

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – May 15, 2008

Hearing Officer Johanna Patri, AICP
 Jeremy Tejrjian, AICP

Staff Present: Christine Gimmler, Senior Planner
 Lorene Jackson, Assistant Planner
 Neal E. Osborne, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.
Adjourned at 9:05 A.M.
Reconvened at 9:08 A.M.
Adjourned at 9:43 A.M

May 15, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Marin French Cheese Company

Application (type and number): Use Permit (UP 08-20)

Assessor's Parcel Number: 125-060-10

Project Location: 7500 Redhill Road, Petaluma

For inquiries, please contact: Christine Gimmler, Senior Planner

Decision Date: May 15, 2008

DETERMINATION: Approved with Conditions

Minutes of the May 15, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-11.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. USE PERMIT (UP 08-20): MARIN FRENCH CHEESE COMPANY

A proposal to consider approval for the temporary use of an existing 6,400 square foot barn as exhibit space for "21 Days of Black Rock City", a presentation of photographic images of the Burning Man Festival. As proposed, the exhibit would be held from May 30 through August 17, 2008 and from September 26 through November 23, 2008. The exhibit would be open Friday through Sunday and holidays, from noon to 5:00 p.m. and no admission fee would be charged. The exhibit would be open to the public and Cheese Company visitors and the applicant proposes to organize tours of the exhibit for Marin and Sonoma County school children. The existing barn proposed to house the temporary exhibit is located behind the main cheese factory complex, approximately 400 feet north of Point Reyes-Petaluma/Redhill Road. No exterior modifications to the structure are proposed. Proposed temporary signage for the exhibit would include two 42" by 48" signs installed along Petaluma-Point Reyes Road as well as two 42" by 70" wall-mounted signs on the barn and an adjacent storage building. This barn was previously approved for a similar temporary art exhibit use in 2005. The subject property is located at **7500 Redhill Road, Petaluma**, and is further identified as **Assessor's Parcel 125-060-10**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The Hearing Officer noted that although the applicant was not present, she had spoken to him while making a site visit and he had no concerns or questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Marin French Cheese Company Use Permit, based on the Findings and subject to the Conditions in the Resolution.

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 NO. 08-123

**A RESOLUTION APPROVING WITH CONDITIONS
THE MARIN FRENCH CHEESE COMPANY USE PERMIT APPLICATION**

**ASSESSOR'S PARCEL 125-060-10
7500 REDHILL ROAD, PETALUMA**

SECTION I: FINDINGS

- I. WHEREAS the applicant, Joshua Reichel, on behalf of the Marin French Cheese Company, is requesting Use Permit approval for the temporary use of an existing 6,400 square foot barn as exhibit space for “*21 Days of Black Rock City*”, a presentation of photographic images of the Burning Man Festival. As proposed, the exhibit would be held from May 30 through August 17, 2008 and from September 26 through November 23, 2008. The exhibit would be open Friday through Sunday and holidays, from noon to 5:00 p.m. and no admission fee would be charged. The existing barn proposed to house the temporary exhibit is located behind the main cheese factory complex, approximately 400 feet north of Point Reyes-Petaluma/Redhill Road. No exterior modifications to the structure are proposed. Proposed temporary signage for the exhibit would include two 42” by 48” signs installed along Petaluma-Point Reyes Road as well as two 42” by 70” wall-mounted signs on the barn and an adjacent storage building. This barn was previously approved for a similar temporary art exhibit use in 2005. The subject property is located at 7500 Redhill Road, Petaluma, and is further identified as Assessor’s Parcel Number 125-060-10; and
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 15, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project; and
- 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 pursuant to Section 15303, Class 3(e) of the CEQA Guidelines because it entails use of an existing building as temporary exhibition space on a commercially-developed property which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Provide art exhibition space in the Inland Rural Corridor without adversely affecting agricultural areas, public open spaces, residential areas, or natural resources in the project vicinity;
 - B. Comply with Marin County standards for access, parking, flood control, and seismic safety;
 - C. Not cause soil disturbance or the removal of natural vegetation.
 - D. Not adversely impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Development Code can be made because:

