

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – February 28, 2008

Hearing Officer Johanna Patri, AICP
 Jeremy Tejirian, AICP

Staff Present: Neal E. Osborne, Planner
 Curtis Havel, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:01 A.M.
Adjourned at 9:12 A.M.
Reconvened at 9:20 A.M.
Adjourned at 9:40 A.M.

February 28, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Harriet Crandall

Application (type and number): Coastal Permit (CP 03-25) and Land Division (LD 03-7)

Assessor's Parcel Number: 195-233-23

Project Location: 6950 Panoramic Highway, Stinson Beach

For inquiries, please contact: Neal E. Osborne, Planner

Decision Date: February 28, 2008

DETERMINATION: Approved with Conditions

Minutes of the February 28, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-35.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**A. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT:
CRANDALL COASTAL PERMIT (CP 03-25) AND LAND DIVISION (LD 03-7)**
B. CRANDALL COASTAL PERMIT (CP 03-25) AND LAND DIVISION (LD 03-7)

Hearing proposing to divide an existing 3.32-acre property into two lots. The applicant submitted revised plans in response to comments received on the Draft Negative Declaration of Environmental Impact in November 2006. The location of the reserve leachfield is now proposed downslope and west of the existing residence more than 320 feet from the wetland seep and 100 feet from the ephemeral stream. The proposed driveway would be 23 feet from the edge of the wetland seep. The lot shapes and sizes have also been modified to provide a more regular boundary between the two proposed lots with areas of 1.64-acre for Parcel 1, and 1.68-acre for Parcel 2. Six existing accessory buildings would be removed from the property or relocated to comply with yard and creek setback requirements. Parcel 2 is proposed with a 5,940 square foot building envelope and a septic system area for a future single-family residence, located upslope and a minimum of 75 feet southeast of the existing residence on Parcel 1. The building envelope would be a minimum of 35 feet west of the Panoramic Highway right-of-way on the outside curve of a steep switchback. Driveway access would be provided from the switchback on Panoramic Highway where a portion of the guardrail would be removed. An existing spring box used to collect groundwater for irrigation purposes would not be modified. The subject property is located at **6950 Panoramic Highway, Stinson Beach** and is further identified as **Assessor's Parcel 195-233-23**.

The Hearing Officer noted that the item had been continued several times since the hearing of August 16, 2007, and many modifications to the project had been made. She acknowledged receipt of staff's supplemental memorandum and attachments dated February 14, 2008, including the revised Resolution for a Negative Declaration and the revised Resolution proposing conditional approval of the project, and e-mail and a letter from the Marin Sierra Club, thanking the applicant for the revisions on behalf of the wetlands and removing objections to the revised project.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. He then summarized the revised project description as a proposal to construct:

- A common driveway where the existing driveway provides access to the existing residence outside the 100-foot wetlands buffer;
- A common driveway with 220 lineal feet of retaining wall;
- A maximum slope of 18%, requiring 550 cubic yards of excavation and 350 cubic yards of embankment fill;
- A turnout area along the common driveway; and
- A fire truck turnaround area south of the existing residence on Parcel 1.

The Department Public Works reviewed the common driveway proposal and determined that it is feasible and meets Marin County Code, and recommended a number of conditions including a Condition of Approval requiring brush removal west of the driveway to provide adequate sight distance to Panoramic Highway.

The public testimony portion of the hearing was opened and closed with no one present wishing to speak until later in the hearing.

The Hearing Officer reviewed the staff report, studied the submitted documents, toured the project site, and considered public testimony, reviewed the respective Countywide Plan and Coastal Permit policies relative to creek and wetlands protection. The Hearing Officer concurs with staff's findings including recommended resolutions for a Negative Declaration of Environmental Impact and for a conditional approval of the project. The applicant had no questions, and the Hearing Officer adopted the Negative Declaration of Environmental Impact and discussed some changes to the Condition of Approval in the recommended resolution with staff.

The Hearing Officer modified the language to clarify the terms of the Condition of Approval:

- Condition of Approval #3, modify to read: "Before May 1, 2008 and recordation of the Parcel Map, the applicant shall submit a final site plan to the Community Development Agency Planning Division for review and approval showing the removal or relocation of the six accessory structures with dimensional setbacks in compliance with the creek and property line setback standards. Before August 28, 2008, and recordation of the parcel map, the applicant shall deconstruct or relocate the six existing accessory structures on the property as shown on the final approved site plan."
- Condition of Approval #3, next to last sentence, "The applicant shall complete the deconstruction or relocation work and call for a site visit from the Community Development Agency Planning Division staff before August 28, 2008, verifying removal or relocation of the structures."
- Condition of Approval #4, add ".....with fees"
- Condition of Approval #8, strike " before issuance of a Building Permit and Coastal Permit," to allow the Parcel Map to show the 100 foot buffer setback.

Staff noted as a part of clarification regarding the modification to Condition of Approval 3, the stream on the northern boundary is not defined as a Stream Conservation Area and the setbacks required are the Department of Public Works drainage course setbacks. The Title 24 code references are referenced in the condition. The Hearing Officer agreed to replace "SCA" with "creek" setbacks.

The Hearing Officer approved the Crandall Coastal Permit and Land Division based on the Findings and subject to the Conditions in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days (March 6, 2008).

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-110

**A RESOLUTION GRANTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE CRANDALL COASTAL PERMIT AND LAND DIVISION**

6950 PANORAMIC HIGHWAY, STINSON BEACH

ASSESSOR'S PARCEL 195-233-23

SECTION 1: FINDINGS

- I. WHEREAS Harriet Crandall submitted the Crandall Coastal Permit and Land Division application and revisions prepared by CSW/Stuber-Stroeh Engineering Group, Inc.. The project is a revised proposal to divide an existing 3.32-acre property into two lots. The applicant submitted revised plans in response to comments received on the Draft Negative Declaration of Environmental Impact in November 2006, and further revised plans in response to directions received from the Deputy Zoning Administrator. The location of the reserve leachfield is now proposed downslope and west of the existing residence more than 320 feet from the wetland seep and 100 feet from the ephemeral stream. The proposed driveway to Parcel 2 would be a common driveway in the location of the existing driveway through Parcel 1. Retaining walls totaling 220 lineal feet are proposed along portions of the driveway with heights of 1-foot to 6 feet above grade. The driveway would have a maximum slope of 18% requiring 550 cubic yards of excavation and 350 cubic yards of embankment fill. The lot shapes and sizes have been modified to provide a more regular boundary between the two proposed lots with areas of 1.64-acre for Parcel 1, and 1.68-acre for Parcel 2. Six existing accessory buildings and concrete beams would be removed from the property or relocated to comply with yard and creek setback requirements. Parcel 2 is proposed with a 5,940 square foot building envelope and a septic system area for a future single-family residence, located upslope and a minimum of 75 feet southeast of the existing residence on Parcel 1. The building envelope would be a minimum of 35 feet west of the Panoramic Highway right-of-way on the outside curve of a steep switchback. An existing spring box used to collect groundwater for irrigation purposes would not be modified. The property is located at 6950 Panoramic Highway, Stinson Beach, and is further identified as Assessor's Parcel 195-233-23.

