial Facilities, EQ-2.54 Tides and Currents, EQ-2.55 Bay Fill, EQ-2.56 Waste Discharge, Policy EQ-2.60 Pesticides, Insecticides and Similar Materials)

- G. The proposed project limits the amount of filling to existing filled and disturbed dike area, while allowing a reasonable economic return on the property. *(Environmental Quality Policy EQ-3.16)*
- H. The project is consistent with the CWP policies which discourage development in natural resource areas and in areas which contain special status species and migratory species of the Pacific Flyway. The development proposal ensures to the greatest extent possible that edge habitats are not destroyed or altered in such a way as to destroy or significantly diminish the diversity of species using the site. Furthermore, the development density on the 47.3-acre property is low (9.54 dry land acres or 20% of the property, and structures are sited within the first 1,100 feet closest (east) of Binford Road, in order to minimize adverse impacts. *(Environmental Quality Policies EQ-2.88, Program EQ-2.87c, EQ-3.6, Community Development Policy CD-2.7)*

- I. Water run-off from the new roadways will 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 vegetation and ground, before reaching any watercourses or wetlands. Water run-off from the roofs will be collected into drainage pipes running to the water retention ponds for filtering to provide adequate safe handling of surface runoff. And prevent contaminants or pollutants into the Novato Canal and other water bodies. (*Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6*)
- J. The low, 14 – 24 feet in height structures, lower than the maximum Gness Field structures, approximately 32 feet in height, clustered within the first 1,100 feet east of Binford Road would prevent impacts to the visual resources of the bay and marshlands and ensure that structures are in scale with the environmental characteristics of the natural landscape and the character of the surrounding neighborhood. (*Environmental Quality Policies EQ-3.11, EQ-3.25, EQ-3.26*)
- K. The footprint of the proposed development has been reduced and constrained and the restoration and preservation of the wetlands and open space have been increased, thereby increasing the habitat value of the site in order to sustain viable wildlife species populations, and increasing the size of the landscape habitat patches and edge habitats, extending westward from the Petaluma River. Conditions of approval require through the Precise Development Plan, implementation of a landscape plan that includes native riparian shrubs, trees, and vegetation to increase support of riparian ecology and to blur the ecological boundary between the developed area and the undeveloped area. (*EQ-2.87 Species Preservation in the Environmental Review Process; and EQ-2.88 Protection of Special Status Species*)
- L. No unique or known geological, historic, or archaeological site will be impacted by the proposed project. The cultural resource maps maintained by the Community Development Agency indicate that the subject property is not located in an area of high archaeological sensitivity. The proposed project will result in less-than-significant impacts as it relates to the protection of sites and buildings with potential cultural and archaeological resources. (*Policies EQ-3.29 Review Sensitivity Maps, EQ 3.30 - EQ-3.34 Evaluate Presence of Site, Avoid Impact, Discovery of Resources, Buildings with Historical Significance, and EQ-3.34 Consultation with Local Organizations and Preservation of Cultural and Archaeological Resources*)
- M. The proposed project will result in 13 buildings ranging from 14 feet to 24 feet in height and extending approximately 1,100 feet eastward from Binford Road. The low density, modest scale, earth-toned buildings on the 47.3-acre site, just south of Gness Field will result in a built environment that is compatible aesthetically with the visual character of the built and natural surrounding environment, including the self-storage facility located directly west across Binford Road. The Negative Declaration of Environmental Impact found that the scenic vistas of water and distant shorelines as seen from U. S High 101, and Rush Creek trail sites will not be significantly impacted. The required landscaping, consisting of native riparian shrubs, trees, and ground covers, will increase the support of riparian ecology and blur the ecological boundary between the developed areas and the open space areas. The proposed development will not be significantly disruptive or visually impacting from off-site views. The proposed project is consistent with the CWP

policies relative to the built environment and visual resources. Conditions of approval require underground of all overhead utilities in order that utility wires will not detract from the wetlands vista and landscapes. An open, public viewing platform from the front parking lot will be designed for openness and to permit optimal viewing down the Novato Canal. (*Policies EQ-2.72 Viewshed Protection, EQ-2.73 View Corridor and Identification, EQ-3.8 Built Environment, EQ-3.11 Visual Qualities and Views, and 3.25 Scale of Development*)

- N. The project will not result in any long-term air, water, or noise pollution impacts. Because of the minor nature of the construction activities associated with the proposed project, it is not expected to result in short-term air quality impacts related to dust occurring during construction activities. Construction-related noise is not considered a significant environmental impact because it would be temporary in nature, of a limited duration, and would be regulated by standard County hours for construction activities. The proposed project is consistent with the CWP policies relative to air, water, and noise pollution, and the project will result in a less-than-significant impact. (*Policies EQ 2.78 and EQ-3.2. Air Quality Impacts of Proposed Projects; Air, Water, and Noise Pollution*)
- O. The CWP requires new development to adhere to the grading standards of the Department of Public Works in order to minimize excavation, grading, and filling, while allowing for adequate access. The project will consist of approximately 55,198 cubic yards of excavation from the existing levees on the eastern portion of the property that will be used as fill (approximately 54,847 cubic yards) on already filled areas the development site on the western portion of the property to reach 8 feet NGVD for the project, thereby resulting in an off-haul of approximately 350 cubic yards of soils, considered to be an insignificant amount, resulting in an almost balance of cut and fill for the proposed project. No new land areas will require filling. (*Policy EQ 3.16 Minimize Excavating, Grading, and Filling*)
- P. DPW standards require that all project plans be reviewed and approved by a registered soils engineer and that all site, driveway, retaining walls, drainage and grading plans will be designed by a registered Civil Engineer to assure that all improvements meet County standards related to soil stability and seismicity. Erosion will be avoided with the collection and dispersal of runoff through appropriate drainage systems and erosion control measures that will be required to comply with Marin County standards. The proposed project is rendered consistent with the above CWP policies and the proposed project will result in less-than-significant impacts as it relates to geologic and seismic hazards, including liquefaction, soil erosion, landslides, and seismic events. (*Policy EQ-2.61 Consistency with Environmental Hazards Element and EQ-3.7. Avoidance of Hazards from Earthquake, Erosion, Landslide, Floods, and Fires*)
- Q. The CWP policies require the maintenance of a minimum Level of Service (LOS) D or better for all roadways in the unincorporated areas of the County. As outlined in the traffic study prepared by traffic consultant Robert L. Harrison, (November 2000) the existing daily traffic on Binford Road in front of the project is operating close to LOS A. Other findings were that the project would not contribute significantly to the existing volume at Binford Road/Atherton intersection, Highway 101 or to volumes of the

Highway 101 on and off ramps at Atherton/San Marin. Dowling Associates Traffic Engineers completed a peer review of Harrison's traffic study in November 2005. Dowling found that Harrison's analysis was a sufficient evaluation of the effects of the project, as it was then proposed with a development of 303,000 square feet in the November 2000. The Dowling study reports that with the buildout of all other projected land use in North Novato, both City and County, (cumulative impact) that there is a precipitous decline in Level of Service at the intersections of Atherton Avenue with Binford Road, Atherton/Redwood Boulevard, and Atherton/Highway 101 North and South on and off ramps. Part of the reason is because these intersections already operate at Level of Service C, defined as "*Acceptable delay. Delays may be substantial during short periods, but excessive backups do not occur.*" Dowling concludes that the storage facility would be a very small contributor to the traffic at most intersections at buildout of the North Novato area. These intersections would still exhibit LOS E or F at build-out, however, which is unacceptable under both the County's and City of Novato's transportation policies. Thus, to mitigate the project's share of adverse effects, according to Countywide Plan Policy T-1.1, the project should contribute a reasonable share to the future improvements necessary. Upon completion, the 685 unit storage facility traffic would contribute less than 2% of the AM and PM peak hour traffic at buildout except for Binford Road/Armstrong at Atherton Avenue where it would on average contribute 3.1% of the volume at buildout. Dowling finds that this intersection warrants signalization at build out of the area whether or not the storage facility is built. To account for the project's contribution to the cumulative traffic conditions in North Novato, conditions of approval require the applicant to submit traffic mitigation fees for construction of traffic improvements according to the prevailing fee schedule to Department of Public Works, Traffic Division. Dowling concluded that construction activities would not result in a deterioration of LOS at any of the intersections in the study area below LOS C. (*Transportation Policy T-1.1*)

- R. The project would comply with CWP's policies on to minimize or prevent air, water, and noise pollution and comply with applicable standards for air quality. The Negative Declaration of Environmental Review found that the project would generate minimal long-term, operational air emissions and would not cause air quality standards in the County to be exceeded. The project would cause short-term increases in construction-related emissions, and mitigation measures have been identified in the Negative Declaration of Environmental Review to reduce construction-related emission control measures to less-than significant levels. Short-term construction-generated noise impacts would be minimized by limiting the hours of construction to the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday, maintaining and muffling construction equipment, installing an acoustic barrier along the northwestern common boundary of the project with the West Marin School, and by providing notification of the construction activities and times to the school prior to commencement of construction. (*Environmental Quality Policies EQ-2.75, EQ-2.78, EQ-3.2, Noise Policies N-1.1, N-2.1, N-2.4*)
- S. The project has been designed to avoid or minimize the hazards from earthquakes, erosion, landslides, floods, fire, and accidents consistent with the CWP's Environmental Quality and Environmental Hazards elements. The final project design would be based on geotechnical investigations by civil engineers with soils engineering expertise and soils certified engineering geologists, and would employ engineering measures that

avoid and minimize against life and safety risks from seismic ground shaking hazards, including those relating to construction on expansive soils. All grading and structures would conform to applicable minimum earthquake design standards. (*Environmental Quality Policy EQ-3.7, Environmental Hazards Policies EH-3.1, EH-3.2, EH-5.1, EH-5.2, EH-5.4*)