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

The proposed temporary art exhibit is an educational use which is conditionally permitted within the governing A-60 zoning district, and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed use of an existing barn building as a temporary exhibition space would be consistent with the land use designation and policies of the Countywide Plan. The project would provide art exhibit space and serve visitors and local residents without increasing the footprint of development on the site, interfering with neighboring uses, or resulting in grading, tree removal, or other adverse environmental impacts. The project site has adequate water and septic services, and available parking to serve the project.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorical Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(e) of the CEQA Guidelines because it entails use of an existing building as temporary exhibition space on a commercially-developed property with no potentially adverse impacts to the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

As noted previously, the proposed use would be located within an existing building, and would not alter the design, location, size or character of existing development on the subject property. The art exhibit would serve existing visitors to the Marin French Cheese Company and would be compatible with the visitor and local-serving commercial use of the site. The proposed hours of operation are reasonable and compatible with existing hours of operation of the Marin French Cheese Company. Overall, use of an existing barn as temporary exhibition space would not generate any activities which are detrimental to the existing and future land uses in the vicinity.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The project proposes the use of an existing renovated barn structure and would not alter the appearance of the structure or the visual character of existing development on the property. In addition, the proposed signage would be reasonably sized and would adequately identify the temporary use without adversely impacting the character of the site.

F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The proposed project would not generate any activities which are detrimental to the public or adjoining property owners and residents. The property is served by approximately 200 parking spaces, which Department of Public Works staff has determined would be adequate to serve the proposed use. Although developed with an existing commercial and retail use, the subject property is located in a rural area with no nearby residential properties that could be adversely impacted by the proposed use. The barn that would house the exhibit is located behind the main Cheese Factory building and is not readily visible from the roadway. Finally, no adverse comments regarding the proposed project have been received by Community Development Agency staff.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin French Cheese Company Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. The Marin French Cheese Company Use Permit approval permits the use of an existing 6,400 square foot barn on the subject property as exhibit space for a temporary art installation. The use is approved to begin May 30, 2008 through August 17, 2008, and again from September 26, 2008 through November 23, 2008. The exhibit is approved to be open to the public Friday through Sunday and holidays from noon to 5:00 p.m.
2. Except as modified by conditions of approval, plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A": Partners in Creation – Exhibit Space, prepared by JSW/D Architects, dated 3/11/08, received 3/24/08, and on file in the Marin County Community Development Agency -- Planning Division.
3. Exterior lighting shall be permitted for safety reasons only, must consist of low wattage fixtures, and must be directed downward and hooded.
4. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
5. This Use Permit shall be vested by use of the barn for the approved art exhibit use consistent with the terms of the approval and shall remain through November 23, 2008, unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.48 of the Marin County Code.

Marin County Department of Public Works

9. BEFORE ISSUANCE OF ANY BUILDING PERMITS OR USE OF THE EXHIBIT SPACE BY THE PUBLIC, the plans shall be revised to relocate the accessible parking space to the area closest to the path of travel and the bathroom facilities so that the path of travel does not cross the travel lane. The parking space shall be van accessible. Plans shall show signage, striping, and details of the accessible parking space.
10. All signage shall be placed on the subject property and outside of the County road right-of-way along Point Reyes-Petaluma/Redhill Road.

Environmental Health Services

11. WITHIN 30 DAYS OF APPROVAL, the applicant shall confirm that all required EHS permits have been obtained related to construction performed without permits in 2005.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, LET IT BE FURTHER RESOLVED that the applicant must vest the Marin French Cheese Company Use Permit approval by May 30, 2008, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails installing the art exhibit as proposed and complying with all conditions of approval. An extension of up to 90 days may be granted for cause pursuant to Sections 22.56.050 of Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **November 23, 2008**, unless the conditions of approval are violated, in which case the Use Permit may be revoked.

