

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Ackley Salvatierra Survivors Trust Coastal Development Permit**

Decision: Approved with Conditions
Date: March 8, 2024

Project ID No:	P4293	Applicant(s):	Elida Doldan-Schujman
		Owner(s):	Ackley Salvatierra Survivors Trust
		Assessor's Parcel No(s):	119-081-54
		Property Address:	19 Cypress Road, Point Reyes Station
		Project Planner:	Megan Alton (415) 473-6235 megan.alton@marincounty. gov
		Signature:	<i>Megan Alton</i>
Countywide Plan Designation:		C-AG-3 (Coastal, Agricultural)	
Community Plan Area:		Point Reyes Station Community Plan	
Zoning District:		C-ARP-1 (Coastal, Agricultural Residential Planned)	
Environmental Determination:		CEQA Guidelines section 15301, Class 1	

PROJECT SUMMARY

The applicant requests Coastal Development Permit approval for the installation of a new 1,500-gallon septic tank on a lot developed in Point Reyes Station. The new tank is required as a result of an interior house remodel. The proposed septic system is located behind the existing residence more than 100 feet from all property lines.

Coastal Development Permit approval is required because the project is for septic system expansion (Marin County Coastal Zoning Code Section 22.68.060)

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Point Reyes Station Community Plan for the following reasons:

- A. The project is consistent with the natural resource protection policies (NR-7.1 and NR-7.2) because it would not affect public views of visual resources, and the proposed septic tank is underground.

- B. The project is consistent with the Historic Resource Protection policies (HR-1.2 through 1.6) because the project is not located within the Historic and Architectural Inventory Key of the 1976 Historic Resource Survey, is not located within the Historic Area, and does not involve alteration, additions or demolition of a pre-1930's structure.

COASTAL IMPLEMENTATION PLAN AND DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 22.70.070)

- A. Coastal Access.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project is consistent with the Land Use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16) and this finding because the project site is not located near a coastal bluff or beach access, and therefore, would not interfere or impact existing coastal access.

- B. Biological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).

The Marin County Land Use Plan includes policies to protect environmentally sensitive habitat areas (ESHAs), including C-BIO-1. As documented in the biological site assessment (BSA) report prepared by Coast Ridge Ecology, LLC dated January 2024, an ephemeral drainage along the southwestern portion of the property. Although unmapped by the US Fish and Wildlife Service, this drainage can be characterized as ephemeral and riparian, due to the abundance of riparian vegetation, particularly arroyo willow (*Salix lasiolepis*) and lack of flowing water at the time of the site survey.

As illustrated in sheet A1.3 of Exhibit A, much of the existing septic system is within 50 feet of the arroyo willow thicket and 100 feet of the ephemeral drainage. The proposed 1,500-gallon septic tank is 51 feet from the arroyo willow thicket and more than 100 feet from the ephemeral drainage. However, the proposed septic tank requires connecting into the existing system which would require a small amount of ground disturbance within 50 feet of the arroyo willow thicket. The BSA determined that the project would not impact the ESHA since the disturbance would be limited and short in duration. Furthermore, the encroachment would not inhibit wildlife movement or access to water. Therefore, the project is consistent with policies C-BIO-2, C-BIO-21 and C-BIO-24.

Although special status animal species, such as saltmarsh common yellowthroat, California red-legged frog, western bumblebee, and northern spotted owl have the potential to occur in the project vicinity but are unlikely to be found on the project site. The BSA concludes that no special status plant or animal species occur on the project site. Therefore, the project would not result in any significant adverse impacts on special status plant or animal species and

would not substantially reduce the number or restrict the range of a rare, endangered, or threatened species of fauna.

The project is not located on a beach or in coastal waters; therefore, policies C-BIO-6, C-BIO-7, C-BIO-9 and BIO-22 are not applicable to the project. Policy C-BIO-10 prohibits removal of groves of trees that provide colonial roosting and nesting habitat for wildlife. The project plans do not include the removal or pruning of any trees, therefore the project is consistent with policy C-BIO-10.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.

