

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3111

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN  
APPROVING THE RUSH CREEK ESTATES MASTER PLAN  
FOR ASSESSOR'S PARCEL #143-160-22 and 23

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SECTION I: FINDINGS.

- I. WHEREAS the Board of Supervisors held a public hearing on July 14, 1992 and September 29, 1992 to consider the Rush Creek Master Plan application, and
- II. WHEREAS the Board of Supervisors considered the administrative record, project EIR and public testimony, which focused on the development of the Master Plan application of Southwest Diversified, Inc., and said final Master Plan application presented at the Board hearing proposed 89 single family detached residential units to be developed on 73 acres of a 391 acre site, and the applicant offered approximately 317 acres remaining on the site to be deeded to public open space, and
- III. WHEREAS several of the adjacent home owners, and representatives of the Marin community supported the proposed project noting the tremendous public benefit to the community including 317 acres of public open space proposed by the applicant and a substantial commitment to affordable housing (\$1,185,000.00) and property tax revenues (approximately \$125,000.00 per year over public service costs), and
- IV. WHEREAS the Board of Supervisors finds that the generous commitment on the part of the applicant and the overwhelming neighborhood support for the Master Plan project, demonstrates significant benefit to the public, and
- V. WHEREAS the Board of Supervisors finds that the residential Master Plan project development impacts will be limited to a 73 acre development area, where 89 dwelling units and infrastructure will be clustered, and is consistent with the Clustering Design Standards advanced by Section 22.47.24(a) of the Marin County Zoning Code Title 22, and
- VI. WHEREAS, the Board of Supervisors finds that with conditions of approval the project Master Plan will be consistent with the Design Requirements for grading, roads, erosion control, drainage, tree removal, site safety, utility and open space dedication standards specified by Section 22.47.24 of the Marin County Zoning Code Title 22 because the project subdivision grading will be limited to 55,000 cubic yards of cut and fill, tree removal will be limited to 35 oak trees, and site improvements will be limited to 73 acres of the 391 acre project site, and the precise development project will be designed in accordance with the County Public Health and Safety standards, and
- VII. WHEREAS, the proposed Master Plan with conditions will, achieve the standards and regulations of the zoning code and is therefore consistent with the policies and objectives of the Marin Countywide Plan, and

- VIII. WHEREAS, an EIR was prepared and processed by the County Planning Department, pursuant to the CEQA, Public Resources Code Section 2100 et seq., State CEQA and County Guidelines, and
- IX. WHEREAS, the Board of Supervisors after conduct of a public hearing July 14, 1992, certified the project EIR and found it to be adequate for purposes of informing them of the project impacts and having been completed in compliance with CEQA, and
- X. WHEREAS the Board of Supervisors finds that the public benefits of the Project, including contributions to affordable housing, public open space, ridgeline protection, viewsheds, wetland and tree preservation, environmental protection, employment and tax revenues, override the unavoidable environmental impacts of the Project. The approved Project meets the developer's and the county's objectives and provides for an appropriate and reasonable balance between higher economic utilization of the land and protection of the sensitive natural environmental resources of the site in perpetuity.

## SECTION II: CONDITIONS.

### Planning

1. The Rush Creek Estates Master Plan approval permits subdivision of two (2) assessors parcels (143-160-22 and 22), with a total of approximately 391 acres of vacant land into four major parcels. This Master Plan approval permits further subdivision of Parcel #3 (Development Area 73.63 acres) into 89 individual lots. Parcels 1-4 shall be created in substantial conformance with Plan sheet Exhibit "A", "Rush Creek", prepared by CSW, Stuber-Stroeh Engineering Group, Inc., dated August 1992 (Job #268-014) and stamped September 21, 1992, and on file with the Marin County Planning Department. Said parcels are described as follows:
  - Parcel 1 "Proposed Dedication to State of California, Wetlands Area" 50.91+ acres. This parcel shall include all marsh and wetlands north of the existing roadway which runs along the project area northern property line. Upon recordation of the first final subdivision map this parcel shall be created and deeded to the State of California at no fee to the State as proposed by the applicants.
  - Parcel #2 "proposed dedication to Marin County Department of Parks Open Space and Cultural Resources" 246.68+ acres. This parcel shall include grassland, ridgetop and oak woodlands located in the central portion of the project site. This parcel shall also include the existing roadway at the northern project boundary between the wetlands in parcel 1 and the uplands of parcel 2. Upon recordation of the first final subdivision map, this parcel shall be created and deeded at no fee to the Marin County Department of Parks, Open Space and Cultural Services as proposed by the applicant.
  - Parcel #3 "Development Area" 73.63+ acres. This parcel shall consist of hills and valleys located on the southeastern, portion of the project site. Further subdivision of this parcel with a maximum of 89 individual lots with necessary street and utility easements is permitted subject to all of the conditions contained in this Master Plan approval. The subdivision and development of this parcel shall be reviewed and approved by the Marin County Planning commission prior to any site development work or project construction. A development plan and tentative subdivision map submittal for development of this parcel shall be in substantial compliance with the following approved plans:

a. "Rush Creek Master Plan, Exhibit A" Grading and Drainage Plan, prepared by CSW, Stuber Stroeh Engineering Group, Inc., dated January 30, 1992 and known as "Marin County Board of Supervisors project July 14, 1992" 3 sheet. The street alignment shown on this Plan starting at Lot 51 and ending at Lots 68 and 69 shall be modified to be consistent with the alignment shown on Plan "Exhibit D" Rush Creek Development Plan and Vesting Map, prepared by CSW, Stuber-Stroeh Engineering Group Inc., dated August 1992, DATE stamped September 21, 1992 (1"-50' scale) 1 each sheet.

b. Project Tree Removal and standards for building setback lines, limits of grading, lot property lines, and road and utility easements shall substantially conform to those shown on Exhibit "C" Rush Creek Tree Removal Plan prepared by Ralph Osterling Consultants, Inc., and CSW, Stuber Stroeh Engineering Group, date stamped September 23, 1992 and consisting of 4 plan sheets. The road alignment on plan sheet #4 is not approved. Exhibit "D", described above, shall replace plan sheet #4 of Exhibit "C" for reviewing road easements and lot design, tree removal, property lines setback lines and limits of grading.

Parcel #4 "Community Park Proposed Dedication to Marin County" 19.60+ acres. This parcel shall consist of approximately 19.60 of oak woodlands located at the south east corner of the project site. Upon recordation of the first final subdivision map, this parcel shall be created and deeded to Marin County as proposed by the applicant.