- II. WHEREAS on September 15, 2006, an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.

- III. WHEREAS the Marin County Community Development Agency, Planning Division staff prepared a Revised Initial Study for the revised project that determined no significant effects would occur, and there is no evidence that the project would result in significant effects on the environment.
- IV. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Revised Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- V. WHEREAS on June 8, 2007, a Revised Initial Study and proposed Negative Declaration of Environmental Impact were completed and recirculated to agencies and interested parties to commence a 30-day public review period for review and comment on the revised draft Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- VI. WHEREAS, after the close of the 30-day public review period on July 9, 2007, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the revised draft Negative Declaration, revised Initial Study, and comments and responses thereto.
- VII. WHEREAS, after review of the project in public hearings on August 16, 2007, September 27, 2007, October 11, 2007, October 25, 2007, and February 28, 2008, the applicant submitted revised plans on November 8, 2007, November 21, 2007, and February 11, 2008 in response to the Deputy Zoning Administrator's comments and directions. The upper driveway to Lot 2 has been deleted and only a small portion of the northeast corner of the proposed Building Envelope on Lot 2 would encroach into the 100-foot wetlands buffer. Mitigation Measure 7(a)-1 requires that the Building Envelope shall be reduced 400 square feet to be located entirely outside the 100-foot wetlands buffer. The existing lower driveway on Lot 1 would be widened to 16 feet through a proposed easement for access to Lot 2 as a common driveway. Retaining walls totaling 220 lineal feet are proposed along portions of the driveway with heights of 1-foot to 6 feet above grade. The driveway would have a maximum slope of 18% requiring 550 cubic yards of excavation and 350 cubic yards of embankment fill. A turnout area is proposed along the driveway, and a fire truck turnaround area is proposed south of the existing residence on Lot 1.
- VIII. WHEREAS, after review of the revised project and an Addendum to the Proposed Negative Declaration, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the revised draft Negative Declaration, revised Initial Study, and comments and responses thereto, and the Addendum in a public hearing on February 28, 2008.

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Deputy Zoning Administrator.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Revised Initial Study, responses to comments, the Addendum and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County’s CEQA process.

LET IT BE FURTHER RESOLVED that the Marin County Deputy Zoning Administrator hereby grants the Negative Declaration of Environmental Impact for the Crandall Coastal Permit and Land Division application as an adequate and complete environmental document for purposes of approving the project and declares that the Negative Declaration has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County’s CEQA process.

SECTION 3: DECISION

GRANTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of February 2008.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-111

A RESOLUTION APPROVING
THE CRANDALL COASTAL PERMIT AND LAND DIVISION
WITH CONDITIONS

ASSESSOR'S PARCEL 195-233-23

6950 PANORAMIC HIGHWAY, STINSON BEACH

SECTION 1: FINDINGS

- I. WHEREAS, Harriet Crandall submitted the Crandall Coastal Permit and Land Division application and revisions prepared by CSW/Stuber-Stroeh Engineering Group, Inc.. The project is a revised proposal to divide an existing 3.32-acre property into two lots. The applicant submitted revised plans in response to comments received on the Draft Negative Declaration of Environmental Impact in November 2006, and further revised plans in response to directions received from the Deputy Zoning Administrator. The location of the reserve leachfield is now proposed downslope and west of the existing residence more than 320 feet from the wetland seep and 100 feet from the ephemeral stream. The proposed driveway would be a common driveway in the location of the existing driveway to the existing residence. Retaining walls totaling 220 lineal feet are proposed along portions of the driveway with heights of 1-foot to 6 feet above grade. The driveway would have a maximum slope of 18% requiring 550 cubic yards of excavation and 350 cubic yards of embankment fill. A 40-foot long turnout is provided along the driveway and a fire truck turnaround area is proposed adjacent to the existing residence. The lot shapes and sizes have been modified to provide a more regular boundary between the two proposed lots with areas of 1.64-acre for Parcel 1, and 1.68-acre for Parcel 2. Six existing accessory buildings would be removed from the property or relocated to comply with yard and creek setback requirements. Parcel 2 is proposed with a 5,940 square foot Building Envelope and a septic system area for a future single-family residence that would be located upslope and a minimum of 75 feet southeast of the existing residence on Parcel 1. The Building Envelope would be a minimum of 35 feet west of the Panoramic Highway right-of-way on the outside curve of a steep switchback. An existing spring box that is used to collect groundwater for irrigation purposes would not be modified. **The property is located at 6950 Panoramic Highway, Stinson Beach, and is further identified as Assessor's Parcel 195-233-23.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 12, 2007, and continued public hearings on August 16, 2007, September 27, 2007, October 11, 2007, October 25, 2007, November 29, 2007, and February 28, 2008 to consider the environmental determination and merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and determined, subject to the conditions

of project approval contained herein, that this project will not result in any potentially significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
- A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
 - B. The proposed project would result in the division of property into two lots consistent with the density range of one unit per one acre to five acres under the governing C-SF3 general plan designation;
 - C. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
 - D. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation, wetlands, and drainage courses.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Stinson Beach Community Plan because:
- A. The proposed project involves a two-lot land division and future construction of a single-family residence, which is a principally permitted use on the property.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, habitats, or on-site drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project would not adversely impact the surrounding built environment relative to views from Panoramic Highway and adjacent properties, privacy for the subject and surrounding properties, and access from Panoramic Highway.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:

The Stinson Beach County Water District has reviewed the Crandall Land Division and recommended approval of the proposed project.

B. Septic System Standards:

The Stinson Beach County Water District regulates individual sewage disposal systems in the area of the subject property. The Stinson Beach County Water District staff reviewed the project and recommended approval of the Land Division.