The project is located within an area governed by the C-ARP-1 (Coastal, Agricultural Residential Planned) zoning district and the project entails the installation of a new underground septic tank support the existing residence. As the primary use of the subject property is residential and as the project does not entail commercial operations related to agricultural or maricultural uses, this finding does not apply.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

As discussed in Section 4B above, the site contains an ephemeral drainage that traverses the southern portion of the property. The proposed septic system is located more than 100 feet from the from the top-of-bank of water course. The project entails no grading and no vegetation removal, the project is sited to avoid significant biological resources. Additionally, installation of the new septic tank would not result in filling (direct impacts) to any area that would be subject to the Clean Water Act jurisdiction of the U.S. Army Corps of Engineers, the Porter-Cologne Act jurisdiction of the SFBRWQCB, the Section 1602 Fish and Game Code jurisdiction of CDFW, or to regulation by Marin County under the Local Coastal Program.

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County

Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

The project site is located near Point Reyes Station on a developed lot. Further, the project entails the installation of a new underground septic tanks to support the existing residence. Since no improvements are proposed that would require Design Review, this criterion is inapplicable.

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Chapter 22.66 (Community Development).

The project entails the installation of a new underground septic tanks and does not involve addition to or construction of a new residence. Therefore, the LUP community development policies are not applicable.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The proposed project would be required to satisfy all energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The proposed project would not result in the removal or demolition of low and/or moderate-income housing and would not affect the available housing stock in the surrounding communities. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policy C-HS-1).

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

The North Marin Water District currently provides water to the project site, and water service will remain unchanged with the project. Additionally, on October 24, 2023, Environmental Health Services reviewed the proposed project and found it was feasible as proposed. Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1 and C-PFS-7), and this finding because the project would be adequately served by existing public water service and the proposed septic upgrades would be adequately sized to meet the needs of the development on the site, as verified during the review of the Building Permit application.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).

The project site is currently accessed from a gravel drive off of Cypress Road and would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not result in impacts to the scenic quality of Highway 1.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

The project site is not located in an identified historic area and does not involve modifications to existing structures. Thus, the project does not involve alterations to a pre-1930s structure. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project would be on private property and would not encroach into any public park or open space. The project does not entail any development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3) and this finding because the project is proposed entirely on an existing property that is not located within a mixed-use coastal village commercial/residential zone and does not entail any development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

Mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130I.H)

There are no naturally occurring dunes in the project area or in the immediate surrounding area and no structures are proposed.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130I.K)

The proposed project does not include any structure located adjacent to the shoreline or within a bluff erosion zone.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130I.L)

The proposed project is located in Unit II of the Local Coastal Program. The subject property is not within a flood plain, adjacent to a mapped stream, and there are no known active faults that cross through the project site. Lastly, the project would be constructed in accordance with all applicable codes and requirements.

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 planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. 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 Coastal Development Permit approval authorizes the installation of a new underground septic tank on a lot developed in Point Reyes Station. The proposed septic system is located behind the existing residence more than 100 feet from all property lines.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Ackley Custodio Residential Addition," consisting of 12 sheets prepared by Architecture Studio, received in final form on January 12, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2023" with respect to all of the standard conditions of approval and the following special conditions: 8

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

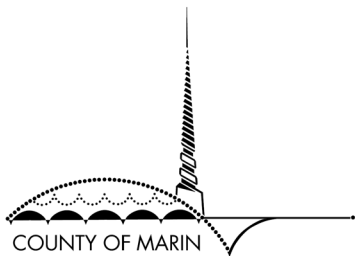
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than 10 business days from the date of this decision (March 22, 2024).

This Coastal Development Permit authorizes development that consists of “appealable development” consistent with Marin County Coastal Zoning Code Section 20.70.080(B)(1). The project consists of “minor development” and public notice was provided pursuant to Coastal Zoning Code Section 20.70.030(B)(6). No request for a public hearing was received.

cc: *{Via email to County departments}*
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
CDA – Environmental Health Services

Attachments:

1. Marin County Uniformly Applied Conditions 2023
2. Response from Environmental Health Services



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2023

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. 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.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

**INTERDEPARTMENTAL TRANSMITTAL
MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
ROOM 236, 415-473-6907**

DATE:	October 24, 2023	TYPE OF DOCUMENT
TO:	Megan Alton	DESIGN REVIEW
FROM:	Becky Gondola, REHS	LAND DIVISION
RE:	Ackley Salvatierra Survivors Trust Coastal Permit	USE PERMIT VARIANCE
AP#:	119-081-54	MASTER PLAN
ADDRESS:	19 Cypress Rd. Point Reyes Station	x COASTAL PERMIT LOT LINE ADJ. OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER	x	SEWAGE	SOLID WASTE
POOLS		HOUSING	FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.

FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.

RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.

The application in complete.

2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.

N/A

3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.

The project is feasible as proposed.

4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.

N/A