*NOTE: All of the above parcels shall be created by subdivision map in accordance with Marin County Title 20 and the State of California Subdivision Map Act procedures prior to dedication or sale of any parcel or subdivision lot.*

2. This approval allows the proposed lot line adjustment between the applicant and the North Marin Water District (NMWD). Approximately 1.5 acres of land to the west of the existing water tank, located at the northern boundary of Parcel #3 Development Area 73.63+ acres, shall be dedicated to NMWD upon recordation of the First Final Subdivision Map. This land dedication and lot line adjustment to expand the NMWD parcel shall be done at the developers' cost, as proposed by the applicant.
3. No land division or sales of lots shall commence until a Development Plan, Tentative Subdivision Map and Final Map have been approved and recorded for the entire land area of the Master Plan project. All land subdivisions, dedications, development and/or land improvements must be approved by the Planning Commission by Resolution prior to the commencement of tree removal, grading, and construction.
4. Development and use of the subject property shall be in substantial conformance with the plans described in Condition #1 above, and the written project description and addendums titled "Rush Creek Master Plan Marin County" Board of Supervisors Project, July 14, 1992, Southwest Diversified except as modified by the conditions of this Master Plan approval.
5. In order to comply with the Marin County Code Chapter 22.97 (Low and Moderate Income Housing) the applicant has agreed to enter into an agreement with Marin County which shall include the following provisions:

Upon recordation of the first Final Subdivision Map, the developer shall place in an escrow account, administered by the County of Marin, the total amount of \$1,185,000.

- a. Up to \$160,000 will be generally identified for the Palm Lane Mobile Home project which includes preservation of housing affordable to low and moderate income families.
- b. Upon approval of the Marin County Board of Supervisors \$25,000 of this money may be used to develop an acceptable proposal for an off-site affordable housing project. The developer shall provide appropriate technical assistance to plan and process the project. This seed money shall be used to develop a request for proposals for a joint venture with a not-for-profit housing developer. The purpose of the joint venture will be to produce as many off-site affordable homes as possible, with a target of up to 45 units.

The remaining 1 million dollars shall be added to the Marin County Housing Trust Fund to be used in the Novato planning area.

- c. Upon approval of a specific project by the Board of Supervisors, an allocation of \$1,000,000 shall be released from the Marin County Housing Trust Fund, to fund development of an off-site affordable housing project to be located in north Marin County.
  - d. Until such time as the Board of Supervisors approves the release of the \$1,000,000.00, building permits for 9 on-site lots shall be withheld. These lots shall be located within the development area of the Master Plan project. The lot locations shall be decided at the Development Plan and Tentative Map approval stage.
  - e. This Agreement shall be recorded with the first Parcel or Final Map implementing this project.
6. Development of 89 residential unit, allowed within Parcel #3 (Development area 73.68+ acres), shall substantially conform to the following standards:

a. Unit Size

Semi-Custom

- 77 of the 83 housing units proposed for semi-custom lots shall range in size up to a maximum of 3,600 sq. ft. of floor area.
- 6 of the 83 housing units proposed for semi-custom lots shall range in size up to a maximum 4,100 sq. ft. of floor area.

Custom Lots (4, 7, 14, 41, 42, and 43)

- Custom Lot #55 shall be eliminated as shown on "Exhibit D" described in condition #1(a) of this approval
- The six (6) remaining custom lots shall include housing units that range in size up to a maximum of 4,100 sq. ft. of floor area

b. Building Coverage

Building coverage shall be limited to a maximum of 20% of the lot area. Building shall be defined per Marin County Code Title 22, Section 22.02.120.

c. Floor Area Ratio

No lot in the 89 unit subdivision shall exceed a floor area to lot area ratio of 20%.

d. Setbacks

Building setbacks for the 89 unit subdivision shall be limited to those shown on the above described Exhibits C and D. However, these setbacks maybe reduced or increased at the development plan stage where the following findings can be made:

- Reducing or increasing building setbacks specified on Exhibits C and D would preserve trees and/or reduce grading.
- Reducing or increasing the setback or decreasing building separations would preserve trees, reduce grading and/or provide setbacks that reduce visual monotony.

e. Architecture

- During the Development Plan/Design review process, the Marin County Planning Department shall ensure that project features such as architectural design and building materials are consistent with the surrounding rural environment. Diversity of home types (including floor plans and elevation types for each plan) and materials shall be encouraged. At a minimum, no two units of the same floor plan or elevation shall be sited next to one another.
- Structural features and materials shall emphasize forms and colors that complement the local environment. Although colors are not strictly limited to earthtones, they should blend with the seasonal variation of color predominant on the site. Rural architectural features shall be encouraged.

f. Building Heights

- The following lots which front on Atherton Avenue shall be limited to one and one-half story homes - 27, 28, 29, 30 and 31 and 32. The half story shall be limited to a maximum of 25% of the ground floor living area. (One-half story shall be defined as specified in Marin County Code Section 22.02.650). These houses shall be limited to a maximum of 25 feet in height as measured from post construction grade.<sup>1</sup>
- Building heights on the remaining lots shall be limited to a maximum height of 30 feet from post construction grade.<sup>1</sup>
- Building height maximum for custom lots shall be limited to a maximum of 30 feet above natural grade.

The height limits described above are the maximum allowable. The appropriate final height limits for each lot shall be decided at the development plan stage, and final building heights may be set below the maximum allowed.

<sup>1</sup> Post construction grade shall be the final grade established on each lot after road and building and infrastructure grading and site improvements have been completed.

g. Accessory Structure and Uses

Detached garages and out buildings for accessory use shall be limited to one story buildings. Garage floor area exceeding a maximum of 630 square feet shall be included in the Floor Area Ratio for each lot.

Development of accessory structures out of the building envelopes, as shown on the Master Plan Exhibit C and D shall not be permitted.

7. Project grading for all subdivision improvements shall be limited to 55,000 cubic yards or cut/fill. This includes streets, drainage, mass grading to produce 7% grade building areas within production lots, and driveway grading (maximum 15% include) for the 6 custom lots.
8. Final grading and drainage plans showing proposed grades including cut/fill and slope angle on all banks shall be submitted at the Development Plan and Tentative Map stage.
9. Grading for finished development of all 89 dwelling units including grading necessary to build homes (driveways, retaining walls, garage pads, accessory structures, and foundations shall not exceed 89,000 cubic yards of cut and fill. Meeting this limit on grading shall be demonstrated by the developer to the satisfaction of the Planning Department and the Public Works Director prior to release of project grading and excavation permits.
10. At the Development Plan Stage, the final plans for oak tree removal, including the location and size, shall be provided. The plan shall show the location of all existing oak trees within the development area and the trees to be removed to accommodate the development of all aspects of the project including, but not limited to the roads, driveways, utilities and housing footprints. The plan shall demonstrate that the project development will not require removal of more than a maximum of 35 oak trees.
11. The development plans for the project shall include building envelopes for all lots, including the proposed custom lots. The building envelopes shall be drawn based on the guidelines specified herein. The plans shall show the outer building footprints for each unit type proposed for each lot, including the custom lots.
12. At the Development Plan/Tentative Map stage, the following information shall be submitted:
  - a. Plans including dimensioned floor plans, elevations, building height, and building materials and colors shall be submitted for each unit type proposed. Where building pads with up or down slope reaches an average of 15% or greater, cross sections through the units, showing the steepest slope, shall be provided.
  - b. Landscaping and irrigation plans for the common areas and front yards of all the semi-custom lots shall be provided. Landscape planting and installation of irrigation systems for the common areas and the front yards of the semi-custom lots shall be completed prior to the release of permits to occupy the dwellings.
  - c. Building locations for lots adjacent to the Burdell Mountain fault trace shall be setback a minimum of 50 feet from the fault trace. Development Plans shall show the fault location and the dimensioned setback.