C. Grading and Excavation:

The proposed new lot and development site is located on steep slopes adjacent to Panoramic Highway and excavation and embankment fill will be required to construct a driveway in conformance with the turnaround, turnout, and maximum slope standards in Marin County Code. No grading would be associated with the Land Division. The future development project would result in approximately 550 cubic yards of excavation and 350 cubic yards of fill with 200 cubic yards of soil to be exported from the site. Excavations would also occur for construction of the future foundations and septic systems. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, before construction with Design Review and additional Coastal Permit review to ensure consistency with Marin County LCP requirements and Best Management Practices.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. Archaeological Resources Service completed an archaeological survey of the property and found no cultural resources on site. Therefore the future grading and site development would not likely disturb cultural resources. However Mitigation Measure 14(a)-1 requires that in the event cultural resources are discovered during grading and construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures. If deemed appropriate, a Native American monitor shall be retained to determine if sacred resources exist and need protection.

E. Coastal Access:

The project site is an upland site located approximately 1/3-mile inland of the Pacific Ocean at an elevation of approximately 400 feet and would not impede coastal access.

F. Housing:

The proposed project would not result in the removal of a residential building that provides housing opportunities for people of low or moderate income, and would result in the availability of one additional housing unit within the Stinson Beach community.

G. Stream Conservation Protection:

The project site is located along an ephemeral drainage course. The drainage course is not a blue-line stream and does not contain riparian vegetation. The Land Division would comply with the streamside and riparian vegetation conservation policies of the Marin Countywide Plan, Local Coastal Program, and Marin County Code. All proposed structures and developments would be more than 100 feet from the drainage course top-of-bank. Existing structures within 100 feet of the creek would be removed and the area restored with native vegetation.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for special status species. The biota survey and report prepared by LSA Associates, Inc. determined that special status species of bats are the only species of animals that could potentially occur on the subject property. These species are the pallid bat (*Antrozous pallidus*) and the Townsend' western big-eared bat (*Corynorhinus townsendii townsendii*). The avoidance of the freshwater seep and wetlands with a 100-foot buffer and maintaining the 20-foot drainage course buffer would result in no impacts to the wildlife habitat of this developed property. The project will have a minimal impact to the habitat value of the site because it involves a Land Division and the future construction of one single-family residence on a previously disturbed portion of the property adjacent to Panoramic Highway.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is may have habitat for an endangered plant species and five other protected species. The Showy Indian Clover (*Trifolium amoenum*) may have habitat in coastal grasslands. The "Biological Resources of the Crandall Parcel Project Site" completed by Clinton Kellner of LSA Associates, Inc. concluded that the project site does not have habitat suitable for these plants. Suitable habitat may be present for Point Reyes Checkerbloom (*Sidalcea calycosa ssp rhizomata*), a California Native Plant Society List 1B plant. No *Sidalcea* plant species were located during the site survey.

The proposed Building Envelope would have 400 square feet of encroachment into the wetland buffer. However, with compliance with mitigation measures and implementation of Best Management Practices, the Building Envelope would be reduced 400 square feet and the 100-foot buffer around the small 150 square foot wetlands would not be developed and native plants would be protected from adverse impacts.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located within 1 mile of the San Andreas Earthquake Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or public utility services.

N. Land Division Standards:

The land division would meet all land division standards.

O. Visual Resources:

The height and visual appearance of the future residential development proposal would be evaluated with a separate Coastal Permit. The residence would not result in adverse visual effects along Panoramic Highway because the proposed Building Envelope would be set back 35 feet from the front property line and at an elevation below the line of sight to the Pacific Ocean, as required by conditions of approval. The residence would not block views from Panoramic Highway or adjoining properties including the Dipsea Trail on the Golden Gate National Recreation Area property to the south.

P. Recreation/Visitor Facilities:

The project site is not governed by VCR (Village Commercial Residential) zoning regulations that would allow for a mixture of residential and commercial uses and the project would have no affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The developed property is not historically significant and the project site is not located within the designated historic preservation boundaries for Stinson Beach as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Land Division approval pursuant to the requirements in Marin County Code Chapter 20.56, Action On Tentative Map Where Parcel Map Required (Section 20.56.120 Required findings) as described below. The map shall be denied for any of the following causes:

A. The proposed map is not consistent with applicable general and specific plans.

The Crandall Tentative Map is a 2-lot land division of a 3.22-acre lot that is consistent with the Marin Countywide Plan land use designation of C-SF3, Coastal Single Family, 1 unit per 1 acre to 5 acres. The resultant density would be 1 unit per 1.61 acres – consistent with the density range. The Crandall Tentative Map is consistent with the Local Coastal Program and

the Stinson Beach Community Plan because it would result in one additional building site within the existing community area and would not result in adverse effects to coastal resources or the Stinson Beach Community. Overall, the project is consistent with the goals and policies of the Countywide Plan because it would create additional residential parcels within the Coastal Recreation Corridor consistent with existing low density residential development in the vicinity without adversely impacting natural resources or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services. Finally, the proposed project would not result in substantial grading or tree removal, or other adverse impacts on the environment, consistent with Environmental Quality and Community Development Element policies. Therefore this negative finding cannot be made and the map can be approved.

- B. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposed design or improvement of the Crandall 2-lot land division is consistent with the Marin Countywide Plan land use designation of C-SF3, Coastal Single Family, 1 unit per 1 acre to 5 acres. The Crandall Tentative Map is consistent with the Local Coastal Program and the Stinson Beach Community Plan because it would result in one additional building site with a shared common driveway for access from Panoramic Highway. The Building Envelope would be reduced in size with conditions of approval and would be located with adequate setbacks from Panoramic Highway and 100-feet from the wetlands seep. Future development would be designed to minimize visual impacts, grading, and disturbance of the coastal resources through a subsequent Coastal Permit review process. Overall, the project is consistent with the goals and policies of the Countywide Plan because it would create additional residential parcels within the Coastal recreation Corridor consistent with existing low density residential development in the vicinity without adversely impacting natural resources or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services. Finally, the proposed project would not result in substantial grading or tree removal, or other adverse impacts on the environment, consistent with Environmental Quality and Community Development Element policies. Therefore this negative finding cannot be made and the map can be approved.

- C. This site is not physically suitable for the type of development.