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, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 29, 2008**.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May, 2008:

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Marin Housing Authority
Application (type and number): Use Permit (UP 08-19)
Assessor's Parcel Number: 052-140-41
Project Location: Drake and Donahue Street, Marin City
For inquiries, please contact: Lorene Jackson, Assistant Planner
Decision Date: May 15, 2008

DETERMINATION: Approved with Conditions

Minutes of the May 15, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

C2. USE PERMIT (UP 08-19): MARIN HOUSING AUTHORITY

Hearing requesting a Temporary Use Permit to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. As proposed, the fresh produce stand will be open 4:00-8:00 pm on Fridays and/or 10:00 am to 2:00 pm Saturdays from April through October. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community. Tables and awnings will be set up and taken down each day, and the area will be cleaned up after hours of sales. The subject property is located at the corner of **Drake and Donahue Street, Marin City**, and is further identified as **Assessor's Parcel 052-140-41**.

In response to the Hearing Officer, staff acknowledged receipt of an e-mail from Steven Willard, Marin Housing Authority, in support of the project.

The public testimony portion of the hearing was opened.

The Hearing Officer made the following modifications to the resolution:

- SECTION I: FINDINGS, IV: Replace (MCP) with (CWP);
- SECTION I: FINDINGS, IV, A.: Replace (MCP) with (CWP);
- SECTION I: FINDINGS, VI: Rewrite the sentence to read, "WHEREAS, the subject project is similar and compatible with the multi-family residential zoning district and the surrounding land uses, it is an allowable temporary land use under Section 22.50.040G of the Marin County Development Code; and
- SECTION II: CONDITIONS OF APPROVAL, 2: Replace "and" in the second sentence with "and/or", and correct "10:00 p.m." to "10:00 a.m. "

The Hearing Officer concurred with staff's analysis and approved Marin Housing Authority Use Permit, 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 ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-124

A RESOLUTION APPROVING WITH CONDITIONS
THE HOUSING AUTHORITY TEMPORARY USE PERMIT

DRAKE AND DONAHUE STREETS, MARIN CITY
ASSESSOR'S PARCEL 186-072-01

SECTION I: FINDINGS

- I. WHEREAS the Environmental Education Council of Marin, on behalf of the owners, Marin Housing Authority, is requesting a Temporary Use Permit to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. As proposed, the fresh produce stand will be open 4:00-8:00 pm on Fridays and/or 10:00 am to 2:00 pm Saturdays from April through October. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community. Tables and awnings will be set up and taken down each day, and the area will be cleaned up after hours of sales. **The subject property is located in the public park at Drake and Donahue Streets, Marin City, and is further identified as Assessor's Parcel 052-140-41.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 15, 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 the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15304e, Class 4 of the CEQA Guidelines because it is a minor temporary use of the land having negligible or no permanent effects on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
 - A. The project will provide Marin City residents with access to healthy foods. The County places a high priority on supporting neighborhood-oriented farmers' markets, particularly for low-income residents. All families, seniors, schools, and community-based organizations should be able to access, purchase, and increase intake of fresh fruits, vegetables, and other nutritious foods. (CWP Public Health Policy 1.b.)
 - B. The project will not adversely affect the residential areas, public area, or natural resources in the project vicinity.
 - C. The project will comply with Marin County standards for access and parking.
 - D. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

- E. The project will be situated in a landscaped neighborhood park and will not disturb soil or vegetation.
- V. WHEREAS the proposed project would be consistent with the goals of the Marin City Community Plan to preserve and enhances both the existing community and its natural setting, to meet the needs of Marin City residents, and to foster a sense of community identity. (Social Goals 4.1.1.)
- VI. WHEREAS, the subject project is similar and compatible with the multi-family residential zoning district and the surrounding land uses, it is an allowable temporary land use under Section 22.50.040G of the Marin County Development Code.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Temporary Use Permit per Section 22.50.060 of the Marin County Development Code can be made as described below.