### 13. Tree Protection and Landscape

- a. All landscaping features, including berms, fences, irrigation systems, trees, shrubs and plants, shall be installed in the visual buffer along Atherton Avenue prior to the final inspection by the Department of Public Works and the Planning Department of development according to site improvement plans.
- b. All slopes within the project site shall be revegetated immediately following grading activities.
- c. All mitigation measures presented elsewhere in the visual impacts and biological resources sections of the Final EIR shall be considered in the Development Plan review.
- d. The project application shall implement the Preliminary Landscape Plan contained in Appendix H of the project EIR, with the exception that California Pepper tree (*Schinus molle*) and Blue Hibiscus (*Alyogyne huegleyi*) shall be replaced with Common Hackberry tree (*Celtis occidentalis*) and Wallflower (*Erysimum 'Bowles Mauve'*), to reduce freeze impacts. EIR mitigation measures, including mitigation measures for native tree loss, shall be incorporated into site landscaping as applicable. Enhancement and maintenance of landscaping shall be provided by the Landscaping and Lighting Assessment District.
- e. To maximize visual diversity on the site and prevent monotonous views along Atherton Avenue, project landscaping shall be designed to screen views of buildings. However, to prevent a "tunnel-like" effect, spaces should be provided to allow portions of buildings, sky, and the Pinheiro Ridge to be seen through and over landscaping.
- f. Any path or walkways constructed on the project site or alongside Atherton Avenue shall be a maximum of six feet wide and shall be surfaced with a loose material such as decomposed granite, bark, or gravel.
- g. To mitigate off-site illumination due to project lighting, all lights should be shielded and/or directed to illuminate only the immediate area. The use of low-sodium, or soft orange lighting may assist in ruralizing the perception of the light, rather than stark white light spots.
- h. For each native tree that has more than 30 percent of its rooting zone impacted by cut and fill, two additional trees of the same species shall be planted on the project site. This represents a 2:1 planting ratio for potentially impacted, but non-removed trees.
- i. All tree replacement shall be in accordance with the "Rush Creek Estates Tree Mitigation Planting Plan" attached as Appendix F of the EIR documents. Where the requirements of the Mitigation Planting Plan conflict with the mitigation measures recommended in the EIR, the more stringent requirement shall be applied.
- j. During construction, no trees shall be removed from the area identified as a community park. Grading shall not be allowed to impact more than 30 percent of the shallow roots of any one tree in the community park area.
- k. Future custom lot development shall be subject to the above mitigation measures.

- l. During construction, all trees to be preserved that are within or immediately adjacent to the development site shall be fenced. This fence shall contain the entire area within the dripline of the tree except where grading shown on the approved grading plan extends within the dripline. No construction equipment or materials shall be parked or stored within the dripline of any tree to be preserved. The mitigation measures contained in the appendices to the Tree Management Plan (Ralph Osterling Consultants. August 8, 1990) shall be implemented. Any tree pruning required shall be in conformance with the standards of the International Society of Arboriculture.
  - m. Each native tree greater than six inches diameter at breast height (6" dbh) removed during project construction shall be replaced with four trees of the same species. This represents a 4:1 replacement ratio. Two of these trees shall be at least fifteen gallons in size. Replacement credit shall only be granted for those trees that survive three years from their original planting date. Trees which do not survive should be replaced in kind until a three year survival period is completed.
14. The applicant shall establish a Landscaping and Lighting Assessment District approved by the Marin County Board of Supervisors. This District shall be responsible for maintaining all roadway lighting, planting and irrigation systems, and County Park improvements. This District shall also be responsible for at least annually cleaning all grease traps constructed as a part of the proposed project and outside of the public right-of-way. Maintenance of drainage facilities constructed within the public right-of-way shall be the responsibility of the Rush Creek Lighting and Landscape Maintenance District.

15. Archaeology Sites

An archaeologist shall be present during grading or excavation in the vicinity of the two historic era sites to assure that appropriate measures are taken if any artifacts are excavated.

The historical sites shall be covered with at least one foot of soil to protect the resources there. No excavation shall occur at these locations other than to remove surface organic material.

DPW: Flood Control and Land Development Conditions:

16. a. At Development Plan stage, the applicant shall submit a reasonably detailed grading and drainage plan as appropriate for this level of review and satisfactory to Public Works Director. This plan shall reflect any proposed slide repair and soils remediation work as required by the project geotechnical engineer and by Public Works.
- b. At Development Plan stage, the applicant shall submit a detailed soils investigation prepared by a registered geotechnical engineer. This report shall address the suitability and stability of the proposed grading and drainage improvements. It shall also address any soils remediation work required at the site. The investigation shall further address the geotechnical feasibility of constructing a residence on each proposed lot and any special problems or considerations which should be considered.
- c. The Development Plan and Improvements Plans shall show the streets, roads and driveways to be constructed to the minimum widths as shown on the approved Master Plan drawings. Turnarounds shall be constructed at the ends of the private driveways to the satisfaction of Public Works.



- d. At Development Plan stage, plans shall be provided for the emergency vehicle entrance at the eastern project boundary.
- e. At Development Plan stage, the applicant shall provide a plan for maintenance of the grassy drainage swales for approval by and satisfactory to Public Works.

Grassed swales shall be used in lieu of curbs, gutters, and other manufactured drainage conveyances alongside all streets and slopes within the project site with grades less than 10 percent, subject to the review and approval of Public Works. It should be noted that although County Development standards stipulate curbs and gutters for all development areas where density is more than one unit per two acres, these standards are meant as guidelines and need not be followed provided the intent of the standards is met (John Wooley, Marin County Flood Control Division. 7/23/91, pers. comm). Above ground drainageways may lead to standing water in which mosquitoes may breed (please refer to Section 4.3.2). Therefore, above ground drainage design shall be subject to the review and approval of the Marin/Sonoma Mosquito Abatement District.

The applicant shall prepare a Surface Runoff Pollution Control Program for approval by the County of Marin Public Works Department. The Program shall be submitted at the same time as site improvement plans. The Program shall identify all measures to be installed during site construction to maintain long term water quality in site runoff, including grease traps shown on the site drainage plan and any selected artificial wetlands, infiltration trenches, or other Best Management Practices. The combination of selected measures shall be designed to mitigate water quality impacts to the maximum extent practicable. The plan shall be reviewed by RWQCB prior to final approval.