- T. The proposed project would ensure that adequate capacity for the safe handling of surface runoff would be provided. Based on detailed hydrologic and geologic studies that meet minimum County Code requirements, proposed use of biofilter strips, vegetated channels, infiltration trenches and water retention ponds would ensure that the project would not increase pre-development surface run-off conditions and would not introduce contaminants or pollutants into nearby wetlands and water bodies. (*Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6*)
- U. The Negative Declaration of Environmental Review found that the project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire Department would ensure that the proposed project meets minimum fire safety codes and standards and incorporates into its design adequate water resources, fire suppressant systems, fire-resistant materials, vegetation clearances from structures, irrigated landscaping, and adequate access. The North Marin Water District has sufficient water supplies to service the proposed development. The project would not affect school capacity that is expected to be generated by the proposed project. (*Environmental Quality Policy EQ-3.9*)
- V. The project would comply with applicable policies on preserving the visual qualities of the built environment and to ensure that structures are in scale with environmental constraints and the character of the surrounding neighborhood. The visual impact analysis contained in the Negative Declaration of Environmental Review evaluated the project's day- and night-time impacts and found that the project would result in less-than-significant impacts. The development has been sited to avoid on-site environmental constraints, including wetlands, and conditions of approval require minimal light fixtures in order to maintain the ecological character of the surroundings. (*Environmental Quality Policies EQ-3.11, EQ-3.25, EQ-3.26*)
- W. Conditions of approval require that submittal requirements and plans for the required Precise Development Plan project include use of energy-saving measures, including compliance with efficiency standards that exceed Title 24 of the California Energy Code through use of energy-saving measures including, but not necessarily limited to:
- Recycle or donate job site construction waste....
 - Provide for on-site water catchment/retention with a cistern system for irrigation
 - Incorporate storm water infiltration and retention system
 - Incorporate at least 25% recycled fly ash in concrete, will flooring be concrete
 - Use reusable/recycled form boards

- Use structural insulated panels (SIPS) for walls/roof
- Use fluorescent or equivalent low-energy light fixtures
- Use "engineered lumber"
- Use solvent-free adhesives
- Use formaldehyde-free materials
- Use of pervious roads i.e. grasscrete
- Use automatic light sensors

(Community Development Policies CD-4.2, CD-4.4, CD-4.6)

VI. WHEREAS the Marin County Board of Supervisors finds that the County is currently in the later stages of the process of updating its Countywide Plan, which includes consideration of land use designations and policies affecting development of the project site. The Board of Supervisors further finds that it is appropriate from the standpoint of establishing appropriate long-range planning guidance for future development of the project site to consider in this case an amendment to the property's land use designations and implementing zoning classifications within the context of the pending update of the Countywide Plan. The project site is located within the mapped Bayfront Conservation Corridor (BCC), as recommended in the 2005 Draft Marin Countywide Plan (DMCWP). The 2006 revised project is consistent with the BCC and the draft Bayfront Conservation Area Policies BIO-5.1 – BIO-5.10, BIO-3.1 – 3.2. for the purposes of preserving and enhancing the diversity of the baylands ecosystem, including tidal marshlands and adjacent uplands and protecting the diverse habitat and connectivity values of the Bayfront Conservation Corridor for the following reasons:

- 1) It ensures restoration and preservation of 27.96 acres of the 47.3-acre property and deeding the acreage to a conservation entity for open space and protection.
- 2) It ensures protection of the Tidelands Subzone and the potential increase in tidal marsh lands within the Novato Canal by preserving the canal and conveying an easement over the Novato Canal for habitat protection, thereby ensuring that the tidal marshland are adequately linked to the Black John Slough and the Petaluma River.
- 3) The proposed development does not encroach into sensitive wildlife or aquatic habitats, or create barriers that cut off access to food, water, or shelter for wildlife.
- 4) It restores historic dikelands to tidelands, respecting the biological importance of the estuarine ecosystem.
- 5) It limits development to an already disturbed area 1,400 feet east of Binford Road that does not require inhaul of fill.
- 6) It limits public access to a controlled public viewing area at the western end of the Novato Canal to avoid disturbance and intrusion of the wetlands.
- 7) It provides adequate buffer zones, as recommended by the EA.

VI. WHEREAS the Marin County Board of Supervisors finds that the 2006 revised project, submitted in response to issues raised at the public hearings and analyzed in the Revised Draft Mitigated Negative Declaration of Environmental Impact, is an environmentally superior project to the original 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 project site is located approximately 1.5 miles directly south of Gness Field and within the two-mile Airport Land Use Commission referral clear zone as mapped in the Marin County Airport, Gness Field, Land Use Plan (LUP). The LUP Safety Zone Policy SZ-7.2 requires that all proposed development projects, including subdivisions, be directed to the Airport Land Use Commission for review and comment before approval, if located within the referral area. However, in accordance with Item D of LUP Policy SZ-7.2, the subject project is exempt from LUP Policy SZ-7.2 as it is a residential subdivision of two or less units per gross acre located outside the Traffic Pattern Zone as mapped in the Land Use Plan.

Noise/Land Use Compatibility Policy NC-1.2 establishes noise contours as mapped on Figure 3.2, "Flight Tracks/Noise Contours" as the criteria for decisions relative to noise and land use compatibility with Gness Field. Policy NC-1.4 states that new residential development should be prohibited within the 60 dB CNEL (60 decibel Community Noise Equivalent Level) noise contour. Policy NC 1.4 requires a noise easement to be granted to the County as a condition of approval for new residential development located within the 55 dB or higher CNEL noise contour. Policy NC-1.6 requires as a condition of approval an acoustical study for any proposed new residential development within the 55 dB CNEL noise contour with recommendations in the study regarding sound insulation measures to be implemented.

Review of the LUP "Flight Tracks/Noise Contours Map (Figure 3.2)" shows that the project site is outside of the 55, 60, and 65 dB CNEL contour ranges. Unlike the Atherton Estates project site, the Rush Creek Estates Subdivision to the north of the project site required an aviation easement because the subdivision extends to the 55-dB CNEL noise contour. Therefore, in compliance with the LUP Noise Policies, neither a noise study nor a noise easement was required as part of the Initial Study analysis. A condition of project approval will require the applicant to offer for dedication to the County of Marin, an Aviation Easement within the airspace above elevation 500 feet, mean sea level, over the subject property, for the airborne operation and navigation of aircraft. This easement must be designated on the Final Map and recorded over the title of each lot.

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. However, the proposed revised project remains in compliance with the key policies of Airport Land Use Plan as follows:

Policy SZ-2.1 Development in Clear Zones. *No development or uses shall be permitted in the Clear Zone(s) that would allow construction of any building or structures.*

Development of structures for the previous project was situated entirely outside of the Clear Zone as is the revised project, which involves far less development.

Policy SZ-2.2 Activity in Clear Zones. *No activity shall be allowed within the Clear Zones(s) that would allow use by persons on a regular basis and in no case more than ten persons per acre at any one time.*

The revised project does not propose or entail human activity within the Clear Zone.

Policy SZ-8.1 Wetland Restoration Projects. *Wetland restoration or enhancement projects must take into consideration the proximity of the airport and should provide information to the Airport Land Use Commission to determine whether the increase in the number of birds will pose a safety problem.*

While the revised project involves 6 more acres of wetlands restoration than previously proposed, there will be no human activity, in the Clear Zone. In reviewing the revised project, Steve Foreman, Wildlife Biologist, LSA, Inc, , concluded that the type of wetland proposed to be restored along the canal is not the type of wetland that will be attractive to birds that pose the major hazards to aircraft such as geese and waterfowl that form large flocks and tend to fly at altitudes that intersect with aircraft operations. He also stated that moving the water retention ponds closer to Binford Road takes them further from the airport runway path.

The revised project was reviewed by the Gness Field Airport Director, Ken Robbins, and Marin County Public Works Deputy Director, Jeff Rawles, for consistency with the Airport Land Use Plan policies and the previously approved project. At the December 19, 2006, continued Board of Supervisors (Board) public hearing, on behalf of the Gness Field Airport, Mr. Rawles addressed the Board and stated that no new issues had been raised with the revised project and the only condition of approval requires that prior to issuance of a Building Permit or issuance of a Grading Permit, the applicant must submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the FAA and provide FAA's response to Department of Public Works demonstrating the project is compatible with the Airport.

VII. WHEREAS the Marin County Board of Supervisors hereby finds that findings can be made subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, to approve the proposed Countywide Plan Amendment to:

- A. Designate the 19.34-acre western portion, closest to Binford Road (Lots 1 and 2), Industrial (IND) (FAR 0.04 to 0.35); and
- B. Designate the 27.96-acre eastern portion (Lot 3) Open Space (OS).

as part of the Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tidelands Permit, subject to the mandatory mitigation and monitoring measures and the conditions of approval contained herein, thereby amending the Marin County Development Code (MCDC) (Title 22) and Zoning Map for the following reasons:

- 1) There are sufficient public benefits to offset any detriments, which may be caused by the nature of the proposal, to approve a Countywide Plan Amendment for the project site, consisting of: enhancing, restoring, and preserving 59% of the 47.30-acre property as open, tidal marshlands; allowing the Novato Canal to remain as open, tidal marshlands without human or mechanical intrusion or further dredging; providing a public viewing area towards the marshlands and Black John Slough at the base of the Novato Canal; and striving for high quality

in the built environment while enhancing the natural environment and preserving valuable habitat resources.

- 2) The construction and use of 41% of the site as a low-impact self-storage facility on diked historic lands is consistent with the overall goals and policies, particularly the Bayfront Conservation Zone policies requiring protection and enhancement of the baylands habitat diversity and resource values as set forth in both the 1994 Countywide Plan and the 2005 Draft Countywide Plan.
 - 3) The IND land use designation is intended to allow for a self-storage facility with a floor area ratio range (FAR) of 4% to 35%. The proposed CWP IND land use designation would be consistent with CWP Policy CD-9.3 North Novato where industrial use, with Master Plan approval, is allowed within the City-Centered Corridor.
 - 4) The OS land use designation is intended for preservation of open space and protection of natural resource. Only publicly owned lands may be designated for open space unless subject to deed restrictions or other agreements (CWP Policy CD-8.7).
 - 5) The amendment would modify CWP Community Development Map 1.3 to incorporate the IND and OS land use designations. The IND and OS land use categories are intended to allow for the proposed development and the proposed preservation of open space and protection of natural resources respectively.
- VIII. WHEREAS the Marin County Board of Supervisors hereby finds that findings can be made, subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, to approve the proposed rezoning to:
- A. Rezone the 19.34-acre western portion closest to Binford Road (Lots 1 and 2) Bayfront Conservation -Planned Industrial (BFC-IP); and
 - B. Rezone the 27.96-acre eastern portion (Lot 3) Bayfront Conservation-Open Area (BFC-OA)

as part of the Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Land Division, Master Plan, and Tidelands Permit, subject to the mandatory mitigation and monitoring measures and the conditions of approval contained herein, thereby amending the Marin County Development Code (MCDC) (Title 22) and Zoning Map, Chapter 22.01 (Development Code Enactment and Applicability) is consistent with MCDC Chapter 22.14 (Special Purpose and Combing Districts), Section 22.14.060; Chapter 22.12 (Commercial and Industrial Districts), Section 22.12.030, Table 2-7 and Section 22.12.040 Table 2-8, 2006 for the following reasons:

- 1) Rezoning the 19.34-acre western portion closest to Binford Road (Lots 1 and Bayfront Conservation -Planned Industrial (BFC-IP) zoning designation is consistent with the amended CWP IND land use designation and the BFC-IP

zoning designation complies with the purpose of the Bayfront Conservation overlay designation and allows for the approved self-storage facility.