A. The establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The proposed project would not generate any activities that are detrimental to the public or adjoining property owners and residents. The project will be served by fifteen on-street parking spaces and two spaces within the Housing Authority parking lot, which based on parking studies for the proposed Marin City Flea Market, would be adequate to serve the hours and days of this proposed temporary use. There are two handicap parking spaces immediately adjacent to the proposed project site. No adverse comments regarding the proposed project have been received by Community Development Agency staff.

B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The proposed project will be a temporary adjunct use to the current park area and will not result in a permanent structure. With limited hours of operation, the project will not substantially impinge on existing uses of the park. The location of the produce stand within the public housing site is valuable for improving the residents' access to healthy foods. Further, the proposed project's proximity to the entrance of Marin City makes it more accessible to the rest of the community.

C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by the Marin County Development Code.

There will be no permanent structures set up for this project; the site will be restored to its original state after use. Each day of operation, the applicant will set up and take down the few tables and awnings, and clean up.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin Housing Authority Temporary Use Permit (UP 08-19) subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. Pursuant to Chapter 22.50 (Temporary Use Permits) of the Marin County Development Code, the Marin Housing Authority Temporary Use Permit is approved for the Environmental Education Council of Marin to set up the Marin City Farm Stand in a 600 square foot grassy area between the parking lot and the tennis courts at 103 Drake Ave. This location shall conform to plans identified as Exhibit "A" - Environmental Education Council of Marin, prepared by Ken's Drafting Service, received March 28, 2008, and on file in the Marin County Community Development Agency, Planning Division. The subject property is located in the public park at the corner of Drake and Donahue Streets, Marin City, and is further identified as Assessor's Parcel 052-140-41.
2. This temporary use is approved to begin immediately through October 31, 2008, and again from April 1 through October 31 for the following four years. The produce stand is approved to be open to the public Friday from 4:00 p.m. to 8:00 p.m. and/or Saturdays from 10:00 a.m. to 2:00 p.m. The Environmental Education Council of Marin will be the sole vendor and offer fresh fruits and vegetables to the Marin City community.
3. Tables and awnings will be set up and taken down each day of operation. The project site shall be cleaned of debris, litter, or any other evidence of the temporary use at the end of the hours of sales each day.
4. Applicant shall obtain the necessary seasonal fruit vendor permit from the Marin County Environmental Health Services.
5. Applicant shall obtain the required California Fire Code Permit for tents and awnings. This can be obtained from the Marin County Fire Department or Woodacre Fire Station.
6. In accordance with the Americans with Disabilities Act, the produce stand shall be accessible to persons with disabilities.
7. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division in writing for review and approval before the contemplated modifications may be initiated.
8. This Temporary Use Permit shall be vested by the operation of the produce stand consistent with the terms of the approval and shall remain through October 31, 2012, unless the terms of this permit approval are violated or the approved use is carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Temporary Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.50 of the Marin County Code.
9. The applicant/owner hereby agree to 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 approval, for which action is brought within the applicable statute of limitations.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Temporary Use Permit approval by operating the produce stand and complying with all conditions of approval. Upon completion of the requirements to vest this application, the Temporary Use Permit shall remain valid until October 31, 2012 as long as all the terms of this permit are maintained.

