



**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Esperance Lot Line Adjustment**

Decision: **Approved with Conditions**
Date: **January 31, 2018**

Project ID No:	P1840	Applicant(s):	Paul Esperance
		Owner(s):	Paul and Linda Esperance; Alan Goldberg and Indiana Quadra-Goldberg
		Assessor's Parcel No(s):	200-302-31, -32
		Property Address:	333 Durant Way and 335 Durant Way, Mill Valley
		Project Planner:	Sabrina Sihakom (415) 473-3607
		Signature:	
Countywide Plan Designation:		MF2 (Multi-Family, 1-4 units/acre)	
Community Plan Area:		Tamalpais Area Community Plan	
Zoning District:		RMP-2.5 (Residential, Multiple Planned, 2.5 units per acre maximum density)	
Environmental Determination:		Categorically Exempt from CEQA per Section 15305, Class 5	

PROJECT SUMMARY

The applicant proposes an equitable exchange of 354 square feet of land between Assessor's Parcel Number (APN) 200-302-32 and APN 200-302-31. It appears from County records that a lot line adjustment was approved in conjunction with the building permit approved on January 11, 1977 for the residence at 333 Durant Way. However, the past Lot Line Adjustment was never vested. This Lot Line Adjustment proposes to adjust the lot lines between Assessor's Parcels 200-302-31 and 200-302-32 to rectify the lot line adjustment that was not finalized from the 1977 building permit.

The residences at 335 Durant Way and 333 Durant Way are common wall dwellings. As shown on the Lot Line Adjustment existing site plan, a northwesterly portion of the residence at 333 Durant Way is currently located on Assessor's Parcel 200-302-32. Additionally, a southeasterly portion of the residence at 335 Durant Way is currently located on Assessor's Parcel 200-302-31. The Lot Line Adjustment is proposed to modify the property lines so that the residence at 333 Durant Way is located entirely on Assessor's Parcel 200-302-31, and the residence at 335 Durant Way is located entirely on 200-302-32.

Pursuant to Marin County Code Section 22.90.020, Lot Line Adjustment approval is required because the project involves adjusting lot lines between two adjacent parcels.

POLICY CONSISTENCY

The proposed project adjusts the common boundaries between two legally developed residential properties and would be consistent with the Countywide Plan's MF2 land use designation, which allows multi-family, attached residential development. The project is also consistent with the policies of the Tamalpais Area Community Plan.

ZONING CONSISTENCY

The project is consistent with principally permitted uses allowed in the RMP-2.5 zoning district and would not alter the density limitation of 2.5 units per acre.

FINDINGS FOR APPROVAL

Mandatory Findings for Lot Line Adjustment (Marin County Code Section 22.90.040)

A. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.

The lot line adjustment is consistent with this finding because it is limited to two adjoining lots.

B. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.

Lot 195 (APN 200-302-32) and Lot 194 (APN 200-302-31) were both legally created as part of the "Amended Map of a portion of Marinview Unit Four", filed for record October 5, 1972 in Volume 15 of Maps at Page 40, Marin County Records. Both lots are legally developed with residential units.

C. The proposed lot line adjustment would not result in the creation of additional parcels or additional potential building sites.

The lot line adjustment is between two existing parcels and does not create additional parcels, or a greater number of buildable parcels than existed before the adjustment based on the maximum allowable density under the governing zoning.

D. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).

The proposed Lot Line Adjustment would comply with policies of the Countywide Plan and Tamalpais Area Community Plan because no new lots are being created under this lot line adjustment, and the proposed adjustment would not change the existing or potential development density or conflict with any policies of the Marin Countywide Plan, Tamalpais Area Community Plan, or applicable regulations of the Development Code.

E. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including

those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.

Both properties are regulated by the RMP-2.5 (Residential, Multiple Planned District, 2.5 units per acre maximum density) zoning district. The Lot Line Adjustment would be consistent with the minimum lot size, lot design and configuration, street frontage and building setbacks established by the Marinview Master Plan. The minimum lot size for common wall Single Family Dwellings is 3,000 square feet with 10-foot front setbacks, 0-foot side setbacks, and 20-foot rear setbacks. The equitable exchange of 354 square feet of land to be transferred from the northern portion of APN 200-302-32 to APN 200-302-31, and 354 square feet of land to be transferred from the southern portion of APN 200-302-31 to APN 200-302-32 would not result in either property becoming substandard in size. The Lot Line Adjustment will locate the entire residence at 333 Durant Way onto APN 200-302-31 and the entire residence at 335 Durant Way onto 200-302-32; therefore, bringing the lots to further conformance with commonly accepted development practices.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Lot Line Adjustment approval allows the equitable exchange of 354 square feet of land to be transferred from the northern portion of APN 200-302-32 to APN 200-302-31, and 354 square feet of land to be transferred from the southern portion of APN 200-302-31 to APN 200-302-32 as depicted in Exhibit A.
2. Deed(s) to be recorded with the County Recorder to vest this Lot line Adjustment must be in substantial conformance with the approved plans on file with the Marin County Community Development Agency, Planning Division, identified as Exhibit A, entitled "Proposed New Lot Lines," consisting of two sheets prepared by Lawrence P. Doyle, date stamped November 06, 2017, except as modified by the conditions listed herein.
3. This Lot Line Adjustment approval is only for the modification between APN 200-302-31 and APN 200-302-32 and no other changes.
4. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action,

or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.

5. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

Department of Public Works- Land Development Division

6. Appropriate deeds and exhibits perfecting the approved Lot Line Adjustment shall be recorded at the Marin County Recorder's office.
7. BEFORE RECORDATION, the following exhibits shall be submitted to the Department of Public Works for review and approval:
 - A. Lot Line Adjustment map. The Lot Line Adjustment map should be drawn in black ink on sheets with maximum dimensions of 8 1/2" X 11" or 18" X 26". The map must be clear and readable. The following minimum information must be provided on the map (additional information may be required):
 - 1) Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
 - 2) The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
 - 3) Right-of-way widths and street names.
 - 4) The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e. PARCEL A, PARCEL T-1).
 - 5) Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
 - 6) Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
 - 7) Signature, seal of the surveyor and the date that plan was prepared.
 - 8) APN-Assessor's Parcel Number for each lot.
 - 9) Project Number and File number (the LL number assigned by County), sheet number and County title block with owner and engineer block filled out.

- B. The following statement shall be added if applicable (i.e. if property corners are to be set):
- “Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filled if required by Section 8762 of Business and professional Code. Gov’t Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994). If the Lot Line Adjustment affects any public utility easements, the applicant shall provide verification signed by each of the affected public utilities that they allow the Lot Line Adjustment.”
- C. Submit a completed “Application for Lot Line Adjustment Approval”.
- D. Legal descriptions and closure calculations shall be submitted along with the current Title Report for the effected properties for: (a) the final, adjusted lots; (b) the existing lots; and (c) the portions of those lots that are to be transferred. The legal descriptions and closures shall be prepared and signed/stamped by a Licensed Land Surveyor or a qualified Registered Civil Engineer.
- E. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.

VESTING

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision (February 20, 2018).

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

CDA – Assistant Director

CDA – Planning Manager

DPW – Land Development

DPW – Land Development (Attn: Sharon Morgan Blakley, Engineering Assistant)

Assessor-Recorder’s Office – Mapping Division (Attn: Nancy Carpenter, Chief of Assessment Systems)

Marin Municipal Water District

Tamalpais Community Services District

Southern Marin Fire Protection District

Tamalpais Valley Design Review Board