The site has moderate to gradual slopes where the driveway and Building Envelope are proposed, and the soil types can accommodate residential development including an individual on-site septic system. The Building Envelope would be located outside the 100-foot wetlands buffer and more than 100 feet from the ephemeral stream. Therefore this negative finding cannot be made and the map can be approved.

- D. The site is not physically suitable for the proposed density of development.

The site has moderate to gradual slopes where the driveway and Building Envelope are proposed, and the lot size can accommodate residential development including an individual on-site septic system. Further, the project would not result in significant adverse physical impacts related to unstable soil conditions or drainage alterations. Therefore this negative finding cannot be made and the map can be approved.

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

The design of the land division is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the subject property is an infill site in a residential area, the Building Envelope would be reduced, and development standards have been required to protect the environment with minimal grading and tree removal, and erosion control measures. The areas of the property that would provide primary habitat value for wildlife along the ephemeral creek and around the wetlands seep would be avoided. In addition, existing vegetation would be retained to the greatest extent feasible because the proposed Building Envelope would be reduced in size 400 square feet to be located outside the 100-foot wetlands buffer area. The project would avoid the woodlands area of the site and minimize additional effects to the habitat qualities of the site. Therefore this negative finding cannot be made and the map can be approved.

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

The design of the land division and proposed improvements are not likely to cause serious public health problems because the proposed project would result in the installation of access and drainage improvements along the existing roadway serving the property. Finally, conditions of approval require the applicant to comply with fire safety, access, water and sanitary service standards as required by the Stinson Beach County Water District, the Stinson Beach Fire Department, and the Department of Public Works. Therefore this negative finding cannot be made and the map can be approved.

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

The design of the land division would not conflict with any easements for access or use of the property within the proposed land division. In addition, the proposed lot configuration has been designed to utilize existing, but relocated, utility easements burdening the property to avoid the need for additional private easements on or across the site. Therefore this negative finding cannot be made and the map can be approved.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Crandall Coastal Permit (CP 03-25) and Land Division (LD 03-7) application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Section 22.56.130I, and Marin County Subdivision Code Section 20.56.120, this Coastal Permit and Land Division approval permits the division of an existing 3.32-acre property into two lots. The location of the reserve leachfield is approved downslope and west of the existing residence more than 320 feet from the wetlands seep and 100 feet from the ephemeral stream. The lot shapes and sizes are approved with a slightly irregular boundary between the two proposed lots, with areas of 1.64-acre for Parcel 1, and 1.68-acre for Parcel 2. Six existing accessory buildings shall be removed from the property or relocated to comply with yard and drainage course setback requirements. Parcel 2 is approved with a 5,540 square foot Building Envelope and a septic system area for a future single-family residence, located upslope and a minimum of 75 feet southeast of the existing residence on Parcel 1. The northeast corner of the proposed Building Envelope shall be reduced

approximately 400 square feet to be entirely outside the 100-foot wetlands buffer area. The Building Envelope is approved a minimum of 35 feet west of the Panoramic Highway right-of-way on the outside curve of a steep switchback. Driveway access to Parcel 2 is approved as a common driveway through an easement on Parcel 1 in the location of the existing driveway to the existing residence. The approval permits retaining walls totaling 220 lineal feet along portions of the driveway with heights of 1-foot to 6 feet above grade. The approval permits a driveway with a maximum slope of 18% requiring 550 cubic yards of excavation and 350 cubic yards of embankment fill. Subsequent Design Review and Coastal Permit approvals shall be obtained for the driveway design details before construction of the common driveway. Subsequent Coastal Permit approval for the design details of the residence and driveway turnaround area on Parcel 2 shall be obtained before construction of a residence. **The subject property is located at 6950 Panoramic Highway, Stinson Beach, and is further identified as Assessor's Parcel 195-233-23.**

2. Except as modified herein, plans submitted for a Parcel Map, Coastal Permit, and Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency (CDA), Planning Division, identified as Exhibit A, "Crandall Land Division" consisting of 9 sheets prepared by CSW/Stuber-Stroeh Engineering Group, Inc., Consulting Engineers date stamped received February 11, 2008.
3. BEFORE May 1, 2008 AND RECORDATION OF THE PARCEL MAP, the applicant shall submit a final site plan to the Community Development Agency Planning Division for review and approval showing the removal or relocation of the six accessory structures with dimensional setbacks in compliance with the creek and property line setback standards. BEFORE AUGUST 28, 2008 AND FILING OF THE PARCEL MAP, the applicant shall deconstruct or relocate the six existing accessory structures on the property as shown on the final approved site plan. If the structures are relocated, they shall comply with the 20-foot minimum setback from the drainage course pursuant to Marin County Code Section 24.04.560 and the 30-foot front, 20-foot side, and 10-foot rear property line setbacks of the C-RA:B4 zoning. The applicant shall also remove the concrete beams from Parcel 2. The applicant shall complete the deconstruction or relocation work and call for a site visit from the Community Development Agency Planning Division staff before August 28, 2008, verifying removal or relocation of the structures to the Planning Division for review and approval. All materials should be recycled or reused to the fullest extent feasible.
4. The applicant must submit Parcel Map Checking applications, and obtain approval of the Parcel Map from the CDA Planning Division and Department of Public Works County Surveyor. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder, with fees, to record the land division approved herein. The required Parcel Map must be in substantial conformance with Exhibit A, as modified herein, including, but not necessarily limited to, the proposed lot lines and easements. Parcel Map data and form must be in compliance with provisions of Chapter 20.64 of the Marin County Code.
5. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency an in-lieu participation fee for the construction of affordable housing. The fee shall be determined at the time the Parcel Map is filed in accordance with the provisions of Marin County Development Code Chapter 22.22 (Affordable Housing Regulations), which requires that proposed projects resulting in the development of two or more units or parcels shall provide 20 percent of the total number of units or parcels for the development of affordable housing. Factoring in the existing house, the fee shall be based on one additional lot, or 2/10th of an inclusionary unit.
6. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.