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, Civic Center, San Rafael, no later than **4:00 p.m. on May 29, 2008.**

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May 2008.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Leif and Debra Petersen
Application (type and number): Coastal Permit (CP 08-21) And Variance (VR 08-6)
Assessor's Parcel Number: 195-163-09
Project Location: 26 Calle del Pradero, Stinson Beach
For inquiries, please contact: Neal E. Osborne, Planner
Decision Date: May 15, 2008

DETERMINATION: Approved with Conditions

Minutes of the May 15, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-27.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**C2. COASTAL PERMIT (CP 08-21) AND VARIANCE (VR 08-6):
LEIF AND DEBRA PETERSEN**

Hearing proposing to legalize as-built improvements to an existing 396 square foot single-family residence, construction of a 120 square foot canvas storage shed, and partial construction of a 1,271 square foot deck in the rear yard above the septic system tank and leach field. The proposal includes additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck, and construction of a new replacement bathroom. The total floor area proposed would be 536 square feet on the 2,400 square foot property resulting in a floor area ratio of 22.3%. The residence would have a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The canvas storage shed would have a maximum height of approximately 10 feet above grade and the following setbacks to the nearest corresponding property lines: 51 foot front (east), 14 feet side (north), 6 feet side (south), and 16.75 feet rear (west). The deck would be approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 2 feet rear (west). Only one on-site parking space is proposed to provide adequate separation from the septic tank. One guest parking space is proposed along the frontage of the property in the Calle del Pradero right-of-way. The subject property is located **at 26 Calle del Pradero, Stinson Beach**, and is further identified as **Assessor's Parcel 195-163-09**.

In response to the Hearing Officer, Planning Division staff, Neal Osborne, summarized the contents of his supplemental memorandum dated May 14, 2008 regarding correspondence received from Angela Rubin, Barbara Williams, and Barbara and Steve Williams. Additional e-mails were received from Gina Rulon Miller and Barbara Williams, expressing concerns with the relaxation of the parking standards, the view impacts caused by the location of the tent structures, potential increase in property damage from storm waves as a result of the removal of the fence from the beach area and the large size of the deck area.

The Hearing Officer asked staff if the tent/shed was a structure, and staff responded that because the tent/shed is attached to the deck that is connected to the ground and has bulk, walls and a roof, it is considered a structure. It is not subject to a Building Permit because it has less than 120 square feet. It complies with the development standards for a detached accessory structure and is not subject to discretionary review as an accessory structure with less than 400 square feet and no plumbing in the Coastal Zone.

Eric Steger, Department of Public Works, stated that structures are defined as having at least two walls and a roof. No Department of Public Works review is necessary if there is no Building Permit. If the structure requires a Building Permit, the lowest horizontal supporting member must be above the base flood elevation.

The public testimony portion of the hearing was opened.

Rebecca Katkin, Melander Architects, Inc. spoke regarding the tent/shed that she assumed did not require a Building Permit because it would not be bolted to the ground. Other such tents exist in the neighborhood. But would be moved to comply with the required property line setbacks. The parking space can not be relocated on the lot because of the location of the septic tank. The original proposal was modified as requested by the Stinson Beach County Water District.

Angela Rubin, next door neighbor, spoke regarding concerns with the tent/shed which has a door and a window. She would like to have her view of the hills instead of the shed canvas and is concerned with people possibly sleeping in the structure, noise, the use of candles because of no electricity, and loss of a parking space. She was unclear about how guest parking could be dedicated to the Petersen's use when it was in the road right-of-way.

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, Eric Steger, Department of Public Works, stated that he would have to check the subdivision map to see if the street is a private easement or dedicated to the subdivision. He noted that all the properties have an interest in parking on the street and there is no exclusive parking in the right-of-way.

The Hearing Officer noted that the neighbors appreciate the proposed improvements to the property, but expressed concerns with the removal of the fence, parking space, and appearance and location of the tent/shed. He further noted that:

- There must be a link between the project and the Conditions of Approval;
- There is no connection between the proposed project and the removal of the fence;
- A change to the project description regarding the guest parking space will be necessary; and
- A material for the shed other than canvas should be considered so that the appearance of the shed is similar to the single-family residence and community character. The tent should be changed to a shed with exterior that matches the residence.