- 2) Rezoning the 27.96-acre eastern portion towards Black John Slough (Lot 3) Bayfront Conservation – Open Area (BFC-OA) zoning designation is consistent with the amended CWP OS land use designation and the BFC-OA zoning designation complies with the purpose of the Bayfront Conservation –Open Area (BFC-OA), to provide for open space and conservation uses, and preservation of natural resources, and precludes any future development.
- 3) The rezoning, applicable to the Binford Road self-storage facility project is consistent with the Bayfront Conservation (BFC) Combining Zoning as discussed below.

The project site is within the Diked Historic Marshlands Subzone as established by the CWP. CWP Program EQ-2.49b requires that all properties designated within the Bayfront Conservation Zone be zoned with the combining BFC overlay zoning. The bayfront conservation-combining district has as its general purpose the regulation of development to preserve habitat and environmental qualities; preserve public access to, and enjoyment of, the bayfront; preserve view corridors to the bayfront; maintain public health and safety; and maintain restoration of former tidal marshlands potential.

The EA identified capabilities and constraints, environmental conditions, and site and natural resources that affected site development. The planning measures contained in the EA were used as a guide in the preparation and design of the proposed project and were used in the preparation of the Draft Mitigated Negative Declaration of Environmental Impact and by County staff and other agencies in the review of the proposed project. The project would be designed to be consistent with the BFC zoning design standards (Marin County Code, Section 22.14.060 F.) related to preservation of natural habitats, public access, and building design and utilities, protection from hazards, diking, filling and dredging; preservation of habitats; and protection of visual resources and aesthetic quality as discussed below.

1. *Habitats:*

- a. The development would not encroach into wetlands and sensitive wildlife habitats, create barriers which cut off access to food, water or shelter, or cause damage to fisheries or fish habitats. Adequate buffer zones between development and the wetland areas would be provided. There would be no human intrusion into environmentally sensitive wetland habitat areas and development would be limited to the first 1,100 feet west of Binford Road.
- b. Limiting developed lands to the western most portion of the site will increase the buffer zones between wetland habitat towards the eastern portion of the site.

- c. Conditions of approval require all diked areas not approved for development to be restored to as natural an upland habitat environment as possible with native plantings and ground covers, providing important soil stabilization, increasing recharge, and providing wildlife habitat.
2. *Public Access:* The project site is not recommended for a public access trail and is not mapped as a future public trail on the CWP Trails Maps. The project will provide public access to facilitate public viewing enjoyment of the bayfront marshlands, while limiting conflicts between public and private uses on the properties and will provide for a wildlife preserve along the Novato Channel out to Black John Slough. The public viewing area will be setback over 100 feet from the marsh edge.
3. *Building Design:*
 - a. Siting and design of structures will permit visual access to shoreline areas, with buildings clustered towards Binford Road to preserve the views towards Black John Slough and to allow for animal movement corridors from uplands to marshes. Building designs are low in profile with the maximum height at 24 feet.
 - b. Buildings are designed to comply with the minimum development standards and finished floor elevations for identified flood zone areas as established in Title 23, Section 23.09 of the Marin County Code.
4. *Utilities:* All new utility distribution lines will be placed underground.
5. *Environmental Quality:* Development will occur in a manner which minimizes the impact of earth disturbance, erosion, water pollution, and disruption of wildlife habitat to the greatest extent feasible.
6. *Filling:* No new areas will be filled. There will be no fill brought in to the site. Filling for the development will consist of using fill from existing levees on the eastern portion of the property to fill and raise the development site to approximately 8 feet above sea level. Approximately 55,198 cubic yards of fill will be excavated from the eastern portion of the property during restoration of the tidal marshlands. Approximately 54,847 cubic yards of fill will be used for the development site on the western portion, resulting in approximately 350 cubic yards of off-haul, not a significant amount.
7. *Aesthetic and Scenic Quality:* Limiting development of the structures to the first 1,100 feet west of Binford Road will ensure protection of visual access to scenic vistas and open views.
8. *Protection from Geologic, Flooding and Other Hazards:*
 - a. The project will be built on piles in accordance with recommendations of the applicants geotechnical engineers and peer reviewed by the County's consulting geotechnical engineer, Miller Pacific. The use of piles for foundation support eliminates concern for differential settlement of the buildings and the need for higher elevated pads to offset future settlement. Under ground utilities entering the buildings will be placed in flexible connections to avoid rupture. The

exterior approaches to the storage units will require periodic additional filling and repaving to maintain suitable access, but limiting development to the first 1,100 feet east of Binford Road will minimize the expected differential settlement. In accordance with the recommendations of the geotechnical reports as part of this project, planned slopes along the edge of the project site will have a satisfactory safety factor because they will be reinforced with geogrid reinforcement to prevent widespread tension cracking and corresponding loss of fill strength. The final design will require a final geotechnical report with recommended details for grading, excavation compaction, installation of geogrid reinforcement, installation of the pile foundations, details of the building entrances for underground utilities, and pavement construction.

- b. Development will be limited to the most suitable soil conditions for construction and the project will be designed to minimize earth disturbance, erosion, flooding, water pollution, and other hazards to public safety, or flooding.
9. *Agricultural Lands in the Bayfront Conservation Zone:* While the project site itself has no agricultural value as concluded in the EA due to its configuration and degraded soils, the adjacent grazing operations will not be impacted by the approved development.
10. *CWP Policy Consistency:* As well as for the reasons discussed in Finding IV above, the project is consistent with relevant CWP policies listed below:
- a. The approved rezoning designations will not adversely affect the provision of public services for fire protection, roadways, and schools. (CWP Policies EQ-1.1, EQ-3.10, A-1.1)
 - b. The approved rezoning will not directly or indirectly impact special status species or habitat diversity because the proposed improvements would be located either on or adjacent to previously-developed areas of the property, and the project will be designed to avoid tree removal and or other impacts to wildlife habitat. (CWP Policies EQ-2.87 and EQ-3.6)
 - c. The approved rezoning designations will not result in air, water, and noise pollution. (CWP Policy EQ-3.2)
 - d. The project has been designed to avoid hazards associated with earthquakes, erosion, landslides, floods, and fires. (CWP Policy EQ-3.7)
 - e. The project will not result in significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities and will result in a beneficial impact on the social environment of the community through the provision of affordable housing. (CWP Policy EQ-3.9)
 - f. The project will retain the predominant visual qualities for the natural and built environments. (CWP Policy EQ-3.11)
 - g. The project will require minimal native tree removal. (CWP Policy EQ-3.14)

- h. The project will result in development that is in scale with the development within the surrounding area including the storage facility west of Binford Road and the airport structures associated with Gness Field and will result in a low density development in scale with the environmental constraints of the natural environment by limiting development of the structures approximately 1,100 feet east of Binford Road. (CWP Policy EQ-3.25)
 - i. The project will not cause a deterioration of congestion levels in surrounding arterial roadways below a Level of Service D. (CWP Policy T1.1)
- IX. WHEREAS the Marin County Board of Supervisors finds that the proposed Rezoning application, subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, complies with the purposes of the BFC-IP and BFC-OA zoning districts to allow construction and operation of the proposed self-storage facility and restoration and preservation of marshlands, open space, and natural resources in perpetuity respectively consistent with Marin County Code, Chapters 22.12, and 22.14 and would be consistent with the relevant CWP and BFC overlay zoning policies contained in the Marin CWP (refer to Findings V and VIII above). The rezoning would not adversely impact the public health, safety, or welfare of the properties within the surround community and the project site, to be rezoned contains adequate, unconstrained areas for the proposed improvements and related on-site circulation.
- X. WHEREAS the Marin County Board of Supervisors finds that the proposed Master Plan subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, is consistent with the policies contained in the CWP by establishing a general site development plan with the location and designation of land uses, intensity of development, and development that corresponds with each component of the proposed project.
- XI. WHEREAS the Marin County Board of Supervisors finds that the proposed project, subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, is consistent with the mandatory findings to approve a Tentative Map as established by Section 22.84.060 of Marin County Code, as follows: **NOTE:** In accordance with Marin County Code (MCC), Section 22.84.110 (b.) (3),(Vesting Tentative Map), this approval is not a Vesting Tentative Map approval. The project requires subsequent submittal of a Precise Development Plan (Design Review) application and approval pursuant to the provisions of MCC Section 22.42.020 (Applicability). Design Review approval must be obtained by the subdivider prior to, or concurrent with, the approval of a "Vesting" Tentative Map, and no "Vesting" Tentative Map shall be approved unless, and until, the review authority first finds that the proposed project meets the standards for Design Review approval contained in MCC Section 22.42.060. This requirement has not been waived by the Director.).
- A. **The proposed map, together with the provisions for its design and improvement, is consistent with the pertinent Marin Countywide Plan.**

The three-lot land division is consistent with the CWP amended land use designations of IND and OS for the development and use of Lots 1 and 2 as a

self-storage facility with the CWP land use designation of IND and restoration and preservation of tidelands and open space on Lot 3 with the CWP land use designation of OS. The land division and future development would be consistent with the goals and policies of the CWP as discussed in Findings IV, VII, and VIII above, because it allows reasonable development without adversely affecting natural resources, agricultural areas, archaeological resources, public open spaces, wetlands and other sensitive habitat areas or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services.

B. The design or improvement of the proposed land division is consistent with applicable general and specific plans.

The design and improvements of the proposed land division are consistent with the CWP policies because, as modified by conditions of approval, the location, layout and design of the resultant parcels, the location, size and configuration and the subsequent development, vehicular access, public utilities, water systems, and landscaping will meet design goals and policies established by the CWP regarding protection of visual resources, natural resources, and tideland wetlands.

C. The site is physically suitable for the type of development.

The property is physically suitable for the type of development proposed because Lots 1 and 2 will provide an adequate building site for the self-storage facility and circulation with County-approved access and utilities and services without significant disruption to the surrounding natural or built environment.

D. The site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development subject to conditions of approval and further review through the Precise Development Plan application. Further, the project will not result in significant adverse environmental impacts.

E. The design of the land division or proposed improvement is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

All mitigation measures of the Negative Declaration of Environmental Impact have been incorporated into the conditions of approval assuring that the three-lot land division will not cause substantial environmental damage, will allow the restoration and protection of existing and potential habitat value of the tidal wetlands. The future development will be accessed from an existing County-maintained roadway. Construction of improvements will not result in any new fill areas.