7. BEFORE RECORDATION OF THE PARCEL MAP, the following items must be submitted to the Community Development Agency, Planning Division:
 - a. Verification from the Stinson Beach County Water District, that confirms all required legal, financial, and construction agreements have been applied for and completed to install new water distribution facilities to the approved lot.
 - b. Verification from the Stinson Beach County Water District, that confirms all required legal, financial, easements, contracts, and/or construction agreements have been applied for and completed to install a new septic system for the approved lot.
 - c. Verification from Pacific Gas and Electric Company that confirms all required legal, financial, easements, contracts, and construction agreements have been applied for and completed to provide underground power lines to serve the approved lots.
8. BEFORE RECORDATION OF THE PARCEL MAP for residential development on Parcel 2, the applicant shall map a 100-foot buffer area around the 150 square foot wetland seep on Parcel 2. The Building Envelope shall be modified to be located entirely outside the buffer area and the driveway to Parcel 2 shall be a common driveway in the location of the existing driveway to Parcel 1. The connection of the common driveway with Panoramic Highway shall comply with Marin County Code Title 24 and the Stinson Beach Fire Department standards for safe ingress and egress, including sight distance and turning radii. Best Management Practices (BMP) shall be indicated on the plans for any improvements, grading, or drainage proposed for the common driveway improvements to protect the wetlands and watershed downslope. Mitigation Measure 7(a)-1.
9. BEFORE ISSUANCE OF A GRADING PERMIT AND CONSTRUCTION OF THE COMMON DRIVEWAY, the applicant shall obtain Design Review and Coastal Permit approvals for the details of the driveway design, retaining walls, grading, vegetation removal and replacement, and drainage.
10. BEFORE ISSUANCE OF A BUILDING PERMIT AND CONSTRUCTION OF THE COMMON DRIVEWAY AND RESIDENCE ON PARCEL 2, the applicant shall obtain Design Review and Coastal Permit approvals for the details of the driveway design, retaining walls, grading, vegetation removal and replacement, and drainage. If the residence is proposed at a separate time than the common driveway proposal, the applicant shall obtain Coastal Permit approval for the details of the residence and turnaround area on Parcel 2, BEFORE ISSUANCE OF A BUILDING PERMIT.
11. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the approved lots shall be as follows:

<u>Parcel</u>	<u>Street Address</u>
One	6950 Panoramic Highway, Stinson Beach
Two	6800 Panoramic Highway, Stinson Beach

12. The Crandall Land Division approval must be vested with the filing of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally

approved by the County of Marin. A timely filing is made when all parties having record title interest in the real property submit written consent, and a fully executed Mylar complying with all conditions of approval, including executed versions of all required agreements and paying all required fees, are submitted to the County Surveyor. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division approval may also be permitted pursuant to applicable State law.

13. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the applicant defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Crandall Land Division, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the applicant of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
14. BEFORE ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, the applicant shall follow Best Management Practices (BMP) by submitting a Stormwater Runoff Pollution Control Plan ("Plan") that addresses both interim (during construction) and final (post construction) stormwater pollution control measures. The Plan should follow guidelines as established in "Start at the Source," published by the Bay Area Stormwater Management Agencies Association. The Marin County Department of Public Works must approve such Plan prior to the issuance of a Building Permit. This Plan must comply with construction guidelines of the Marin County Stormwater Pollution Prevention Program, which includes, but is not limited to: siltation fencing, hay bales, and other drainage erosion control measures; stabilization of graded soils; hydroseeding; protection of graded soils from precipitation and runoff; and limiting construction equipment access. Ground-disturbing activities should be conducted during the dry season (May through October) to reduce the potential of soil erosion. Driveway and residential development surface runoff shall be directed away from the seep. Mitigation Measure 3(b)-1.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a Landscape Plan for review and approval of the Director that indicates the use of primarily native plant species for any areas of the property proposed to be landscaped, including the area downslope of the common driveway in the Panoramic Highway right-of-way. The landscaping in the Panoramic Highway right-of-way shall be reviewed by the Department of Public Works and shall not interfere with the required driveway sight distance. The landscaping within 100 feet of the seep shall consist of native plants and no trees. Any non-native ornamental plants proposed on Parcel 1 or 2 must be non-invasive. Mitigation Measure 3(b)-2.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall construct a silt fence between the construction site and the wetland seep with a minimum setback of 100 feet from the edge of the seep. No construction vehicles or equipment shall access the wetland seep area or the 100-foot buffer area. Mitigation Measure 7(a)-2.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, future residential development shall be designed to minimize visual impacts and protect public views of the Pacific Ocean, Stinson Beach, and Bolinas. Future residential development shall have a maximum potential height of 18 feet above grade and a maximum elevation of 494 feet above sea level. During the Coastal

Permit review process for future residential development, a visual impacts analysis of the proposed developments as viewed from Panoramic Highway and Golden Gate National Recreation Area lands shall be prepared, and height and design standards refined to prevent coastal view obstructions and adverse visual impacts. The Coastal Development Permit proposal shall be transmitted to the Golden Gate National Recreation Area for review of the potential visual impacts of the development project. Mitigation Measure 13(a)-1.

18. 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 because of loss experienced by geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
19. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. At the discretion of the Environmental Coordinator and consistent with CEQA, the Environmental Coordinator shall retain a Native American monitor to evaluate any cultural resource discovery for sacred values and propose protection measures appropriate to the Federated Indians of the Graton Rancheria Sacred Sites Protection Committee. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director. Mitigation Measure 14(a)-1.
20. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color. All exterior lighting shall be subdued, downward directed, hooded, and the minimum lumens necessary for safety only.
21. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
22. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
23. All soils disturbed by development of the project shall be reseeded with native groundcover, grasses, wildflowers, and mulch to control erosion.
24. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street and common driveway so that pedestrians, bicyclists, and vehicles can pass safely at all times.
25. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.

26. No trees, except those approved for removal, shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property.
27. All utilities proposed to serve the future residence on Parcel 2 shall be underground.
28. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Use and Water Resources

29. All improvements shall conform to Title 24 of the Marin County Code and/or as approved by DPW and the Fire Department specifically MCC §24.04.255, MCC §24.04.285.
30. Provide within the plans all existing utilities within all existing public utility easements.
31. Driveway improvements on alignment for Parcel-2 shall conform to that presented in the January 25, 2008 version, sheet C3.
32. The applicant shall obtain a Recorded Encroachment Permit for all driveway retaining walls and any other structure within the Panoramic Highway right-of-way
33. Before Recordation of the Parcel Map:
 - a. The applicant shall quit claim the PG&E Easement recorded on December 26, 1974; Book 2855, Page 636.
 - b. All of the proposed access and utility easements shall be recorded concurrently with the Parcel Map.
 - c. Provide approval from the County Fire Department for the proposed driveway configuration and turnaround. County code requires that centerline turn radii be a minimum of 30 feet [MCC §24.04.255]. A 24-foot outside wheel radius may be allowed if approved by the County Fire Department.
34. Before Issuance of a Building Permit or a Grading Permit:
 - a. Improvement plans shall be prepared in accordance with Marin County Code MCC, Title §20 Subdivisions, and must conform to MCC, Title §24, Development Standards or as approved by the Department of Public Works.
 - b. Design parameters for adequate sight distance onto Panoramic Highway for the proposed driveway (CSW Revision of January 25, 2008) shall be implemented. This may include, but limited to:
 - i. The proposed retaining wall east of the driveway shall have a zero-foot above-ground elevation starting 10-feet back from the edge of pavement in order to maintain a 440-foot of line-of-sight for drivers exiting the driveway.