The Hearing Officer made the following modifications to the resolution:

1. SECTION 1: FINDING I: Delete the reference to the guest parking space in the project description;
2. SECTION 1: FINDING I: Delete "Two on-site parking spaces are proposed in tandem with a 5 square foot portion of the interior parking space located above the septic tank."
3. SECTION 1: FINDING VII, A: Delete the word "not"...small in comparison...."
4. SECTION 2: CONDITIONS OF APPROVAL, 1: delete "construction of a 120 square foot canvas storage shed, " and replace with "construction of a 120 square foot storage shed."
5. SECTION 2: CONDITIONS OF APPROVAL, 1: delete "...canvas storage shed" and replace with ".....wooden storage shed";
6. SECTION 2: CONDITIONS OF APPROVAL, 1: add "the storage shed shall have exterior materials that are consistent with the primary residence."

7. SECTION 2: CONDITIONS OF APPROVAL, 1: delete “and one guest parking space along the frontage of the property in the Calle del Pradero right-of-way.”
8. SECTION 2: CONDITIONS OF APPROVAL, 5 (b): delete “and canvas storage shed”;
9. New Condition of Approval #6: The design of the shed shall be modified to be a wooden shed with exterior materials that are consistent with the primary residence;
10. New Condition of Approval #22: “Within 30 days of the Decision, the applicant must submit a Building Permit application and revisions to legalize the project. Request for an extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicants control”;
11. New Condition of Approval #23: “Within 60 days of this Decision, a Building Permit application must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicants control”; and
12. New Condition of Approval #24: “Within 120 days of this Decision the applicant must complete the approved construction and receive approval of the final inspection by the Building and safety staff. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicant’s control.”

The Hearing Officer noted that the standard timelines for an enforcement case need to be included in the Condition’s of Approval:

The applicant asked if the shed would need a Building Permit, and was told that the canvas shed should be replaced with a wooden shed.

The Hearing Officer concurred with staff’s analysis and approved the Petersen Coastal Permit and Variance, 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.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-125

A RESOLUTION APPROVING THE PETERSEN COASTAL PERMIT and VARIANCE

ASSESSOR'S PARCEL 195-163-09

26 CALLE DEL PRADERO, STINSON BEACH

SECTION 1: FINDINGS

- I. WHEREAS, Rebecca Katkin and Eric Robinson of Melander Architects submitted Coastal Permit and Variance applications, on behalf of Leif Petersen and Debbie McGuire-Petersen, proposing to legalize as-built improvements to an existing 396 square foot single-family residence, and partial construction of a 1,271 square foot deck in the rear yard above the septic system tank and leach field. The proposal includes additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck, and construction of a new replacement bathroom. The total floor area proposed would be 536 square feet on the 2,400 square foot property resulting in a floor area ratio of 22.3%. The residence would have a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The deck would be approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 2 feet rear (west). One on-site parking space is proposed. The subject property is located at 26 Calle del Pradero, Stinson Beach, further identified as Assessor's Parcel 195-163-09.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 15, 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 Categorical Exempt from the requirements of the California Environmental Quality Act, per Section 153031, Class 1(e)(1) of the CEQA Guidelines because it entails the renovation of, and a small addition to, an existing single-family residence that would not result in significant habitat disturbance, grading, or other adverse impacts on the environment.
- 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 construction of additions and improvements to an existing single-family residence, a principally permitted use under the governing CMF-2 general plan designation;
 - C. The proposed project would result in development which conforms to the governing standards related to building height, size and location;
 - D. 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;
 - E. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- 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 construction of additions and improvements to 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, species 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 adjacent properties, privacy for the subject and surrounding properties, and building design, and bulk.
- 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 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 and determined the project in conformance with the septic system standards.

C. Grading and Excavation:

The subject property is a level site and will not require grading. Minor excavation would occur for construction of piers to support the deck. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

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. The redevelopment of the site would not be likely to disturb cultural resources. Project approval requires that in the event cultural resources are discovered during 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.