F. The design of the land division is not likely to cause serious public health problems.

The design of the three-lot land division, access improvements, and future development is not likely to cause serious public health problems because the project will result in the installation of drainage improvements approved by Department of Public Works (DPW) and roadway access approved by the DPW and Marin County Fire Department for emergency access. Future improvements will comply with the fire safety standards as required by the Marin County Fire Department and Building Inspection in accordance with the Uniform Building Code. The project will not entail any sewage disposal service. Water will be provided by the North Marin Water District.

G. The design of the land division or type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed land division.

The design of the land division and siting of improvement would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed land division. Project design includes the realignment of access easements to the KCBS towers at the eastern end of the property as approved by Department of Public Works.

XII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the mandatory findings for protection of tidal waterways subject to the mandatory mitigation and monitoring measures and conditions of approval contained herein, in order to approve a Tidelands Permit (Section 22.77.040 of the Marin County Code) as described below.

A. **The encroachment of the tidelands is the minimum necessary to achieve the purpose of the proposed work.**

The project entails the removal of soils from the diked areas on the easternmost portion of the property for tidal marshlands restoration, with the excavated soils to be used to elevate the diked levees on the westernmost portion of the property for development. The project has been designed to result in a balance of cut and fill with an off-haul of approximately 350 cubic yards, not a significant amount. No new land areas not already filled will be filled by the proposal. While in the short-term, the project will result in encroachments into the tidelands for the purpose of restoration work, in the long-term more of the historic tidelands will be restored.

B. **The proposed fill, excavation or construction will not unduly or unnecessarily:**

1. **Inhibit navigation;**

The proposed project ultimately will eliminate the Novato Canal as a navigable water way and restore the canal to marshlands. The project will not result in inhibiting any nearby navigable waters or result in any adverse impacts to watercraft navigating surface water near the subject property. *(Please refer to B. (9.) below.)*

2. **Inhibit access to publicly owned tidelands;**

There are no known access easements over the subject property to publicly owned tidelands that would be affected by the project.

3. **Cause or increase the likelihood of water pollution;**

The proposed project would not result in any increase in the amount of impervious surfaces on the subject property, which would result in polluted water run-off into the waterway. The project does not entail the disposal of waste water. 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, before reaching any watercourses or wetlands. Water run-off from the buildings' roofs would be collected into drainage pipes running to the water retention ponds for filtering, thereby maximizing water quality of the tidal subzone.

4. **Cause or increase the likelihood of flooding of adjoining lands;**

The project consists only of removing soils from existing dikes on the eastern portion of the property, leaving the necessary amount of levee to protect adjacent lands from flooding. The Department of Public Works staff has not identified any drainage or flooding problems associated with the proposed project. 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, before reaching any watercourses or wetlands. Water run-off from the buildings' roofs would be collected into drainage pipes running to the water retention ponds for filtering, thereby maximizing water quality of the tidal subzone. All restoration work would be constructed in accordance with a restoration plan submitted with the Precise Development Plan application to be reviewed and approved by Department of Public Works in accordance with a Final Geotechnical Report.

5. **Destroy or accelerate the destruction of habitats essential to species of fish, shellfish and other wildlife of substantial public benefit;**

While initial construction activities related to the restoration of the eastern portion of the property and the continued filling of the dikes on the western portion of the property will disturb wildlife in the short term, the wetlands restoration project on the eastern portion of the project will result in enhanced wetlands habitat in the long term. In the long-term, the proposed project use will result in less human intrusion and activity in areas of habit value then the existing uses. The waterway of the Novato Canal and the eastern portion of the property will be protected for wildlife in perpetuity. A mitigation measure incorporated into project approval requires the applicant to retain a Biological Monitor, approved by the County, to provide the Community Development Agency staff for review a plan providing an appropriate construction barrier fencing to be erected and maintained along the grading limits on the areas to be further filled, thereby protecting the Novato Canal. A mitigation measure incorporated into project approval requires the applicant to submit to the Community Development Agency for review a pre-construction survey conducted by a qualified biologist no more than 30 days prior to construction-related activities, if grading or construction activities are to occur during nesting periods (normally between February 1 and August 31) to determine if the nest of any migratory birds or raptors would be destroyed. If any active nests are present, species specific recommendations must be prepared by the biologist and implemented by the applicant to prevent abandonment of any active nest. If nests are found, construction activities shall not be permitted until the nesting activity is completed and until the biologist has confirmed that the young raptors have fledged and are able

to forage or are capable of flight on their own. This condition may require the consultation of the California Department of Fish and Game and the U. S. Fish and Wildlife Service to ensure compliance with the Migratory Bird Treaty Act and State Fish and Game Code. While some upland habitat area will be destroyed on existing diked areas, there are more superior oak woodlands and grasslands upland habitat areas within the vicinity of the property site.

6. **Interfere with, or detract from, the line of sight of the public toward the water, particularly on natural features of visual prominence;**

The project does not include any structure or element that would interfere with, or detract from, views of the open waters towards Black John Slough and the Petaluma River. The project includes a public viewing area at the western end of the Novato Canal to provide views extending the length of the canal to the Petaluma River.

7. **Conflict with the scenic beauty of the shoreline due to height, bulk, form, color materials, illumination or the extent and design;**

The project does not include any structure or element that would conflict with the scenic beauty of any shoreline nor add unusual height, bulk, or mass to the project site. The proposed structures are generally lower than those structures associated with the Gness Field Airport to the north.

8. **Create a safety hazard in connection with settlement of fill or earthquakes; and**

The project site is located outside of any known Earthquake Fault zone as defined by the Alquist Priolo Earthquake Fault Zone Act, although the site would be affected by any substantial seismic event in the Bay Area. Because of its location, it is not subject to tsunami. Portions of the site have been filled previously from 5 to 9 feet over a layer of compressible bay mud ranging from 7 to 32 feet in depth. The project requires balancing the on-site fill by excavating diked lands on the eastern portion of the property to be used as fill on the western development site to bring improvements to a final elevation of 8 feet NGVD for flood protection and to stabilize slopes on the north property line.

In the western 800 feet of the site where the bay muds are the thinnest and site elevations are currently the highest, the site requires the least amount of fill to reach 8 feet NGVD for the project. The 2 to 3 feet of fill required in this section will generate only minimal new shear stresses in the foundation soils and long term post construction settlement from consolidation of the mud should not be significant. This reach would require the most fill along the north property line where the current fill slopes downward. In this location, the fill would require reinforcement using Tensar UX 1100HS Fabric, a polyvinyl stabilizing grid, sandwiched between the layers of fill. Four layers of the geogrid reinforcement between layers of fill are proposed to prevent widespread tension cracking and loss of fill strength.

In the next reach of the site extending to about 600 feet east of Binford Road (total development site extends approximately 1,400 feet east of Binford Road), an average of 4 to 5 feet of fill will be required to support construction of improvements. Again, the use of four layers of the Tensar geogrid reinforcement is proposed along a portion of the north property line where current grades are lowest. Therefore, the revised project will result in less than a significant impact due to geologic hazards.

A number of geotechnical investigations of the site have been prepared over the years by qualified geotechnical engineers to evaluate the subsurface conditions of the site. Based on a relatively large number of borings, these reports conclude that seismically induced hazards would be reduced to an acceptable level with the installation of the Tensar geogrid as part of the engineering of the fill in specified locations, the use of pilings under both buildings and pavement areas, the use of light weight materials for construction of the buildings, flexible utility conduits and a staged fill program to account for settlement and consolidation of the underlying bay muds.

Peer review of these reports was performed by Miller Pacific Engineering, which concluded that with certain mitigation measures incorporated into project approval, the proposed structures could be constructed safely on the site without adversely impacting slope stability or changing the drainage in any measurable manner, assuming the recommendations of the applicant's geotechnical engineers and the standard Marin County construction practices are followed. Conditions of approval require that before issuance of any building or grading permit, the applicant shall submit a final geotechnical report and plan with recommended details for the phased grading, over excavation, compaction, installation of geogrid reinforcement, preparatory piercing of the geogrid reinforcement, installation of the pile foundations, details of the building entrances for underground utilities and pavement construction.

9. Diminish natural waterways by siltation, sedimentation or bank erosion.

Historically, the project site consisted of baylands. In the late 1800's, the area was diked for agricultural production. Circa 1920, the Novato Canal waterway was created by dredging west from Black John Slough, ending in a hammerhead-shaped turning basin next to what is now Binford Road, and building the current north and south levees on either side of the canal. This waterway will be eliminated

with this project, as the Novato Canal will be allowed to silt in and revert to tidal marshland with no further use of the canal as a waterway.

C. The proposal is in substantial harmony with any adopted county general plan or specific plan, including the Local Coastal Program, Units I and II and is consistent with public trust policies for tidelands areas.

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 Countywide Plan (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, 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). Ideally, all of the filled areas of the property would be restored to tidal action, except for minimal diking to protect adjacent private property from flooding. The proposal is in 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 environmentally constrained areas of the site and entirely on disturbed, filled (diked) areas. The most environmentally constrained areas will be restored and preserved for their habitat and environmental qualities. 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 tidal marshlands, the project is consistent with the CWP Bayfront Conservation Zone policies.

D. Public benefits will be created to offset some of the detriments, which may be caused by the nature of the proposal.

The 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, increased and enhanced tidal marshlands, without human or mechanical intrusion, will provide an environmental public benefit, while allowing a reasonable economic use of the property that strives for high quality in the built environment, enhances the natural environment, and preserves valuable habitat resources.

The project balances competing environmental goals with applicable development regulations. For the purposes of preserving the natural environment, the proposed development and use is environmentally superior to those land uses consisting of marina and water recreation uses and commercial boat building and repairs, without protection of the Tidelands Subzone, a highly sensitive ecosystem, as allowed under the existing CWP RC land use and RCR zoning designations. Public enjoyment of the marshlands will be provided by a public viewing platform overlooking the Novato Canal towards the Bayfront and the Petaluma River.

E. The proposed fill, excavation or construction will not adversely affect existing public rights on the property.

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The project involves the removal of fill on the eastern portion of the property to be used as fill on the existing dikes on the western portion of the property. No public rights are known to exist over the project site.

- XIII. WHEREAS the Board of Supervisors finds that in accordance with Marin County Code, Section 22.44.030 C. (2), conditions of project approval require that upon approval of the Master Plan, but before recordation of the Parcel Map and before issuance of any development permits, including grading and building, for future development of the self-storage facility component and related site improvements, including filling and grading, the applicant must submit a Precise Development Plan for County review and approval. No development and/or land improvements and/or building construction are allowed until the Precise Development Plan is approved. Said Precise Development Plan application shall be referred to the Planning Commission for a public hearing (Marin County Code, Section 22.44.030 C. (2) (b)).