17. Prior to approval of Development Plans, the applicant shall confirm the capacity of the existing earth ditch on the north side of Bugeia Lane to the satisfaction of Flood Control. The applicant shall make any improvements to this ditch as deemed necessary by Flood Control.
18. Construction work shall be limited to the hours of 7:30 a.m. to 5:30 p.m., Monday through Friday, unless otherwise permitted in writing by Planning Department or Public Works Department.
19. If construction is to occur after October 15th of any year, the applicant shall submit an Erosion and Sediment Control Plan to Public Works by September 1st of that year. Upon approval by Public Works, the program shall be fully implemented by October 15th to the satisfaction of Public Works. Prior to beginning construction of subdivision improvements, the applicant shall post a cash bond in an amount satisfactory to Public Works to ensure proper implementation of the Erosion and Sediment Control Plan.
20. All project utilities shall be located underground. Development plans shall include the requirement for the project applicant to conduct pH and resistivity tests of each soil type in the vicinity of proposed utilities. In those soils with a high corrosion potential, the applicant shall utilize either non-corrosive materials or materials treated with non-corrosive coating for all underground utilities.
21. Concrete culverts shall be provided as determined necessary by Public Works for the control of site drainage.

### DPW: Traffic Conditions

22. At Development Plan stage, the applicant shall submit plans for frontage improvements on Atherton Avenue, including two 12' travel lanes, two 4' bike lanes, two 4' unpaved shoulders, and an 11' left turn lane and approach tapers at the entrances to the subdivision.
23. Street lights shall be provided at the entrances to the subdivision and an illumination study shall be provided to document the required lighting.
24. All utilities along the property frontage on Atherton Avenue shall be undergrounded.
25. Prior to approval of a Development Plan or Tentative Subdivision Map, the applicant must demonstrate to the satisfaction of the Public Works Director that his/her project traffic will not contribute to any deficiencies in the Congestion Management Plan. Based on the Congestion Management work and the data in the EIR, there are expected to be deficiencies on Highway 101 which will be exacerbated by the project traffic. To mitigate those impacts, the applicant can either: 1) pay the regional transportation mitigation fee being considered by the Congestion Management Agency if they adopt a fee; 2) provide transportation improvements consistent with the County General Plan and Congestion Management Program through the affected sections to offset impacts; or 3) prepare and commit to implement a deficiency plan subject to the review and approval of the Congestion Management Agency.
26. The applicant shall contribute his/her fair share of the costs for signalization of local intersections, for interchange improvements, and for any improvements to existing street systems as stated on pages MM-29 to MM-33 of the Addendum to the EIR of the Rush Creek Estates Master Plan dated October 11, 1991. A specific condition will be established by Public Works at the tentative map stage.
27. All construction traffic, with the exception of trucks with a capacity of 2-1/2 tons or less, shall be required to enter the project site from the west (vicinity of Hwy. 101/Atherton Avenue interchange).
28. During project construction, the applicant shall maintain a 200-foot long graveled track at all project entryways to remove mud and dirt from vehicles leaving the site.
29. The applicant shall be responsible for the repair of any damage to any public road resulting from his/her construction operations. Any necessary repairs shall be made to the satisfaction of Public Works prior to final approval by Public Works of the subdivision improvements.
30. A fifty foot wide street dedication should be dedicated from the original center lines of Bugeia Lane along the totality of the street frontage of the project.
31. The sanitary pump station shown along Bugeia Lane should be located such that it does not conflict with the fifty foot right-of-way line mentioned above.
32. A master drainage plan should be prepared for submittal with the development plan or tentative map for review by the City of Novato in-so-far as the plan may affect the drainage systems running along Bugeia Lane and the area where Atherton Avenue intersects the Armstrong/Atherton Avenue Interchange with Highway 101.

### Marin County Open Space District

33. The District requests that, as a condition of approval, the developer be required to install fencing between private lots and the open space area. The fencing will serve to (1) minimize future boundary line disputes; (2) minimize construction or encroachment of private improvements into open space areas; and (3) minimize the possibility of pets entering the open space area and disturbing or adversely affecting wildlife.
34. The District requests that, as a condition of approval, the "Homeowners Landscape Design/Development guidelines" be revised to strongly discourage the installation of any plants of the genus *Cytisus*. All *Cytisus* species are invasive and capable of displacing existing native vegetation in the open space area.
35. The District requests that, as a condition of approval, the open space area conveyed to the Open Space district include the entire trail along the site's northern boundary adjacent to nearby wetlands. The Open Space District wishes to administer all trails within the open space area. Conveying part of the trail to the Department of Fish and Game may result in management conflicts and inconsistencies between the Open Space District and the Department of Fish and Game.
36. The open space area to be conveyed to the Open Space District shall include the entire trail on the north side of the project site adjacent to the wetlands. No part of the trail shall be conveyed to the Department of Fish and Game.
37. The open space area shall be conveyed to the Open Space District by means of a grant deed. Also, the 20' wide public hiking, equestrian, bicycling, and maintenance vehicle access easement shall be conveyed to the Open Space District by means of an easement deed. The Real Estate Section of the County of Marin shall prepare both deeds for signature by the property owners. The signed deeds shall be returned to the District at least six weeks before the owners' desired date for recording of the first Final Map.
38. Prior to approval of the Tentative Map, the alignment of the public trail through lots 69 through 74 and lots 78 and 79 shall be refined to accommodate drainage requirements and to minimize conflicts between trail users and vehicles where public trails intersect with roads.
39. The developer shall be responsible for installing all necessary gates and barriers at those locations where open space and trails intersect with public rights-of-way. Gates and other barrier improvements shall be consistent with Open Space District standards. Developer shall be guided by the Open Space District regarding the type and placement of barriers at specific locations.
40. Drainage and slope stabilization improvements that benefit private lots shall, to as great an extent as possible, be located within private lots and not within open space areas.
41. Prior to conveying the open space area to the Open Space District, owners shall not convey to another party any real property interest in the open space area that would allow uses inconsistent with existing District Open Space Management Policies.
42. A qualified archaeologist shall identify at the project site the location of the known prehistoric site for District staff so that, when necessary in the future, District staff may take steps to ensure its continued preservation.

43. The developer shall install fencing between private lots and the open space area. Fences shall be located entirely within the private lots and shall be of a non-opaque design and construction satisfactory to the County of Marin and the Open Space District.
44. To minimize the potential for impacts from trail users who stray from the trails, signs should be posted which alert the trail users to the potential dangers to the environment if they should leave the trail. These warnings could be combined with interpretive information to provide a greater appreciation for the habitat. Also, signs should be designed in such a manner as to minimize visual impacts to the environment and should be posted at the edge of trail right-of-ways.
45. Signs should be posted at the entry points to all trails notifying dog owners of the requirement to keep dogs or other pets on leashes when using trails and the open space area. The signs should also note the prohibition of dogs in the nearby Rush Creek Open Space Preserve.