- ii. Existing shrubs west of the driveway shall be removed permanently to maintain a 350-foot of line-of-sight for drivers exiting the driveway.
 - c. The vertical curve transition shall start at least 4 feet back from the edge of pavement of Panoramic Highway [MCC §224.04.285]. Be advised that vertical curve transitions shall not exceed a difference of 12% over 15 feet and a maximum driveway slope of 25%.
 - d. Provide a driveway drainage design that prevents any direct discharge onto Panoramic Highway.
 - e. Plans shall show the location of four (4) onsite parking spaces for each parcel and a turnaround to allow vehicles to attain the desired direction in one turning maneuver, as approved by DPW. Turnarounds may not count or be used as parking.
 - f. An erosion and siltation control plan shall be submitted which addresses both interim (during construction) and final (post construction) control measures in general accordance with “Manual of Standards for Erosion and Sediment Control Measures” published by ABAG. Silt fencing shall be placed around the seep for protection.
 - g. A final, detailed geotechnical report must be submitted and the plans must be reviewed and approved by a Registered Geotechnical Engineer. Certification shall be by the engineer’s signature and stamp on the plans or signed and stamped letter.
 - h. An encroachment permit shall be required for work within the right-of-way.
 - i. Note on plans that prior to final inspection, the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and site retaining wall construction was done in accordance with plans and field directions, and that site improvements shall be inspected by a Department of Public Works Engineer.
35. It is recommended that the applicant refer to the Bay Area Stormwater Management Agencies Association “Start at the Source, Design Guidance Manual for Stormwater Quality Protection” and incorporate design elements into the development where feasible.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Crandall Coastal Permit (CP 03-25) and Land Division (LD 03-7) approval by recording a Parcel Map before February 28, 2011, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on March 6, 2008.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of February 2008.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Walter Connolly

Application (type and number): Coastal Permit (CP 07-25) and Design Review (DC 07-65),
And Second Unit Permit (SU 07-15)

Assessor's Parcel Number: 112-254-08

Project Location: 65 Edgemont Way, Inverness

For inquiries, please contact: Curtis Havel, Senior Planner

Decision Date: February 28, 2008

DETERMINATION: Approved with Conditions

Minutes of the February 28, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-19.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**H3. COASTAL PERMIT (CP 07-25), DESIGN REVIEW (DC 07-65)
AND SECOND UNIT PERMIT (SU 07-15): WALTER CONNOLLY**

Hearing proposing to consider the Connolly Coastal Permit, Design Review Clearance and Second Unit Permit. The applicant is proposing to retroactively authorize the conversion of an existing 380 square foot detached accessory structure into a second dwelling unit. The detached accessory structure has a height of 14 feet and is located 4 feet from the rear westerly property line, and 29 feet from the northerly side property line. The project also includes proposals to legalize a 12-foot tall entryway trellis over the driveway, new hot tub, conversion of the existing 357 square foot garage into an art studio, removal of 5 bay trees, and construction/legalization of an 8-foot tall fence along the front property line (the applicant is proposing to remove portions of the planter encroaching into the right-of-way) and 6-foot tall fencing along the side and rear property lines. The subject property is located at **65 Edgemont Way, Inverness**, and is further identified as **Assessor's Parcel 112-254-08..**

In response to the Hearing Officer, staff acknowledged receipt of an e-mail from Ken Emmanuel's, expressing concerns with the applicant's development of the property. Staff clarified that the project is not a Second Unit Amnesty as publicly noticed, but rather a regular Second Unit Permit. Staff spoke to Captain Jim Fox of the Inverness Fire Department who indicated that sprinklers are not required for this second unit. A letter dated November 27, 2007, the Inverness Fire Department and the Inverness Public Utility District indicated that the gate width and height were adequate for fire department access. After consultation with the Department of Public Works, staff would like to make the following modifications to the Condition of Approval:

- Condition of Approval #17 (a), modify to read, "The existing entry gate shall maintain a width of 11 ½ feet wide and 12 feet tall.";
- New Condition of Approval # 8, to read, "BEFORE FINAL INSPECTION, the Marin County Community Development Agency shall verify that landscaping has been installed."
- Condition of Approval #19, delete.

The Hearing Officer suggested modification of the Condition of Approval #8 to read, "BEFORE FINAL INSPECTION, the applicant shall submit a statement of completion signed by a certified landscape professional verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan in Chapter 23.10 where applicable."

Staff concurred with the Hearing Officer's modification.

The public testimony portion of the hearing was opened.

Walter Connolly, owner, architect, and builder spoke regarding:

- Native ferns that he would like to plant in the back of the property;
- Gates that he built in 2003;
- Expanded planter to prevent an electrical junction box from being hit by cars; and
- Asked to modify the plan to build a wall near the junction box for safety.

In response to the Hearing Officer, the applicant indicated he was not requesting any modifications to the plans. He further noted that he had reduced the primary residence to two bedrooms to allow for a second unit with one bedroom to comply with the regulations for a Class 1 septic field.

The Hearing Officer noted that after reviewing the plans and the staff report, he concurs that minor changes recommended by staff could be made to the Resolution indicating that the gated entry and the trellis structure to maintain a 12-foot width. He added an extra Condition of Approval for a landscape statement of completion that reads:

- New Condition of Approval #8, "BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified, licensed landscape design professional to verify that all approved and required landscaping has been installed in accordance to the approved landscape plan and Chapter 23.10 in the Marin County Code where applicable."

The Hearing Officer noted that the noticing error was minor, and adequate notice was given to the public.