“EXHIBIT 2”

CONDITIONS OF APPROVAL

**Binford Road, LLC Self-Storage Facility Countywide Plan Amendment (PA 01-01),
Rezoning (RZ 01-01), Master Plan (MP 01-02), Land Division (Tentative Map) (LD 01-01)
and Tidelands Permit (TP 01-03)
8190 Binford Road, Novato
Assessor's Parcels 125-190-21, -65, and -66**

Marin County Community Development Agency – Planning Division

General

1. Except as modified herein by conditions of approval, the Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment, Rezoning, Master Plan, Tentative Map and Tidelands Permit applications are conditionally approved for the development and operation of a self-storage facility and restoration of wetlands and preservation of open space and natural resources on property located at **8190 Binford Road, Novato, further identified as Assessor's Parcels 125-190-21, -65, and -66**. The land use entitlement components and the development components of the project as approved are itemized below

Countywide Plan Amendment (CWP)

The CWP Land Use Designation for the 47.3-acre project site is amended as follows:

- a. From Recreational Commercial (RC) to Industrial (IND) (FAR 0.04 to 0.35): the 19.34-acre western portion, closest to Binford Road (Lots 1 and 2), comprising the first approximately 1,100 feet easterly of Binford Road for the storage facility, plus an additional approximately 300 feet to the east for a total of approximately 1,400 feet for construction of the water quality retention ponds; and
- b. From Recreational Commercial (RC) to Open Space (OS): the 27.96-acre eastern portion (Lot 3).

Rezoning

Title 22, pursuant to Marin County Development Code and Zoning Map, is amended for the 47.3-acre project site as follows:

- a. From Resort and Commercial Recreation District (RCR) to Bayfront Conservation – Industrial Planned District (BFC-IP): the 19.34-acre western portion, closest to Binford Road (Lots 1 and 2), comprising the first approximately 1,100 feet easterly of Binford Road for the self-storage facility, plus an additional approximately 300 feet to the east for construction of the water quality retention ponds; and

- b. From Resort and Commercial Recreation District (RCR) to Bayfront Conservation-Open Area (BFC-OA): the 27.96-acre eastern portion (Lot 3).

Tentative Map

The Binford Road, LLC Storage Facility Land Division (Tentative Map) (LD 01-01) application is approved pursuant to Marin County Code Chapter 22.84 (Tentative Map) for reconfiguring and dividing the 47.3-acre property into three new lots as follows:

Lot	Size	CWP Land Use Designation	Zoning
Lot 1	9.47 acres	IND (FAR 0.04 to 0.35)	BFC-IP
Lot 2	9.87 acres	IND (FAR 0.04 to 0.35)	BFC-IP
Lot 3	27.96 acres	OS	BFC-OA

Master Plan

The Binford Road, LLC Self-Storage Facility Master Plan (MP 01-02) application is approved pursuant to Marin County Code Chapter 22.44 (Master Plan), Section 22.44.030 and Section 22.44.050 for the following:

Lots 1 and 2

This Master Plan approval authorizes the development and use of a multi-purpose self-storage facility for storage of personal vehicles, recreational vehicles and trailers, boats, general household items, and office storage on approximately 4.57 dry-land acres on Lot 1, with a maximum floor area not to exceed 61,500 square feet, and on approximately 4.97 dry-land acres on Lot 2, with a maximum floor area not to exceed 71,740 square feet. Changes to the distribution of floor area may be approved through the Precise Development Plan as long as the maximum square footage is not exceeded.

Lot 3

This Master Plan approval requires wetlands restoration and preservation of open space and natural resources on 27.96 acres of Lot 3, as follows: (a) restoration on 4.1 acres of former uplands and seasonal wetlands restored to tidal marsh in 2001 as part of the U. S. Army Corp of Engineers permit shall be continued; (b) an additional 8.25 acres of previously filled area shall be restored to tidal marsh habitat; and (c) the entire area of Lot 3 shall be preserved as open space. CONCURRENTLY WITH THE RECORDATION OF THE PARCEL MAP, the applicant shall: (a) submit an offer of dedication over Lot 3 in fee simple to a governmental or land conservation entity acceptable to the Community Development Agency; or alternatively (b) submit an offer of dedication of an easement to a governmental or land conservation entity acceptable to the Community Development Agency over Lot 3. Said offer shall be shown on the Parcel Map.

Novato Canal

The entire Novato Canal shall be kept and maintained in a natural state subject to tidal action wetlands in perpetuity and any construction within the Novato Canal, other than tidelands restoration approved through this project is prohibited without County approvals. CONCURRENTLY WITH THE RECORDATION OF THE PARCEL MAP, the applicant shall submit an offer of dedication of an easement to a governmental or land conservation entity acceptable to the Community Development Agency over the Novato Canal within Lots 1 and 2 (approximately 9.8 acres of Lots 1 and 2). Said offer shall be shown on the Parcel Map.

Approved Development

Development of the self-storage structures shall be located on approximately 9.54 acres of dry land at the western-most portion of the site (Lots 1 and 2), extending approximately 1,100 feet easterly from Binford Road along the northern and southern levees of the Novato Canal. Water runoff retention ponds shall extend an additional approximately 300 feet easterly along the northern and southern levees.

Buildings

This approval allows construction and operation of a maximum of 386 storage units in 13 buildings totaling a maximum of 133,540 square feet as follows: 61,500 square feet of floor area on Lot 1 (31% FAR on approximately 4.57 dry-land acres) and 71,740 square feet of floor area on Lot 2 (33% FAR on approximately 4.97 dry-land acres). The one-story structures shall have a range in height from 14 to a maximum of 24 feet. Buildings shall be light construction with metal framing, with an exterior materials palette generally consistent with stucco walls, with occasional split-face concrete block walls for the taller units, and metal roofing. Final exterior finishes shall be determined through the Precise Development Plan.

Access

Access to the storage units shall be from Binford Road with the construction of two internal roadways on Lots 1 and 2 extending along the north and south levees. Beyond these roadways, a gravel road on the northern levee providing access to the KCBS towers shall be realigned into a 20-foot wide access easement. Similarly, an existing access easement on the southern levee shall be realigned to a 20-foot wide access easement.

Landscaping

Landscaping, in accordance with an approved plan through the Precise Development Plan review, shall be installed along the northern and southern property boundaries of Lots 1 and 2 to provide screening of the approved structures and buffering between the development and adjacent dry lands and wetlands. A public viewing area with

parking shall be provided immediately off Binford Road to afford the public views of the marsh wetlands running the length of the canal towards the Petaluma River.

Water Quality Retention Ponds

A water quality retention pond is approved for construction on each levee immediately east of the storage facility areas. The wet ponds shall contain and remediate water runoff from paved areas, roofs, and other areas of the site.

Utilities

Utility service on the site shall be limited to: 1) electricity; 2) water for fire protection and landscaping from the North Marin Water District; and 3) telephone service to support the security system. Except during construction, when portable toilets may be used, there will be no on-site sanitary facilities or portable toilets without County approvals. The operator of the self-storage facility shall subscribe to a commercial waste collection service to haul trash on a regular bases from bins situated on the north and south paved driveways.

Tidelands Permit

A Tidelands Permit is approved pursuant to Marin County Development Code, Chapter 22.52 (Tidelands Permits) to allow the approved grading and fill work to take place in land and water areas below an elevation of seven and one-half feet Mean Lower Low Water (MLLW) datum.

Continued and Required Marsh Restoration

As part of the Master Plan approval monitoring of the approximately 4.1 marsh restoration project shall continue in accordance with the U. S. Army Corps of Engineers Permit (Permit No. 247177N). Prior to recordation of the Parcel Map or issuance of any Grading Permit or Building Permit, the applicant shall submit a Marsh Restoration Plan for Lot 3, prepared by a qualified consultant, approved by the Marin County Environmental Coordinator, to the Community Development Agency (CDA) and the U. S. Army Corps (Corps) of Engineers for review and approved. The Marsh Restoration Plan shall include a Five-Year Monitoring Program with yearly monitoring occurring at the site between mid-August and mid-September with monitoring reports submitted to the CDA and the Corps, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and Regional Water Quality Control Board by October 31 of each monitoring years 1 through 5. The first year following construction shall be considered year zero and used as a baseline. Monitoring shall continue annually during the five years following. Monitoring shall be conducted annually to document sedimentation rates in the Novato Canal and restoration areas and to document marshland establishment. Annual inspections shall occur during the high flood tide and low tide.

Abatement of Previous Entitlements

The Binford Road, LLC Self-Storage Facility Countywide Plan Amendment, Rezoning, Tentative Map (Land Division), Master Plan, and Tidelands Permit approvals and any

investment thereof abates and invalidates 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). Approval of the current Binford Road, LLC applications for the self- storage facility nullifies and abates the use of the site as a marina and boat repair and boat building facility as allowed under the aforementioned Master Plans and Judgments.

2. The Binford Road, LLC Self-Storage Facility Marin Countywide Plan Amendment, Rezoning, Master Plan, Tentative Map and Tidelands Permit approvals shall be in compliance with the following plans:
 - a. Revised Tentative Map, "Binford Storage", prepared by Steven J. Lafranchi & Associates, dated 1/19/07, consisting of five sheets and further identified as "Exhibit A" on file in the Community Development Agency.
 - b. Conceptual Architectural Plan, prepared by Pacific Design Group Architecture, and further identified as "Exhibit B" on file in the Community Development Agency.
3. Project approval requires that all stages of project development shall conform to the adopted Mitigation, Monitoring and Reporting Program as determined by the Community Development Agency and Department of Public Works verifying compliance with each of the required mitigations.
4. All utility connections and extensions (including but not limited to electric and communication) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
5. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
6. 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. Construction involving modifications that do not substantially comply with the

approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

7. No second stories, lofts, balconies, mezzanines, or any other storage facilities beyond the first floor shall be added to the internal space of any unit without County approvals.
8. BEFORE DEMOLITION OF ANY STRUCTURES, THE APPLICANT SHALL OBTAIN A DEMOLITION PERMIT FROM THE COMMUNITY DEVELOPMENT AGENCY – BUILDING SAFETY AND INSPECTION DIVISION. BEFORE ISSUANCE OF ANY DEMOLITION PERMITS, the applicant shall comply with the items listed below.
 - a. With the permit application, the applicant must submit a copy of the Bay Area Air Quality Management District (District) J# Pre-Demolition Asbestos Survey application. The applicant must comply with all District requirements relating to containment and disposal of asbestos and other hazardous materials.
 - b. The applicant shall submit a Construction and Demolition Waste Recovery Plan prepared by a salvage contractor, architect and/or qualified consultant in compliance with Marin County Board of Supervisors Ordinance 3389, Construction and Demolition Waste Recovery Ordinance.