#### North Marin Water District (NMWD)

46. The design of the access road to Atherton Tank through Lot 32 and Lot 34, as shown on sheet 3 of the plan set, needs to be further developed. The District requests that the access to the tank be dedicated in fee title to the District so that permanent access to the site is a certainty. The access road to the tank will be used regularly by chambers Cable and by the District. The details of the design work for this access road can be developed as the project progresses and need not hold up approval of the Master Plan submittal. Southwest Diversified may want to look into paving the access road to the tank to reduce dust generated from service vehicles traveling to and from the tank site.
47. The developer is responsible to construct any additional storage that is necessary to meet the demands of this project.
48. This developer must comply with the District's Regulation 15, Water Conservation. This regulation deals primarily with flow restrictions on some plumbing devices and restrictions on the use of turf.
49. The developer shall provide prospective buyers/owners of each parcel with a brochure explaining the District's landscape rebate offer regarding recommended landscape mitigation.
50. The developer shall incorporate available water saving techniques, including minimal flush toilets, low-flow showerheads, and drip irrigation, into the architectural and landscape plans for Rush Creek Estates residences.
51. The developer shall fund any expansion of the capacity of the Cherry Hill system necessary to maintain fire flows and meet consumption demand for the proposed project.
52. Project residents shall be required to comply with any District imposed water conservation measures.
53. Residences surrounding the water tank and satellite dishes shall be oriented such that prominent views from the houses do not include the structures.
54. Landscape buffers shall be purchased by the developer and installed around the water tank. This landscaping should include 15-gallon trees of a species native to the site. These trees shall be planted at sites agreed upon by the District. Enhancement and maintenance of landscaping shall

be provided by the Landscaping and Lighting Assessment District established for the project or, if the landscaping is placed on land belonging to the NMWD, maintenance shall be provided by the NMWD.

#### Novato Fire Protection District

55. Fire breaks shall be identified on design review and/or development plans for the development of individual lots. Novato Fire Protection District staff shall review the design review and/or development plan for compliance prior to the issuance of an occupancy permit.
56. In accordance with the standards of the Fire District, the project improvement plan will indicate the fire hydrants to be located at least 500 feet apart and clear road access a minimum of 20 feet in width excluding on-street parking, if allowed. All fire hydrants must be fully tested and operational before building construction starts.
57. The developer shall install automatic fire suppression sprinkler systems in all single family houses.
58. A Fuels Management Plan shall be adopted by the developer prior to site construction. This Plan should require the following:
  - a. Prior to construction, the developer shall trim all trees on the project site with branches closer than 6 feet from the ground to maintain a minimum separation of 6 feet from grade to the branches. Where applicable, trimming shall be performed pursuant to the pruning standards of an urban forester/arborist. All downed wood and brush shall be removed from the development area.
  - b. Architectural plans for all buildings on the project site shall require that all roofs are fire resistant and all chimneys have spark arrestors.
59. All emergency and fire access roads shall meet Novato Fire District standards for location, width, surface and parking/no parking requirements. At the development plan, tentative map stage, a plan acceptable to the Fire District shall be provided.

#### Novato Sanitary District

60. The property is presently outside the boundaries of this District and must be annexed to obtain sewer service. The developer should note that upon application, approximately 120 days should be allowed for processing the annexation.
61. A sewer main extension must be constructed to serve the property involved.
62. This project encompasses 2 sewer service drainage areas, and construction of a pump station will be required to serve the most easterly area. Accordingly, prior to finalizing design of sewer facilities for the development, the District will require that the developer prepare and submit an acceptable sewerage master plan to provide engineering details on service to the property. This plan shall be submitted to the District and the County at the development plan stage.
63. It should be noted that the sewage pump station shown on the original tentative map and development plan may need to be located on property other than that of the developer in order to

allow for future service to other properties in the drainage area involved (the Bugeia Lane/H Lane area).

California Energy Commission

64. AT THE DEVELOPMENT PLAN STAGE, project house plans must demonstrate compliance with the following standards:
- a. During construction, the developer shall comply with Title 24 established by the California Energy Commission regarding energy conservation standards. The standards relate to insulation of hot-water lines in water recirculating systems, use of caulking, double glazed windows and weather stripping, and low-flow showers and faucets.
  - b. The developer shall consult with PG&E for assistance with energy conservation features.
  - c. The developer shall practice energy efficient building design by including such features as: orientation of structures to summer and winter sunlight to absorb winter solar heat and reflect or avoid summer solar heat; thermal insulation of the walls and attic, which meets or exceeds local standards; and weather stripping of windows and doors to decrease heat loss.
  - d. The developer shall utilize other design criteria including feasible opportunities for passive or natural heating and cooling such as: solar assisted domestic hot water and pool heating; tinted or solar reflective double glazing; overhangs on southern elevations and vegetation on western elevations to provide shading from summer sun.

Novato Unified School District

65. The developer shall pay school impact fees to the Novato Unified School District in accordance with California Government code Section 65995.

SECTION III: 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 expiration of fifteen (15) days after its passage and, 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.

PASSED AND ADOPTED at the meeting of the Board of Supervisors of the County of Marin, State of California, on the 29th day of September, 1992, by the following vote to-wit:

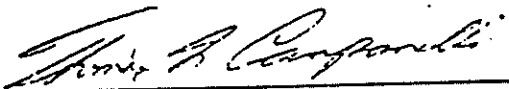
AYES: Supervisors Bob Roumiguere, Al Aramburu, Harold Brown

NOES: Supervisors Brady Bevis, Gary Giacomini

ABSENT: Supervisors

  
\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_

Thomas F. Campanella  
Clerk of the Board





## 8. RUSH CREEK ESTATES VESTING TENTATIVE MAP/DEVELOPMENT PLAN/DESIGN REVIEW

This item involves concurrent public hearings of the Marin County Planning Commission to consider the merits of the Rush Creek Estates Vesting Tentative Map, Development Plan and Design Review applications of Southwest Diversified. The proposed project includes a land subdivision which proposes to divide a 390.82 acre project site into four major parcels of land as follows: 1) Proposed dedication to State of California wetlands area - 50.91+ acres; 2) Proposed dedication to Marin County Department of Parks, Open Space and Cultural Services - 246.68+ acres; 3) Development Area - 73.63+ acres (to be further divided by Vesting Tentative Map into 89 residential lots); and 4) Community Park proposed dedication to Marin County - 19.60+ acres. The Development Plan proposes the development of roads, utilities, grading and drainage improvements within the Development Area. The Design Review proposal includes architecture for eight basic house designs for development on the 89 residential lots and a proposal for precise site plan and Phase I housing production on 13 specific parcels. The Rush Creek Architectural Element also includes landscape guidelines for the entire Development Area, house floor plans and building color and a material pallet for the proposed and future housing development. The project site is located adjacent to Atherton Avenue and Bugeia Lane in the unincorporated area of northeastern Novato, and is comprised of Assessor's Parcel Nos. 143-160-22 and 23.

### LAST DATE FOR PLANNING COMMISSION ACTION:

Vesting Tentative Subdivision Map:	February 28, 1993
Development Plan:	February 28, 1993
Design Review:	February 28, 1993

### APPEAL PERIOD:

Vesting Tentative Subdivision Map:	Ten (10) calendar days to the Board of Supervisors
Development Plan:	Five (5) working days to the Board of Supervisors
Design Review:	Five (5) working days to the Board of Supervisors

### ENVIRONMENTAL REVIEW:

On July 14, 1992, the Marin County Board of Supervisors certified the Rush Creek Estates Project EIR. The proposed project was approved by the Board of Supervisors on September 29, 1992. The project, as submitted, is generally consistent with the projects and alternatives analyzed in the EIR and, therefore, the Vesting Tentative Subdivision Map, Development Plan and Design Review are found to be exempt from additional environmental review pursuant to CEQA Section 15162.