The Hearing Officer approved the Connolly Coastal Permit, Design Review, and Second Unit Permit, based on the Findings and subject to the Conditions set forth in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-112

A RESOLUTION CONDITIONALLY APPROVING THE CONNOLLY COASTAL PERMIT 07-25, DESIGN REVIEW CLEARANCE 07-65, AND SECOND UNIT 07-15
65 EDGEMONT WAY, INVERNESS
ASSESSOR'S PARCEL 112-254-08

SECTION I: FINDINGS

- I. WHEREAS Walter Connolly, property owner and applicant, is requesting Coastal Permit, Design Review, and Second Unit approvals to authorize the conversion of an existing 380 square foot detached accessory structure into a second dwelling unit. The detached accessory structure has a height of 14 feet and is located 4 feet from the rear westerly property line, and 29 feet from the northerly side property line. The project also includes proposals to legalize a 12-foot tall entryway trellis over the driveway, an 8-foot tall fence along the front property line, new hot tub, conversion of the existing 357 square foot garage into an art studio, removal of 5 bay trees, and 6-foot tall fencing along the side and rear property lines. There are no blue line creeks within 100 feet of the project site. The property is located at 65 Edgemont Way, Inverness, and is further identified as Assessor's Parcel 112-254-08.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing February 28, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails legalization of a second unit detached accessory structure and other improvements that are incidental to the residential use of the property and would not result in adverse impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Inverness Ridge Communities Plan for the following reasons:
 - A. The construction of a new detached second unit will comply with the C-SF3 (Coastal, Single-Family, one unit per one to five acres) land use designation;
 - B. The project will provide an additional housing opportunity in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
 - C. The project complies with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard, including the installation of fire sprinklers;
 - D. The project complies with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works staff;
 - E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;

- F. The project requires only minimal soil and natural vegetation disturbance;
 - G. The project will not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage;
 - H. The project will maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works staff;
 - I. The project is served by the existing roadway network;
 - J. The project is located over 100 feet from any creeks and/or wetlands, and will not impact any streams or waterways;
 - K. The project will be served by the Inverness Public Utility District for water service and an on-site sewage disposal system found feasible by Marin County Environmental Health Services staff; and
 - L. The project will not adversely impact the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130I) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:

A. Water Supply:

The Inverness Public Utility District has indicated that adequate water is available to the property and can serve the second dwelling unit.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that the proposed septic system will be adequate to serve the second unit.

C. Grading and Excavation:

The project does not entail significant amounts of grading or excavation.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, the proposed project is not likely to disturb cultural resources because the project consists of the legalization of existing structures on a previously disturbed site, and no grading is proposed as part of the project.

E. Coastal Access:

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During a field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine

F. Housing:

The second dwelling unit will increase the availability of housing stock in Inverness.

G. Stream Conservation Protection:

The proposed second dwelling unit is not within 100 feet of any blue line stream as identified on the National Resources Map for Unit II of the Local Coastal Program, or any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base (CNDDDB), prepared by the State Department of Fish and Game, indicate that the subject property is located in an area potentially containing rare wildlife species. However, the project is located in an area disturbed by existing residential development and does not entail significant amount of new construction that would result in impacts to wildlife species.

J. Protection of Native Plant Communities:

The project site does not contain a significant number or type of non-indigenous, invasive plant species that would threaten the preservation or reestablishment of native plant species.

K. Shoreline Protection:

The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

The project site is located in an area with some degree of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. However, the project site is located outside the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. Through the building permit plan checking process, Marin County Building Inspection staff will review the plans for conformance with Marin County Building Codes relative to seismic safety factors.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

The height, scale and design of the structure will be compatible with the character of the surrounding built and natural environment. The proposed project is sited so that it does not obstruct public views, roads or adjacent properties. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout Inverness.

P. Recreation/Visitor Facilities:

The proposed project will not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site is not located in a historic preservation boundary area, and does not entail impacts to any historic resources.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, is consistent with all of the mandatory findings to approve the Design Review application (Section 22.42.060.B of the Marin County Code) because the project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

- A. The proposed project consists of elements that are accessory to the existing single-family residential use on the property and includes the legalization of a 380 square foot detached accessory structure that would not exceed 15 feet in height.
- B. The small-scale project will not impact views from neighboring properties.
- C. The project is accessory to the principally permitted residential use authorized by the governing C-RSP zoning district and is appurtenant to the single-family residential use of the subject property.
- D. With respect to design, size, and height, the project will not impact other development in the surrounding neighborhood.
- E. The project will maintain adequate setbacks from all property lines and other buildings on the property and neighboring properties.
- F. The design of the accessory structure will be compatible with that of other structures in the neighborhood and will utilize exterior colors and materials consistent with the prevailing community character.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Second Unit (Chapter 22.32.140.G of the Marin County Code).

- A. The second unit will be located on the same lot or parcel on which the owner of record maintains his/her principal residence.**

The owner-occupancy requirements does not apply to second units in the communities of Inverness.

- B. The new second unit complies with all of the current property development standards of this Development Code (e.g., height, setbacks, floor area ratio), for a dwelling unit in the residential zoning district in which it is located. A detached second unit shall comply with development standards required for detached structures within the residential zoning district in which it is located.**

The C-RSP zoning district does not prescribe specific development standards for detached accessory structures. The detached second unit would have a height of 14 feet which is consistent with the height limitation of 15 feet for detached accessory structures.

- C. The second unit will meet all applicable building codes adopted by the County.**

Through the Building Permit process, the second unit will be required to comply with current Uniform Building Code as adopted by Marin County.

- D. The second unit is the only additional dwelling unit on the parcel.**

A site visit conducted by staff indicates that the property is currently developed with one principally permitted single-family residence; therefore, the approved second unit will be the only additional dwelling unit on the property.

- E. Adequate sanitary service will be provided for the additional wastewater resulting from the new second unit, in compliance with County and State regulations, and with the requirements of the local sanitary district, if applicable.**

The second unit will have adequate on-site sewage disposal from a proposed septic system, which has been reviewed and accepted by CDA – Environmental Health Services staff.

- F. Adequate water supplies would be provided to serve the new second unit in compliance with County and State regulations, and with the requirements of the local water district, if applicable.**

The Inverness Public Utility District has stated that it had adequate water to provide water service to the second dwelling unit on the property.

- G. The parcel on which the new second unit would be located meets the minimum building site area requirements of the zoning district in which it is located. The slope ordinance shall apply in determining the minimum parcel size, where appropriate. The minimum building site area requirements of the governing zoning and the slope ordinance shall be waived in those cases where the second unit is created within the footprint of an existing structure on the site.**

The C-RSP-1.0 (Coastal, Residential Single Family Planned District, one unit per acre maximum density) zoning district does not have a minimum lot size requirement.