E. Coastal Access:

The project is located approximately 250 feet inland of the Pacific Ocean at an elevation of approximately 10 feet above mean sea level and would not impede coastal access because all development would be on the subject property and outside any access easements.

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 not affect the availability of housing stock within the Stinson Beach community.

G. Stream Conservation Protection:

The project site is located approximately 320 feet from Easkoot Creek and associated riparian vegetation and would comply with the streamside, wetland, and riparian vegetation conservation policies of the Marin Countywide Plan, Local Coastal Program, and Marin County Code. All proposed developments would be outside the 100-foot streamside and wetland conservation area.

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 located in the habitat area for special status species. However, Monarch Butterfly (*Danaus plexippus*) is known to reside in trees in Stinson Beach. The project site does not contain any trees and does not provide suitable habitat for the Monarch Butterfly. The project will have a minimal impact to the habitat value of the site because it involves the construction of additions and improvements to an existing single-family residence within the disturbed areas on the site.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not 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 located in the vicinity of habitat area for rare or special status species including the listed federally endangered Showy Indian Clover (*Trifolium amoenum*), and unlisted Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbei's sedge (*Carex lyngbyei*), and Dune Gilia (*Gilia capitata ssp. chamissonis*). The habitat value of the proposed development site for these plants is low because it is currently developed with a single-family residence. The relatively small-scale project within the developed property will not have an adverse impact on the habitat or individual plants.

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 1/4-mile of the San Andreas Earthquake Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The project site is 200 feet from the Pacific Ocean and with an elevation of 10 feet would be subject to Tsunami from earthquake in the Pacific region. 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:

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

The height of the residence would not result in adverse visual effects because the 11.5-foot height is at a low elevation that would be below the line of sight to the Pacific Ocean. The residence would not block substantial views from State Route One or Calle del Arroyo. The exterior materials would be unobtrusive cedar wood and gray trim colors. The exterior lighting would be directed downward and hooded.

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 subject 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 inconsistent with the mandatory findings to approve a Variance (Section 22.86.025.4 of the Marin County Code) as specified below.

A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under an identical zoning district.

This finding can be made affirmatively because the subject property is comprised of one historic subdivision lot with a total land area of 2,400 square feet. Although the zoning district standard is 7,500 square feet minimum lot area, a comparison of 15 neighboring properties indicates that the average lot size is 5,120 square feet and the subject property is 2,720 square feet smaller than the average lot size. Consequently the subject property is unusually small in comparison to the average size of the neighboring properties. Additionally, the rectangular shape and overall dimensions of the subject property are small in comparison to the neighboring properties. The average lot width is 65 feet and the average lot depth is 79 feet. The subject property has a 30-foot width that is 35 feet narrower than the average lot width, and the lot depth is 80 feet. The area and property dimensions of the subject property are smaller in comparison to the 15 neighboring properties and therefore it does have special physical circumstances that deprive the property of privileges enjoyed by other properties in the vicinity regarding front and side yard areas. The property has unique physical attributes that create a hardship for development in conformance with the yard regulations in the C-R2 zoning district.

The subject property is located within a flood zone subject to potential wave action due to its beachfront location on the seaward side of the Stinson Beach community. This physical circumstance could create a hardship for compliance with the height and yard standards in combination with the base flood elevation of the Federal Emergency Management Agency (FEMA) V-5 Flood Zone.

- B. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.

This finding can be made affirmatively. The Stinson Beach County Water District determined that the additions and renovations to the existing residence would be in compliance with District requirements. The Department of Public Works determined that the small lot size and existing location of the residence and septic system preclude requiring the standard two on-site parking spaces, and that one on-site parking space and one guest space along the frontage and within the Calle del Prado road right-of-way would be adequate. The proposed project would not be detrimental to public health, safety and welfare.

- C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.