Tentative Map Conditions

1. ONLY AFTER APPROVAL OF THE PRECISE DEVELOPMENT PLAN, BUT BEFORE ISSUANCE OF ANY BUILDING OR GRADING PERMITS, the subdivider shall file a Parcel Map with the County Recorder to record the land division approved herein. The required Parcel Map must be in conformance with Exhibits "A," including, but not necessarily limited to, the approved lot lines, driveway, sewer, and utility easements, and building envelopes. Prior to recordation of the Parcel Map, the Parcel Map must be submitted to the County Surveyor for review and approval. Parcel Map data and form must be in compliance with provisions of Chapters 20.36 and 20.40 of the Marin County Code.
2. The Binford Road, LLC land division approval must be vested by recordation of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the subdivider and payment of the appropriate extension fee for a period not to exceed an aggregate of three years beyond the expiration date. Extension of the land division approval may be permitted pursuant to applicable State law.
3. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the subdivider defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Binford Road, LLC Self-Storage Facility land division, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the subdivider of any claim, action, or

proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

4. The subdivider shall construct or cause to be constructed all improvements required by Title 22 (Subdivision), Title 24 (Development Standards), and any improvements shown on or required as a condition of approval of the land division approved herein, including site grading, utilities, drainage, and the common driveway improvements. Prior to recordation of the Parcel Map and commencement of any construction work, the subdivider shall submit Improvement Plans for review and approval of the Marin County Department of Public Works, as specified in Title 24 of the Marin County Code. The required land division improvements must be completed before occupancy of any new structure within the land division.
5. BEFORE RECORDATION OF THE PARCEL MAP, the following restrictions and conditions shall be stated and shown on the Parcel Map, or supplemental sheets, to be filed for record:
 - a. All easements shall be shown on the Parcel Map.
 - b. Further land division of any parcel created by this land division shall not be permitted. This restriction shall be stated on the Parcel Map.
6. Unless a public emergency service provider requires otherwise or unique circumstances necessitate a change, street addresses for the approved lots shall be as follows:

PARCEL	STREET ADDRESS
1	8190 Binford Road
2	8200 Binford Road

7. BEFORE RECORDATION OF THE PARCEL MAP, all existing buildings, boats, and debris on the site shall be demolished, removed, and recycled in accordance with Marin County standards and permits. In-lieu of recordation of the Parcel Map, the Agency Director may accept a signed Performance Agreement secured by financial security in the amount of 150% of a submitted Clean-up Estimate, accepted by the County, plus an administrative fee at the prevailing County Fee Schedule rate, deferring the clean-up for a period not to exceed two years from the date of the recordation of the Parcel Map.
8. CONCURRENTLY WITH, OR PRIOR TO, THE RECORDATION OF THE PARCEL MAP AND BEFORE ISSUANCE OF ANY CONSTRUCTION PERMITS the applicant shall offer an additional avigation easement to the County for Gness Field to be recorded, in accordance with the requirements of Department of Public Works. No development is approved or shall be permitted within the Clear Zone Easement.

Special Conditions

Following approval of the Precise Development Plan, the following conditions shall apply:

1. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit a detailed and final grading plan for grading permit purposes, based upon the approved Tentative Map and Precise Development Plan material showing all temporary grades expected and their relationship to incomplete portions of the project during the fill period (*Geophysical Mitigation Measure 3b) 1)*).
2. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit an Erosion and Dust Control Plan that includes Best Management Practices to provide Erosion and Dust Control measures during construction and permanent long-term Erosion and Dust Control measures throughout the property. This plan shall be submitted to the Department of Public Works, Land Use and Water Resources Division for their review and approval (*Geophysical Mitigation Measure 3b) 2)*).
3. Grading shall not occur in the rainy season (from October 15 through April 15) unless an Erosion and Dust Control Plan approved by the Department of Public Works which complies with the construction guidelines of the Marin County Stormwater Pollution Prevention Program is in place. A cash bond may be required to insure that control measures are implemented and maintained (*Geophysical Mitigation Measure 3b) 3)*).
4. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit a final geotechnical report and plan shall be prepared with recommended details of the phased grading, over excavation, compaction, installation of geogrid reinforcement, preparatory piercing of the geogrid reinforcement, installation of the pile foundations, details of the building entrances for underground utilities and pavement construction (*Geophysical Mitigation Measure 3c) 1)*).
5. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall prepare and submit to the Department of Public Works the final grading plan in accordance with all recommendations contained in the final geotechnical report. The grading plan shall further establish detailed completion goals and milestones for each Phase as well as the overall grading plan for the site (*Geophysical Mitigation Measure 3c) 2)*).
6. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPP Plan) designed by a qualified civil engineer that addresses both interim (during construction) and final (post construction) stormwater pollution control measures, referred to as Best Management Practices (BMP), to the San Francisco Regional Water Quality Control Board and Marin County Department of Public Works and obtain approval on both the interim and final discharge plans for construction. BMPs may include, but are not limited to, artificial wetlands and ponds, sediment basins,

infiltration trenches, grassed swales, filter strips and buffers, oil/water separators, and site and landscaping management procedures. The plan shall follow guidelines as established in "Start at the Source", published by the Bay Area Stormwater Management Agencies Association and adopted by the County (*Water Mitigation Measure 4 a) 1*)).

7. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit to the Marin County Department of Public Works a separate monitoring, maintenance, and replacement program of all drainage improvements for each of Lots 1 and 2. Said program shall be designed by a qualified civil engineer for all drainage lines, grass lined swales and retention ponds for maintenance on an on-going basis in accordance with Best Management Practices as adopted by the County (*Water Mitigation Measure 4 a) 2*)).
8. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit plans for construction for approval by Department of Public Works, and the Novato Fire District that show the use of permeable pavement for roadways and parking strips in order to reduce surface runoff. The material(s) used needs to be strong enough to support a fire truck. The Bay Area Stormwater Management Agencies Association (BASMAA, 1999) "Start at the Source" manual lists 8 alternative materials that can be used as permeable pavement (*Water Mitigation Measure 4 a) 3*)).
9. BEFORE APPROVAL OF ANY IMPROVEMENT PLANS OR ISSUANCE OF ANY BUILDING OR GRADING PERMIT, to account for the project's potential to house odor producing products or for tenants to engage in odor-producing activities, the applicant shall forbid tenants the storage of odor producing products or tenants' use of storage units for odor-producing activities in leasing or rental arrangements for each unit and shall submit a copy of the standard lease with this provision to the Community Development Agency for review (*Air Quality Mitigation Measure 5d) 1*)).
10. BEFORE ISSUANCE OF ANY BUILDING OR GRADING PERMIT, the applicant shall submit the project's contribution to the cumulative traffic conditions in North Novato upon its completion, by submitting traffic mitigation fees for construction of traffic improvements according to the prevailing fee schedule to Department of Public Works, Traffic Division (*Transportation/Circulation Mitigation Measure 6a) 1*)).
11. DURING CONSTRUCTION ACTIVITIES, all heavy equipment and vehicles shall be well maintained and inspected daily for leaks by the applicant's construction supervisor/engineer. Fueling and maintenance staging areas shall be designated and located away from wetland areas. Appropriate measures shall be implemented to prevent accidental spills to the designated areas (*Biological Resources Mitigation Measure 7a) 1*)).
12. BEFORE ISSUANCE OF ANY BUILDING OR GRADING PERMIT a Biological Monitor, approved by the County and retained by the applicant, and the project construction supervisor/engineer shall provide to the Community Development Agency staff for review and approval a plan indicating where the location of grading limits shall be staked/marked/ and where an appropriate construction barrier fencing (silt fence or

plastic/fabric mesh) shall be erected and maintained along the grading limits. No equipment or personnel will be allowed outside of approved construction areas without prior approval of the Biological Monitor. Construction barrier fencing shall be left in place and maintained by the contractor throughout the course of construction, or in locations where they interfere with the Contractor's operations, until the Biological Monitor gives permission for their removal (*Biological Resources Mitigation Measure 7a) 2)*).

13. DURING CONSTRUCTION all food-related and daily trash items such as wrappers, cans, bottles, and food scraps generated during construction shall be disposed of in closed containers and removed from the project site on a daily basis (*Biological Resources Mitigation Measure 7a) 3)*).
14. No pets shall be permitted on site during construction activities. Tenants' lease shall state that no pets shall be permitted on site (*Biological Resources Mitigation Measure 7a) 4)*.)
15. Prior to issuance of a grading permit or building permits the applicant shall submit to the Community Development Agency a pre-construction survey conducted by a qualified biologist no more than 30 days prior to construction-related activities, if grading or construction activities are to occur during nesting periods (normally between February 1 and August 31 - verify) to determine if the nests of any migratory birds or raptors would be destroyed (pursuant to LSA BR-7). A report documenting the findings of the survey shall be prepared and submitted for review and approval by the Community Development Agency - Planning Division. If any active nests are present, species specific recommendations shall be prepared by the biologist and implemented to prevent abandonment of the active nest. If nests are found, construction activities shall not be permitted until the nesting activity is completed and until the biologist has confirmed that the young raptors have fledged and are able to forage or capable of flight on their own. As necessary, representatives of the California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted regarding appropriate construction restrictions, and other methods to ensure compliance with the Migratory Bird Treaty Act and State Fish and Game Code and to meet standards related to the nesting habitat and the timing of site disturbance (*Biological Resources Mitigation Measure 7b) 1)*).
16. BEFORE ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall submit to the Community Development Agency for review a revised final landscape plan, with irrigation, including native species to serve as buffers in the following locations:

Upland: Coyotebush (avoid prostrate varieties) Coffeeberry, Live Oak, Yellow willow and several sage, lupine, and buchweat species, and

Transitional-Marsh Edge: Limonium, California rosemary, salt grass, California brome, Meadow barley, Alkali heath, Marsh gumplant.

(*Biological Resources Mitigation Measure 7c) 1)*)

17. BEFORE FINAL INSPECTION, the applicant shall install all required landscaping per the approved landscaping plan.

(Biological Resources Mitigation Measure 7c) 1))

18. No pesticides or herbicides shall be used in installation or maintenance of landscaped improvements in order to protect the adjacent wetlands and wildlife from accidental exposure to these substances (*Hazards Mitigation Measures 9a) 1))*).
19. Pile driving activities, although temporary in nature, should be of short duration and limited to those times of the year least disruptive to nesting wildlife, such as the clapper rail. prohibits pile driving activities between September 1 and January 31 to avoid disturbing potential clapper rail nesting activity in the canal or along Black John Slough east of the site (*Noise Mitigation Measure 10a) 1))*).
20. BEFORE ISSUANCE OF ANY IMPROVEMENT PLAN APPROVAL OR GRADING OR BUILDING PERMIT, to assure that the approved project would not adversely impact existing off-site storm water drainage facilities, the applicant shall submit a precise drainage plan showing both temporary and final configurations of drainage pipe, swales, ponds and all other related improvements for storm water drainage to the Department of Public Works. This plan shall be coordinated with the Storm Water Pollution Prevention Plan for the project required by the San Francisco Regional Water Quality Control Board (*Utilities and Service Systems Mitigation Measure 12 3) 1))*).