STAFF PLANNER: Scott L. Hochstrasser, Planning Consultant

### ATTACHMENTS:

1. Draft Resolution of Approval for the Land Subdivision and Vesting Tentative Subdivision Map
2. Draft Resolution for the Development Plan
3. Draft Resolution for the Design Review Phase One Housing Production
4. Rush Creek Development Plan and Architectural Element
5. Board of Supervisors Ordinance 3111 Approving the Rush Creek Master Plan
6. Correspondence

## INTRODUCTION

On September 29, 1992, the Board of Supervisors approved the Rush Creek Estates Master Plan and Rezoning. The project EIR was Certified by the Board in an earlier action taken on July 14, 1992. The Board's initial action included a motion of intent to approve the project and required that the project Master Plan be revised to meet several criteria as follows:

1. required affordable housing contribution of \$1,185,000.00;
2. reduced loss of oak trees to a total of 35;
3. decreased subdivision grading to a maximum 55,000 cubic yards;
4. required all sites on Atherton Avenue to be a minimum of one acre in size; and
5. reduced the project density to 89 units.

The applicants submitted a revised Master Plan that met the Board of Supervisors' criteria. It is this revised Master Plan that is now being proposed for development. The Board approval includes several conditions of approval. The proposed project Vesting Tentative Map, Development Plan, and Design Review meet the major conditions of approval as submitted. However, it should be noted that the Development Plan proposal does not include specific house location and unit design for each lot. The applicants have asked for the housing production to be phased and Design Review for each phase be done at the time it is proposed. The proposed Development Plan application does include the specific architecture, building colors, materials and landscape design guidelines for all lots. Eight specific house designs have been presented. However, only 13 lots are included in the specific Design Review application at this time. The following report includes an analysis of the applications for compliance with the approved Master Plan conditions and provides findings and facts to support the staff recommendation. Staff has also developed a set of project conditions for each application (Vesting Tentative Map, Development Plan, and Design Review) in separate draft resolutions.

## SUBDIVISION OF THE RUSH CREEK PROPERTY

The subdivision of the Rush Creek property includes two major parts. Exhibit "A" of the application submittal which shows the four major parcels being created, including the three dedication parcels and the Development Area. The Vesting Tentative Subdivision Map for the proposed Rush Creek Estates residential development has also been submitted. The project Master Plan approval includes the creation of three major parcels of land to be dedicated to the State of California and the County of Marin. The second part of the approval allows further subdivision of 73.63 acres "Development Area" of land for the creation of 89 individual residential parcels, streets, and utilities.

### A. Exhibit "A" Major Parcels for Dedication

The approved Master Plan condition one (1) required the subdivision of the two existing Assessor's Parcels (143-160-22 and 23) into four major parcels as shown on Exhibit "A", and described as follows:

1. Parcel 1 - "Proposed Dedication to State of California, Wetlands Area - 50.91 acres." This parcel includes the wetlands north of the existing roadway which runs along the northern boundary of the property. Staff finds that the proposed map, Exhibit "A" Parcel 1, is in strict compliance with this condition.
2. Parcel 2 - "Proposed Dedication to Marin County Department of Parks, Open Space and Cultural Services - 146.68 acres." This parcel includes the grasslands, ridgetop and the oak woodlands located in the central portion of the property. Staff finds that the proposed map, Exhibit "A" Parcel 2, is in strict compliance with this condition.

3. Parcel 3 - "Development Area." This parcel consists of 73.63 acres of hill and valley land on the southeastern portion of the property. Staff finds that the parcel as shown on Exhibit "A" is in strict compliance with this condition. The analysis of further subdivision of this parcel for development of 89 residential units is discussed in detail below.
4. Parcel 4 - "Community park proposed dedication to Marin County." This parcel consists of 19.60 acres of oak woodland located in the southeastern portion of the property adjacent to the residential development. Staff finds that the location of this parcel as shown on Exhibit "A" is in strict compliance with the conditions of the Master Plan approval.

**B. Vesting Tentative Subdivision Map "Development Area"**

The Master Plan approval condition 1 also permitted the subdivision of the "Development Area Parcel 3", with a maximum of 89 individual lots with the necessary streets and utility easements. The proposal includes 83 production housing lots and 6 custom lots. The lots range in size from 1/2 acre to 2 acres. None of the production lots will exceed 7% average lot slope. The production housing lots will be developed by Southwest Diversified. The 6 custom lots will be developed by individual designers and will be subject to the Design Review process per Title 22.82. When the revised Master Plan was presented to the Board of Supervisors, the applicants were already having the preliminary Vesting Tentative Maps and the Development Plan designed. Both Planning and Public Works staff had an opportunity to guide the lot design, street, utility, and drainage layout, and general development of the plans. The applicant has been very responsive to the direction provided by staff. In fact, both the Planning staff and Public Works staff find that the Vesting Tentative Subdivision Map and Development Plan are in compliance with the Master Plan conditions and the standards presented in the Title 22 Zoning Code and Title 24 Public Works standards. Staff finds that the Vesting Tentative Subdivision Map proposal as submitted by Southwest Diversified is in conformance with the Master Plan conditions as follows:

- The map shows the lot line adjustment between the property owner and the North Marin Water District needed for tank location and service. (See Master Plan condition #2).
- No lots have been sold, nor has a Subdivision Map been filed prior to this application. (See Master Plan condition #3).
- The Development Plan and use proposed for the property is in strict compliance with plans and exhibits approved by the Board of Supervisors. (See Master Plan condition #4).
- The applicants have submitted a letter stating that upon recordation of the first Final Map, \$1,185,000.00 will be placed in an escrow account to be administered by the County for affordable housing. The developers have also identified 9 residential parcels of land to be withheld until the Board approves release of \$1,000,000.00 for off-site affordable housing development. The 9 lots (75-83) are adjacent and contiguous, and all but one will be served by a private street off of the main access road. Staff finds the proposed lot design, sizes, and lot lines to be acceptable as presented. (See Master Plan condition #5).

## RUSH CREEK DEVELOPMENT PLAN

The project Development Plan includes the development of road improvements on Atherton Avenue and project road entrance intersections at two points. The project also includes the development of two major 28-foot wide streets that both end in a cul-de-sac and turnaround sized for fire trucks. Of the 89 lots, 29 will be served by 20-foot wide private driveways. These roads also have adequate turnarounds or back up distance for fire trucks. The project as submitted includes limited roadway and drainage improvements in an attempt to maintain the rural character of the area. Many of the existing lots in the vicinity are served by smaller driveways and limited paved streets. The project drainage improvements include a combination of grassed swales and standard curbs in areas over 10 percent in grade. The applicants have shown all project utilities to be located underground and the majority will be placed in the street and driveway easements for maintenance purposes.