- H. The addition of a second unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.**

The proposed structure will be finished in colors and materials (ivory black fiberglass shingle roofing, board and batten siding, and shingle siding) that are compatible with the existing residence on the property.

- I. The floor area of a new second unit shall not exceed 750 square feet. In addition, the floor area of the primary and second unit combined shall not exceed the floor area ratio of the particular residential zoning district in which the parcel is located, if applicable. For new-detached second units, the square footage of attached, potentially habitable storage or other accessory use areas (not including garage space) shall be counted toward the 750 square foot size limit.**

The second unit is 380 square feet in size. The C-RSP zoning district does not establish a floor area ratio standard.

- J. The parcel on which the new second unit will be located shall have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit. Off-street parking spaces assigned to the second unit shall be independently accessible and shall be in addition to those required for the primary residence, in compliance with Title 24 standards.**

One independently accessible parking space will be provided for the second unit. The parking plan has been reviewed and accepted by the Department of Public Works.

- K. A second unit shall be allowed only where the street providing access to the site is of the minimum width necessary to allow for the safe passage of emergency vehicles, in compliance with Title 24 standards, as determined by the Department of Public Works.**

The Inverness Public Utility District, Fire Department and Department of Public Works have reviewed the proposed second unit and determined that Edgemont Way provides adequate street widths to allow for the safe passage of emergency vehicles.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Connolly Coastal Permit 07-25, Design Review Clearance 07-65, and Second Unit 07-15 pursuant to Chapters 22.56I, 22.82I, and 22.32.140 of the Marin County Code, subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Connolly Coastal Permit 07-25, Design Review Clearance 07-65, and Second Unit 07-15 hereby authorizes the conversion of an existing 380 square foot detached accessory structure into a second dwelling unit. The detached accessory structure is approved to maintain a height of 14 feet and is approved to be located 4 feet from the rear westerly property line, and 29 feet from the northerly side property line. The project also legalizes the following improvements: (1) a 12-foot tall entryway trellis over the driveway; (2) a new hot tub located on the southwest corner of the main house's rear deck; (3) conversion of the existing 357 square foot garage into an art studio; (4) removal of 5 bay trees; (5) construction/legalization of an 8-foot tall fence along the front property line; (6) removal of portions of the planter encroaching into the right-of-way; and (7) a 6-foot tall fence along the side and rear property lines.

The property is located at 65 Edgemont Way, Inverness, and is further identified as Assessor's Parcel 112-254-08. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the primary residence shall continue to be 65 Edgemont Way, Inverness. The street address for the second unit that is approved herein shall be 67 Edgemont Way, Inverness.

2. Plans submitted for a building permit shall substantially conform to plans on file in the Marin County Community Development Agency and identified as "Exhibit A," entitled, "65 Edgemont Way," consisting of 3 sheets prepared by Walter Connolly, dated July 2003 and most recently revised October 17, 2007.
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 (if required by the Building and Safety Division). Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. The Building Plans shall include specifications (cut sheet) for all exterior lights.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location of the hot tub equipment. The hot tub equipment shall be property insulated to minimize noise generation, and the hot tub equipment shall be located near the hot tub.
5. BEFORE FINAL INSPECTION, the applicant shall provide a written determination from a licensed surveyor or qualified civil engineer verifying that the second unit is at least 4 feet from the rear property line consistent with "Exhibit A." If the second unit is closer than 4 feet to the rear property line, the applicant shall install native, drought-tolerant vegetation along the easterly side of the second unit (and on the subject property) to provide partial screening as viewed from off-site locations to minimize visual impacts and potential privacy impacts.
6. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all second unit standards, with the Marin County Recorder's Office. Recordation of the Notice of Decision shall serve to advise future property owners of the standards applicable to maintenance of the second unit.

7. BEFORE FINAL INSPECTION, the Marin County Community Development Agency, in cooperation with the Department of Public Works, shall verify that the planter box to the south of the entry gate has been removed, and the size of the planter box to the north of the entry gate has been reduced in width to be consistent with the width of the planter box at the front northerly corner of the property.
8. BEFORE FINAL INSPECTION, the applicant shall submit a statement of completion signed by a certified landscape professional verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 where applicable.
9. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
10. Construction of all new utility lines and extensions serving the project shall be installed underground.
11. No additional dwelling units other than the primary dwelling unit and the approved second dwelling unit shall be permitted on the property. A second dwelling unit may be rented, but shall not be sold separately from the primary single-family unit.
12. Any proposed tree removal for a period of 10 years (until February 28, 2018) will be subject to the review and approval of the Marin County Community Development Agency.
13. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
14. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the second unit and other unpermitted improvements. 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.
15. Within 90 days of this decision, a Building Permit for all approved work must be issued. 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.
16. Within 120 days of this decision, the applicant must complete the approved work 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.

Community Development Agency – Environmental Health Services

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant/owners shall comply with the following conditions:
- a. Submit complete plans, with application and fees for a Class 1 septic design to serve all existing structures on the property, and obtain a Permit to Install.
 - b. A deed recordation regarding the use of the art studio/garage may be required, depending on the septic system.

Department of Public Works, Land Development

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit pertinent design information as specified below.
- a. The existing entry gate shall maintain a width of 11 ½ feet wide and 12 feet tall.
 - b. Revised plans to show only a note that parking is available at the frontage, rather than showing designated parking spaces. No parking within a County right-of-way shall be solely dedicated to any one property.
 - c. An encroachment permit shall be required for all work within the road right-of-way. The planter boxes built without a permit are not approved and shall be removed.

Inverness Public Utility District

Water

19. In the event installation of fire sprinklers requires a larger meter than the currently installed 5/8 by ¾-inch service, property owner will have to enter into an agreement with the Water System to upgrade the property's meter and connection to the main.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Connolly Coastal Permit 07-25, Design Review Clearance 07-65, and Second Unit 07-15 approvals by obtaining a Building Permit (or other construction permit) for the approved work and substantially completing all approved work in accordance with the approved permits consistent with the time lines specified in Conditions of Approval 13 through 15 in Section II of this Resolution, or all rights granted in this approval shall lapse.

The Connolly Second Unit Permit shall be valid for the remaining life of the approved structure so long as the applicant or subsequent owners of the subject property comply with the conditions of project approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **March 6, 2008**.

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of February, 2008.

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Recording Secretary