Precise Development Plan

1. UPON APPROVAL OF THE MASTER PLAN, BUT BEFORE ISSUANCE OF ANY DEVELOPMENT PERMITS, INCLUDING GRADING AND BUILDING, FOR FUTURE DEVELOPMENT OF THE SELF-STORAGE FACILITY COMPONENT AND RELATED SITE IMPROVEMENTS, INCLUDING FILLING AND GRADING, the applicant must submit a Precise Development Plan for County review and approval. No development and/or land improvements and/or building construction is allowed until the Precise Development Plan is approved. The Precise Development Plan must be consistent with the approved Master Plan and conditions of approval. The Master Plan approval can not be vested until the Precise Development Plan is approved and all conditions of the Master Plan approval are properly satisfied. Conditions of approval allow approval of the required Precise Development Plan only if the review authority first finds that the proposed development is in substantial compliance with all conditions of the approved Master Plan (Marin County Code, Section 22.44.030 C. (2) (c)). The Precise Development Plan application shall be referred to the Planning Commission for a public hearing (Marin County Code, Section 22.44.030 C. (2) (b)). The Precise Development Plan must also be consistent with County policies and regulations in place at the time of approval.
2. SUBMITTAL REQUIREMENTS FOR THE PRECISE DEVELOPMENT PLAN SHALL ADDRESS, BUT NOT NECESSARILY BE LIMITED TO, AND INCORPORATE THE FOLLOWING ITEMS:
 - a. Submit a final lighting plan to the Community Development Agency for review and approval that shows the exterior lighting. This lighting plan must be presented to staff at Gness Field for review for assessment of the potential night safety impacts on

night operations at Gness Field. In general, exterior lighting should not be visible from off the property. Submit a tear sheet of the selected fixture for review and approval.

- b. Submit a Tidal Marsh Restoration and Monitoring Plan (Plan) for Lot 3, prepared by a consultant acceptable to the Marin County Environmental Coordinator for review and approval by County staff. The Plan shall address how all areas disturbed by excavation shall be restored to as natural an environment as possible with native plantings and ground covers species consistent with wetlands restoration, thereby providing important soil stabilization, increasing recharge, and providing wildlife habitat. The Plan shall identify the entity that will monitor and maintain the ponds and drainage systems to assure water protection of the wetlands and the Novato Canal.
- c. Provide a program for rehabilitation of Binford Road for roadway deterioration resulting from heavy-truck traffic introduced by the construction activities. This may require the applicant to submit a photographic survey of the existing road conditions of access roads Atherton Avenue, east of Highway 101 and Binford Road in three locations. Before final inspection, the applicant shall submit a post-construction photographic survey to verify the conditions of the roadway have been maintained and any damage caused by construction vehicles has been repaired.
- d. Submit a precise landscape and irrigation plan, and fencing plan, incorporating the plant material and recommendations contained in the *Environmental Assessment for 8190 Binford Road, Novato, California*, dated February 28, 2000 and prepared by LSA Associates, Inc. for review and approval of the Community Development Agency and the Novato Fire Protection District. In creating the landscape plans, criteria to use should include the following:
 - 1. The entry facade should be designed to create a welcome entry statement and street presence.
 - 2. In accordance with the Novato Fire Protection District (District) guidelines prohibiting a continuous line of trees and requiring a 10-foot separation of tree crowns, , small groupings of trees with greater than 10-foot spacing between crowns should be proposed to achieve a reasonable compromise between screening the facilities from view of Highway 101 and fire protection requirements.
 - 3. The south façade, facing a cow pasture and feedlot, is visible to northbound traffic from Highway 101 is treated with landscape screening should be treated similar to the entry facade with plants spaced to balance screening and fire safety.
 - 4. The north facade faces the Gness Field airstrip hangars, away from the Highway 101 corridor. Landscaping consisting of groups of large native shrubs should transition to smaller native shrubs and then to ground cover shrubs that will tolerate some salinity, and finally to marsh-adapted native plants and grasses.

5. The Canal Zone is an area of regeneration where some indigenous plant material is making a comeback at the tidal zone. Native salt marsh plant material should be reintroduced above the tidal line. A narrow band of native grasses and wildflowers should be hydroseeded along any disturbed areas transitioning between the tree/shrub/groundcover area and the salt marsh plant material.
 6. Project landscape design should ease the transition from the developed areas and structures to the marsh landscape and the adjacent agricultural lands.
- e. Submit a Construction Management Plan (Plan) for review and approval by the Community Development Agency and Department of Public Works staff that includes, but not necessarily limited to: the construction phasing of the approved project, the staging area(s) and storage of materials for all construction activities, and the area(s) designated for parking of construction vehicles that prohibits the parking of construction vehicles that would impact the safety of Binford Road. Said approved Construction Management Plan shall be listed on the first sheet of the office and job site copies of the Building Permit plans. The Plan should address the following:
- (1) All hauling trucks shall be covered when transporting excavated materials.
 - (2) All staging areas, roadways, and parking areas shall be paved temporarily, watered at least twice daily, or stabilized by application of non-toxic soil stabilizers.
 - (3) All excavated material stockpiles shall be enclosed, covered, watered at least twice daily, or stabilized by application of non-toxic soil stabilizers.
 - (4) Construction vehicles shall be limited to speeds of 15 miles per hour or less on unpaved roadways and disturbed or graded construction areas.
 - (5) All construction equipment using fossil fuel shall have installed required emission control devices that are in proper operational condition.
 - (6) All construction equipment shall be turned off when it is not in use.
- f. Design plans should incorporate renewable and solar energy and green building techniques, particularly roof installed solar panels. Other techniques to consider include, but are not necessarily limited to the following list:
- (1) Recycle job site construction waste or donate.
 - (2) Provide for on-site water catchment/retention with a cistern system for irrigation.
 - (3) Incorporate storm water infiltration and retention system.
 - (4) Concrete: incorporate at least 25% recycled flyash in concrete, will flooring be concrete.
 - (5) Use reusable/recycled form boards.
 - (6) What kind of insulation will be used? i.e. structural insulated panels (SIPS) for walls/roof.

- (7) What kind of light fixtures/light bulbs will be used?
- (8) Use "engineered lumber".
- (9) Natural cooling/temperature control system(s).
- (10) Use solvent-free adhesives.
- (11) Use formaldehyde-free materials.
- (12) Use of pervious roads i.e. grasscrete.

Department of Public Works

Following approval of the Precise Development Plan, the following conditions shall apply, unless modified by the conditions of approval of the Precise Development Plan:

1. BEFORE ISSUANCE OF ANY GRADING OR BUILDING PERMITS, the applicant shall submit FAA Form 7460-1 to the FAA and provide Department of Public Works a written response demonstrating that the project is compatible with the Gness Field Airport operation.
2. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall comply with the following conditions:
 - a. Provide recorded documentation for all private and public easements to be wholly or partially vacated, abandoned or "ex-punged".
 - b. Applicant shall comply with State of California, Government Code Sections 66445 and 66436 for all rights-of-ways, easements or other interest owned by public entities. Copy Department of Public Works on any notices sent.
 - c. Applicant shall submit for and receive approval from Marin County Flood Control & Water Conservation District for vacation of existing easement(s).
 - d. Access easement along southern boundary of Lot 3 shall be modified to include entire driveway and all associated driveway improvements including turnaround at end of road.
 - e. The access easement along the northerly property line of Lot 3 shall be a minimum 20 feet wide. The approved 30' easements shall be made 40 feet wide.
 - f. The applicant shall submit a maintenance agreement(s) that provides for the ability of the drainage and driveway improvements to be maintained by the parcel owners. Such agreement shall be provided to the Department of Public Works for review and approval. The agreement(s) shall be recorded concurrent with the Parcel Map.
 - g. It is recommended that points be set at new property corners and that a Parcel Map be filed with the Department of Public Works to be recorded simultaneously with the deeds and descriptions.
 - h. The road easements shall provide adequate area for the proposed turnarounds.
 - i. The "access easements" of Lots 1 & 2 shall allow non-exclusive access by the County of Marin and in addition shall be extended directly to Binford Road at the northwesterly and southwesterly property corners to be dedicated to the County of Marin for access purposes.
 - j. The Parcel Map shall include a public access easement over the non-gated entrance, parking and viewing deck areas.

3. BEFORE ISSUANCE OF ANY GRADING PERMIT OR BUILDING PERMIT, the applicant shall comply with the following conditions:

- a. Plans shall include a striping plan for Binford Road.
- b. Plans shall indicate that no trees are to be planted within the road ROW. Ground cover planting may be allowed subject to an encroachment permit.
- c. Plans must show and delineate existing right-of-way dimension of Binford Road along the property frontage.
- d. Apply for an encroachment permit for all work within the ROW.
- e. Plans must show lot areas and areas of site disturbance.
- f. Centerline radius of new driveway alignment shall not be less than 30 feet (MCC §24.04.255).
- g. Gated entry shall be a minimum 20 feet wide and all improvements shall be made on property or driveway easement.
- h. The driveway approach shall be designed to conform to the improved road. Provide a transition profile starting from the center of the road.
- i. Head-in parking spaces shall be 8.5 feet by 18 feet. Indicate parking stall dimensions.
- j. All handicap parking and loading areas shall meet State of California Title 24 accessibility standards.
- k. Clearly show on plans location and dimension of handicap parking spaces. Clearly indicate route of travel and provide sufficient information to verify that it will comply with CCR Title 24, 1127B.1. Handicap parking slope in any direction shall not exceed 2%.
- l. Provide a Surface Runoff Pollution Control Plan, which addresses post construction control measures, referred to as Best Management Practices (BMP). Such BMPs may include infiltration trenches, filter strips, parking lot/roadway sweeping, catch basin "socks", and landscape management procedures.
- m. Submit a Stormwater Runoff Pollution Control Plan that addresses both interim (during construction) and final (post construction) stormwater pollution control measures, referred to as Best Management Practices (BMP). Permanent BMPs may include, but are not limited to, artificial wetlands and ponds, sediment basins, infiltration trenches, grassed swales, filter strips and buffers, oil/water separators, and site and landscaping management procedures. The plan should follow guidelines as established in "Start at the Source", published by the Bay Area Stormwater Management Agencies Association. The Marin count Department of Public Works must approve the Stormwater Runoff Pollution Prevention Plan prior to issuance of a grading permit or improvement plan approval.
- n. Provide hydrology and hydraulic calculations for the proposed project indicating pre and post subsidence designs. Include an analysis and calculations for the flows through the drainage systems including sediment basins. Calculations shall be based on a 100-year storm frequency.
- o. Streets, lot pads, driveways and parking areas shall be constructed to at least elev. 7.0 feet and finished floors to at least elev. 8.0 feet after ultimate settlement.
- p. All site and grading plans must show pre-settlement and post-settlement elevations. Ultimate subsidence means that subsidence which is predicted to

occur over a one hundred-year period commencing with the completion of construction. Wherever a minimum elevation is stated, it shall be based on the National Geodetic Vertical Datum (N.G.V.D.), and shall refer to the elevation predicted after ultimate subsidence has taken place.