The development plan also includes the construction of a sanitary sewer pump station and additional water storage tank. The sanitary pump station location and water tank locations have not been finalized. However, these details are being worked out with the North Marin Water District and North Novato Sanitary District. Conditions of the Development Plan approval require the pump station and the water tank locations and agreements, with financial agreements, to be provided prior to the approval of the Final Subdivision Map and the project Improvement Plan approval. Finally, the Development Plan also includes the project site grading for the entire subdivision. The vegetation removal, grading, soil repair and drainage plans have been carefully reviewed for compliance with the limits placed in the Master Plan conditions. Staff finds that the plans as submitted are consistent with the conditions of the Master Plan as follows:

- Conditions 6, 12, 64 and 65 of the Master Plan approval are discussed below under the Design Review Section.

### Limits to Grading and Tree Removal

The project as proposed limits subdivision grading to 55,000 cubic yards of cut and fill. This includes the streets, drainage and lot grading to produce the 7% grade building areas as well as the driveways for the custom lots. The data presented in the plans, including grades and slope angles, was reviewed by Public Works and shows that grading for the entire project will not exceed 89,000 cubic yards. A condition of project approval has been provided to monitor this condition throughout the development. (See Master Plan condition #7, 8 & 9).

The applicants have submitted a very detailed tree removal and tree management plan which shows that the proposed project development will not require the removal of more than 35 oak trees on the entire 73.60 acre development area. (See Master Plan condition #10). No oak trees are proposed for removal on the remainder of the land.

### Site Development

In the Rush Creek Development Plan submitted, the applicants have provided building envelopes for each of the 89 lots. In addition to the building envelopes, the submittal also shows how each of the eight basic production house plans will fit within the building envelope and the appropriate setbacks from the Burdell Fault and the known archaeology site. The project plans also include a concept landscape plan for the front yards of the lots and the landscape easement along Atherton Avenue. The project submittal also includes the development of a Landscape and Lighting Assessment District to be responsible for the common improvements. The District must be approved by the Board of Supervisors prior to the Final Map approval and staff has included a condition to require this. Staff finds that the building envelopes and landscape plans and guidelines submitted in the Development Plan are consistent with the Master Plan setback requirements

and the EIR recommendations. The plans as submitted meet the requirements and are acceptable as presented. (See Master Plan conditions #11, 12, 13, 14 & 15).

The development plans include information on the building heights, materials and colors, and landscape plans. This information is discussed in the Design Review Section of this report. Generally the plans are consistent with the Master Plan development guidelines.

### Soils Repair and Drainage

The development plans submittal included a detailed grading and drainage plan. A soils investigation report which addresses the soils remediation work required at the site was also submitted. The plans also show the streets, roads, turnarounds and drainage improvements. The need for maintenance of the grass swales has also been addressed. Although the plans were found to be complete by Public Works, some of the soils stabilization recommendations in the soils report need further detailed work. This detail can be addressed at the Final Improvement Plan stage and a condition requiring this is proposed in the approval resolution. Staff finds that the plans and reports are adequate to address the information needs specified in the Master Plan approval and the proposed work is consistent with the mitigations identified in the project EIR. (See Master Plan conditions #16, 17, 18, 19, 20 & 21).

### Traffic

Regarding traffic improvement condition 22-26, the project applicant does choose to pay their fair share cost of improvements. The Public Works staff has completed their work to determine the fair share of improvement costs that should be paid by the project developer. Several meetings have been held to discuss these numbers. The plans for Atherton Avenue improvements have been submitted in accordance with condition 22, and the street lights for the subdivision entrance have been submitted and accepted as required by condition 23. The contribution for signalization of the local intersection has been finalized as required in condition 26. Public Works staff has set the project contribution amounts and these contributions are required to be paid prior to recordation of the first Final Map. See conditions 13 and 14 for the dollar amounts. (See Master Plan Conditions #22, 23, 24, 25 & 26).

The development plan submittal also includes information to address Master Plan conditions 27-31. Conditions 27-29 are operation conditions regarding the actual construction of the project and have been carried forward in the conditions of approval for the Development Plan. The project plans show the required 50-foot wide street dedication for Bugeia Lane which is acceptable to Public Works. The final drainage plan for the Bugeia Lane where Atherton Avenue intersects Armstrong and 101 has been submitted and is acceptable. The City of Novato finds that the plans as submitted are adequate. However, the final design will be reviewed by the City at the Improvement Plan stage.

### Open Space Improvements

Master Plan approval conditions 33-45 address the improvements that the project sponsor is required to make in the dedicated open space. The Development Plans show many of the improvements as required and, generally, staff finds that the plans as submitted are acceptable. However, in their memo of November 12, 1992, the Marin County Parks, Open Space and Cultural Services has asked for specific details to ensure that the public access and open space use and the private residential use will not conflict. In fact, the memo recommends 14 conditions to ensure that the details of the access gates, pathways and signs are addressed. Planning staff supports the requested conditions and the applicants have reviewed the conditions and have no objections. Staff finds that with the additional conditions of approval, the Open Space improvements and dedications will meet the Master Plan conditions.

### North Marin Water District

Master plan approval conditions 45-54 address the need for specific water district improvements. The District has reviewed the project plans for these improvements and find that the plans address their needs. However, the District, in a letter date November 13, 1992, has asked for an access easement 30-feet wide, adjacent to lots 30, 31, 33, 34 and 35. Staff has reviewed this request and finds that the requested easement would be consistent with that proposed for a 20-foot wide driveway that is proposed to serve the lots and should not create any problems. Staff supports this request and has required the easement as a condition of approval in addition to the other conditions that require water service prior to recordation of the Final Map.

### Novato Fire District

Staff finds that the project Development Plans address the fire safety needs identified in the Master Plan condition of approval 55-58. Several of these conditions have been included in the Development Plan approval to be sure that the future Improvement Plan and Design Review will be measured by the same standards.

### Novato Sanitary District

The project applicant has submitted proof of application submittal for annexation to the sanitary district. The applicants have also submitted a sewer master plan to the District which meets with their approval. Staff finds that the project submittal generally satisfies Master Plan conditions 60-63. Additional specific conditions for Final Improvement Plans have been included in the Resolution of approval.

## PHASE ONE HOUSING PRODUCTION AND DESIGN REVIEW

It was mentioned above that the project sponsor does not plan to build the entire 83 production homes all at one time. Although the applicants have presented eight house plans, with 16 different elevations, the housing production at this time is limited to only 13 lots. The remaining lots are proposed to be developed under production at this time is limited to only 13 lots. The remaining lots are proposed to be developed under additional phases and would be subject to further Design Review. This Design Review application involves review of the general architecture, color and materials, and landscape guidelines for all of the production lots. However, it also involves review of the specific placement of the model houses on 13 lots. The area included in this Design Review is shown on the plans as the Phase I Housing Production.

### Project Architecture

Master Plan approval condition 6 sets limits on maximum unit size, building coverage, floor area, setbacks, colors, building heights, and limits the size of accessory structure and uses. The unit sizes proposed range from 2,500 to 4,000 square feet. This is consistent with the Master Plan condition that allows up to 77 units to range in size up to a maximum of 3,600 square feet of floor area. Only 6 units are permitted to range in size up to a maximum of 4,100 square feet. The custom lots are limited to a maximum of 4,100 square feet. The proposed plans include both one and two story houses and is planned as a family oriented community. Each unit will include three to five bedrooms, three-car garages, and generous living spaces. The house designs are intended to offer a diversity of home types that will complement the rural character of the surrounding community. The Master Plan conditions limit the building coverage to 20% of the lot area and none of the house designs will exceed the limits, even with the largest house on the smallest lot. The Master Plan also limits the floor area to lot area to 20%. None of the proposed houses will exceed the FAR limits. Typically, the majority of the lots are well under the limits. The applicants have provided a lot by lot summary of the actual lot coverages and floor area ratios. Other site considerations such as the building height limits, tree removal and grading limits have been included in the analysis. The architectural exhibits contained in the attachment "Architectural Element" illustrate the conceptual architecture for the eight home plans. These plans show general massing and outlines of the building profiles. None of the house designs exceed the

height limits specified in the Master Plan conditions. Additional detail colors, materials and fenestration will be refined for the remaining lots as the projects proceed through the Design Review process. The building materials will include a variety of wood siding applications, wood and masonry details, tile and asphalt shingles. The colors will be earthtones and chosen to blend with and complement the seasonal colors of the natural environment. A colors and materials board has been prepared and will be presented to the Commission at the public hearing.

Staff finds that the general architecture, building sizes, bulk, massing and height meets the guidelines presented in the project Master Plan approval. Staff also finds that the house types can be located within the building setback and development envelopes established in the Master Plan. Given these findings, staff supports the architectural design and building colors and materials concept presented in the proposal.

**Design Review for Phase I Housing Production**

The project application includes a proposal to develop new homes on 13 parcels. These lots (lots 15-27) are located approximately in the center of the development area (see Site Plan, page 15, of the Architectural Element attachment). The proposal includes a good cross section of the different house plans proposed for the entire area. For example, lot 27 is proposed to have a 3,070 square foot single story house, lot 21 is proposed to have a two story house that has about 4,050 square feet. The following table shows the proposed mix of houses:

lot 15	2 story	3,478 square feet
lot 16	2 story	3,192 square feet
lot 17	1 story	3,070 square feet
lot 18	2 story	2,660 square feet
lot 19	2 story	3,478 square feet
lot 20	2 story	3,192 square feet
lot 21	2 story	4,050 square feet
lot 22	1 story	3,070 square feet
lot 23	1 story	2,950 square feet
lot 24	2 story	3,574 square feet
lot 25	1 story	2,510 square feet
lot 26	1-1/2 story	3,510 square feet
lot 27	1 story	3,070 square feet

Staff supports the mix proposed for this phase of the housing production and finds the sites for the houses to be well thought out and well setback, providing an open feeling. The proposal is consistent with the general intent of the Master Plan approval and the purpose of the Design Review. However, staff has one issue with houses as proposed on lots 15, 22 and 26. The issue focuses specifically on the length and location of the driveways. It is staff's opinion that the long driveway between the houses on lots 25 and 26 could cause noise and privacy impacts on lot 25. Moving the house on lot 26 forward approximately 40 feet would basically eliminate this potential problem. Staff has the same concern between lots 21 and 22. If the house on lot 22 was shifted forward, or the unit was changed to one of the other designs such as plan 4 which provides the front entry for the garage, the potential noise impacts of the driveway on the second story bedrooms on lot 21 would be eliminated. Staff is also concerned about the length of the driveway on lot 15. The driveway is over 100 feet in length. This seems excessive in staff's opinion. The house could be moved closer to the building envelope limits and toward the road to reduce grading and additional paved surface. This will require some shift in the location of the house closer to the private driveway and would bring the house about 25 to 30 feet closer to the road. Staff has recommended conditions of project approval to address these problems.

### Building Colors and Materials

The proposed 13 houses have a variety of proposed materials and house colors. The majority of the houses will be stained with light grays and trimmed with blues and brown or tan. The majority will have concrete tile roof material. All of the houses will have wood siding that will be stained. All of the colors and building materials proposed are consistent with the general intent of the Master Plan guidelines which require earthtones.

### Landscape Design Standards

The project submittal includes landscape design standards for the front yards of each lot as it is developed. Staff has reviewed the plant pallet and finds that the plant selections are both drought and freeze tolerant. A general design concept has been presented that provides a minimum of plantings for each lot. The basic proposal is that for every 1,000 square feet of planted area, one 24" box tree would be planted, 3 each 15-gallon trees or shrubs, and 30 each 5-gallon shrubs would be planted. In addition to this, 150 each 1-gallon shrubs or vines will also be planted. In staff's opinion, this is an adequate amount of planting to soften the effects of the new subdivision on the development area. Final landscape plans for each lot will be required for each house at the building permit stage, and the above standard will be applied. Complete plans that are compatible with the landscape design standards will also be required for each of the 6 custom lots as well.

### Energy Efficient Design and Location

Master Plan condition 64 requires the project sponsor to practice energy efficient building design and orientation. The homes designed for the 13 lots show a general orientation toward the south and southwest which should provide for winter sunlight and passive solar heating in the winter months. The building designs have roof overhangs and porches. Planting on the western elevations of the proposed houses is also planned, and that should assist in the cooling of the homes in the summer months. All of the buildings will comply with Title 24 Energy Commission standards. All homeowners who build new accessory structures such as swimming pools will be encouraged to cover the pools and use solar heating. Staff finds that the proposed building design, site orientation and planting plans meet the intent of the energy efficient requirements of Master Plan condition 64.

### SUMMARY

Staff finds that the proposed Vesting Tentative Map, Development Plan, and Phase I Housing Production Design Review are consistent with the conditions of the Master Plan approval. The Land Subdivision and dedications proposed in Exhibit "A" and the Vesting Tentative Subdivision Map are in substantial compliance with the County Zoning and the Subdivision Code. The Development Plan is in substantial conformance with the Master Plan approval as submitted. Additional conditions of approval have been prepared. These conditions require project Final Maps and Improvement Plans to be consistent with the Subdivision Map and Development Plan and regulations specified in County codes. These conditions will ensure the receipt of public land dedications and development fee payment prior to the final recordation of the subdivision maps and construction of the project. The proposed Design Review for the Phase I Housing Production is consistent with the Master Plan approval and meets the general and specific purpose and standards of Title 22.82 of the Marin County Zoning Code. Future phases of the housing production will be subject to the County Design Review process; but, the general architectural designs, units sizes and landscape guidelines shall be the same as proposed and approved herein. Finally, staff finds that the project as submitted is consistent with Certified project EIR and recommended mitigations for the Master Plan and no further environmental review is necessary.





**FILE CENTER**

FILE #: 462-079

CLIENT: SND

MATTER: Park Creek

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