- q. Site plan must show Flood Insurance Rate Map (FIRM) Flood Zone designation and Base Flood Elevation (BFE) using the National Geodetic Vertical Datum (NGVD) of 1929.
- r. The project is in a Special Flood Hazard Area, Zone V1, as show on the FIRM (Community-Panel Number 060173-0140 A & 0145 A). BFE is 6.0' NGVD. Show and label on plans FEMA FIRM Flood Hazard Boundary (Zone V1). Note: Per MCC 23.09.039, fill shall not be used for structural support of buildings in coastal high hazard areas.
- s. Show BFE on all elevation views of the proposed project.
- t. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Novato Fire Protection Department.
- u. Plans must show the existing right-of-way (ROW) dimension of Binford Road along the property frontage.
- v. Label County/City boundary on the plans.
- w. The plans shall be reviewed and approved by a Registered Soils Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamped and signed letter.
- x. A registered Civil Engineer shall design the site drainage and grading plans. Plans must have the engineer's signature and stamp.
- y. Submit Erosion and Siltation Control plans.
- z. Applicant shall obtain all necessary permits from other agencies.
- a-1. Show on plans spot elevations and slopes of ditches or swales, and identify, specify and label all drainage culverts, conduits and structures. Show hydraulic characteristics such as sizes, flowlines, inverts and slopes. Submit drainage system profiles. Show the before and after ultimate settlement slopes and elevations.
- b-2. Each structure or building must have individual designations. Designations must not be duplicated to avoid confusion in identification.
- c-3. Plans shall include details of the overflow channels including adequate slope protection for anticipated overflow.
- d-4. Provide a standard vehicle turnaround at the southeastern end of driveway on Lot 3.
- e-5. Turnarounds shall conform to County of Marin and Novato Fire Protection District's standards. The orientation of the turnaround next to the most easterly Building "D" does not conform to County's or NFPD's standards.
- f-6. Submit certification from Novato Fire Protection District that the driveway and turnaround design is acceptable as shown on plans.
- g-7. Provide dedicated and exclusive gated entrances to County of Marin from Binford Road at the northwesterly and southwesterly property corners. Provide 20-foot wide standard paved driveway approaches.
- h-8. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading and drainage construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

i-9. Applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

k-10. All new construction within Zone V1 that is elevated on pilings or columns shall be constructed so that the pile or column foundations and the structure attached thereto are anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall review the structural design, specifications, and plans for the construction, and shall certify to the County that the design and methods of construction to be used are in accordance with these requirements.

The applicant shall submit a lighting plan, with light fixture specifications, for review and approval.

4. BEFORE FINAL INSPECTION, the applicant shall comply with the following requirements:

- a. Upon completion of construction and prior to final inspection, a FEMA elevation certificate, prepared by a registered civil engineer or licensed land surveyor, shall be submitted to the Department of Public Works.
- b. Upon completion of construction and prior to final inspection, submit certification by a registered engineer or architect that the structure complies with Marin County Code Chapter 23.09, Floodplain Management.
- c. Prior to final inspection by Building and Safety, Binford Road pavement condition from Atherton Avenue to the project site shall be restored to as good or better condition than at building permit issuance.

Department of the Army, U. S. Army Corps of Engineers

Following approval of the Precise Development Plan, the following condition shall apply, unless modified by the conditions of approval of the Precise Development Plan:

5. The proposed work may be within the U. S. Army Corps of Engineers (Corps) permitting jurisdiction and a permit may be required. BEFORE RECORDATION OF THE PARCEL MAP AND ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall submit written documentation verifying that any necessary permits have been obtained from the Corps.

Novato Fire Protection District

Following approval of the Precise Development Plan, the following conditions shall apply, unless modified by the conditions of approval of the Precise Development Plan:

6. BEFORE ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met including the following to comply with California Public Resources Code Section 4290 and the 2001 California Fire Code Sections 901.2 - 902.2.4.2, 903, and 16, 17 of Appendix II-A.:

ACCESS

Fire Department access is acceptable as proposed. Please note that an emergency vehicle clear zone such that vegetation adjacent to driveways and access roads is cleared to a minimum of 15' vertically (no exceptions) and 10' horizontally (no exceptions, first 5'). The Department of Public Works enforces the road and driveway standards.

Note that if a gate is contemplated, Fire District approval for gates on the access road and/or driveway is required. If the gate is locked in any fashion, a MCFD Knox rapid entry system is mandatory.

ADDRESSING

Road signage indicating the address of the residence is required. Numbers are to be a minimum of 4" in height with a 3/8" stroke, on a sharply contrasting background.

DEFENSIBLE SPACE

A vegetation management/defensible space plan is required. The plan is required to show, at a minimum, the topography of the site (slope and aspect), vegetation/species currently on the site and how this vegetation is planned to be modified, and a listing of the species and locations of proposed plantings. Note that the defensible space must be in place prior to framing. Annual maintenance is required. Trees shall not be planted in a location that, when mature, said trees will contact overhead power lines.

During the fire season, firewood must be stored inside a fully enclosed structure, or stored a minimum of 30 feet away from any building.

PROPANE TANK INSTALLATION

The proposed LPG tank location is acceptable. Note that seismic bracing, seismic shutoff device or excess flow device per Marin County Building Department standards is required and must be maintained.

Minimum defensible space requirement:

- a. No combustible materials within 15-feet of any part of the tank.
- b. Defensible space must be maintained.

FIRE PROTECTION WATER SUPPLY

The existing fire protection water supply is acceptable.

OTHER REQUIREMENTS

- a. Automatic fire sprinklers are required per NFPA Std.13. Plans, calculations shall be submitted under permit with the NFPD for review and approval.
- b. As part of the sprinkler system installation, a spare sprinkler head cabinet containing two spare sprinkler heads, and the applicable sprinkler head wrench will be required prior to final approval of the sprinkler system.
- c. Class "A" Roofing (design approval and site inspection by the building dept.)
- d. Smoke Detection System (design approval and site inspection by the building dept.)
- e. All fire sprinkler alarms and valves shall be monitored and zones by an approved UL Central Station conforming to NFD Standard #400.
- f. A serially numbered UL Certificate shall be issued by the approved monitoring company on the alarm monitoring system.
- g. Fire hydrants shall be capable of flowing 3,500 gpm, spotted by the Fire Marshal and spaced not to exceed 300 feet. Fire hydrant water mains shall be looped with shut off valves at locations specified by the Fire marshal.
- h. Fire hydrants shall be painted Restoleum high gloss yellow or equal. Hydrants shall have a traffic "blue reflective marker" installed per NFD Stds.
- i. Fire hydrants shall have at least two 2 ½" and one 4 ½" outlet.
- j. Fire hydrants shall be tested and installed prior to framing or lumber delivered to the site.
- k. Roadways and driveways shall be installed with first lift asphalt or concrete prior to framing or lumber delivered to the site.
- l. Roadways shall be not less than 20 feet wide capable of accommodating 60,000 gvw and conform to NFD Standard #210.
- m. Currently as designed the project driveway and parking will not accommodate fire apparatus turning radius. Identify on site plans all turning radius to NFD truck standards.
- n. An approved fire apparatus turn around shall be designed and installed to accommodate fire apparatus conforming to NFD Standards.
- o. "No Parking Fire Lane" signs and curb marking shall be installed conforming to NFD Standard #204.

- p. Knox key access shall be installed conforming to NFD Standard #202.
- q. A building floor plan directory shall be installed conforming to NFD Std. #205A.
- r. The VMP shall be submitted to the Fire District for approval prior to project approval of the design of planning application phase.
- s. An irrigated vegetation management plan "VMP" shall be submitted to NFD for review and conforming to NFD Std. #220.
- t. The approved VMP shall be installed prior to final on the project.
- u. Wire mesh at least 6x6x10x10 shall be installed all storage areas to prevent fire sprinkler obstruction. Wire mesh to be installed 18 inches below the sprinkler head. This is to be installed throughout the entire storage areas.
- v. A "No hazardous material storage agreement" shall be incorporated into the rental agreement for the project.
- w. All gates shall not obstruct any of the full width or turning radius of fire district apparatus.
- x. Gate North of main entrance to be minimum of 16 feet wide.

North Marin Water District

Following approval of the Precise Development Plan, the following conditions shall apply, unless modified by the conditions of approval of the Precise Development Plan:

- 7. Construction of new in-tract and off-tract water distribution facilities is required before water service can be provided. BEFORE RECORDATION OF THE PARCEL MAP OR ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall apply to the District; enter into an agreement with the District and complete financial arrangements for the new facilities prior to recording of the final map.
- 8. BEFORE ISSUANCE OF ANY GRADING OR BUILDING PERMIT, the applicant shall submit to the District the final landscape plan for review and approval. The project must conform to District Regulation 15 – Mandatory Water Conservation Measures, including, but not necessarily limited to Landscape Requirements: For new commercial development, no turf will be allowed. All non-turf landscape areas shall be irrigated with a pressure regulated drip irrigation system designed by a landscape architect or other qualified person, and capable of distributing water as efficiently as possible. A surface layer or organic mulch, or other suitable material, shall be installed to inhibit water loss. The layer shall be a minimum of 3-inches deep. Weather-based irrigation controllers must also be installed.

9. BEFORE FINAL INSPECTION AND BEFORE ISSUANCE OF AN OCCUPANCY CERTIFICATE, the applicant shall complete all District requirements for water service installation.

Marin County Environmental Health Services (EHS)

10. The proposed facility is for uninhabitable space only and is to be used solely for storage where there is no demand or use for domestic water or sewage disposal.
11. Portable toilets shall not be placed on the premises on a permanent basis. Portable toilets are only permitted in areas for temporary use (e.g. during construction).
12. The self storage facility shall have neither on-site staff or residential units without County approvals.

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