This finding can be made affirmatively because the granting of a Variance for a property with the requisite special physical circumstances would not be considered the grant of a special privilege as stated in Section A above. Other properties in the neighborhood in the identical C-R2 zoning district have been granted similar front and side yard encroachment Variances because those properties exhibited unique physical attributes such as small lot size and small lot dimensions in comparison to the other properties in the Stinson Beach neighborhood. The subject property does have a smaller width and land area in comparison to the average sizes in the neighborhood. The subject property is 2,720 square feet smaller than the average lot size and the lot width is 30 feet smaller than the average lot width. Consequently, the grant of Variance for encroachments in to the front (25 feet) and side (6 feet) yard areas would not constitute a grant of special privilege.

- D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of a Variance to allow the construction of an addition to, and renovation of, a single-family residence that would encroach into the minimum yard areas required in the C-R2 zoning district would authorize a residential use that is principally permitted under the governing zoning.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Petersen Coastal Permit and Variance application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I and 22.86.025I this Coastal Permit and Variance approval permits the legalization of as-built improvements to an existing 396 square foot single-family residence, construction of a 120 square foot storage shed, and partial construction of a 650 square foot deck in the rear yard above the septic system tank and leach field. The approval permits additional renovation of the residence to comply with current Building Codes including minimum ceiling heights, completion of the deck (1,000 square feet maximum size), and construction of a new replacement bathroom. The approval permits a total floor area of 536 square feet on the 2,400 square foot property and a floor area ratio of 22.3%. The approval permit the residence with a maximum height of 11.5 feet above grade and the following setbacks to the nearest corresponding property lines: 1 foot front (east), 2.5 feet side (north), 14.75 feet side (south), and 40.5 feet rear (west). The storage shed shall have exterior materials that are consistent with the primary residence. The approval permits a 1,000 square foot deck approximately 1.25 feet above grade with the following setbacks to the nearest corresponding property lines: 16.5 foot front (east), 0.5 feet side (north), 0 feet side (south), and 16 feet rear (west). The approval permits one one-site parking space. The subject property is located at 26 Calle del Pradero, Stinson Beach, and is further identified as Assessor's Parcel 195-163-09.
2. Except as modified herein, plans submitted for a building permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Petersen Residence Remodel, 26 Calle del Pradero, Stinson Beach CA 94970 APN 195-163-09" consisting of 10 sheets prepared by melander architects inc., and L.A. Stevens & Associates, Inc., Professional Land Surveyors, date stamped received March 6, 2008.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Variance Conditions of Approval as notes.
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 because of loss experienced by geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans for the Planning Division file that shall be labeled "Revised Exhibit A" and supersede "Exhibit A", after review and approval by the Director. The revised plans shall indicate:
 - a. A revised site plan with the deck areas reduced approximately 271 square feet to a maximum of 1,000 square feet and with a minimum setback of 16 feet from the rear property line.
 - b. A Landscape Plan consisting of predominately native dune plants indigenous to Stinson Beach to soften the visual appearance of the residence, deck area, and to stabilize the sand.

6. The design of the shed shall be modified to be a wooden shed with exterior materials that are consistent with the primary residence.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Remodeling Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
9. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front, rear, and side property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.
10. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Remodeling Green Building Residential Design Guidelines.
11. BEFORE FINAL INSPECTION, the applicant shall install all proposed and required landscaping and a drip irrigation system to serve it. The applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met. The applicant shall call for a Community Development Agency, Planning Division inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent re-inspections
12. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded.
13. 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.

14. 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.
15. All soil areas disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
16. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street/driveway so that pedestrians and vehicles can pass safely at all times.
17. 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.
18. If any archaeological resources are discovered during trenching or construction work, all work at the site shall stop and the applicant shall contact the Environmental Coordinator in the Community Development Agency, Planning Division. A registered archaeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Environmental Coordinator advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Environmental Coordinator. All future development of the site must be consistent with the findings and recommendations of the archaeological report as approved by the Environmental Coordinator. If the report identifies significant resources, amendment of the permit may be required to implement mitigation to protect resources.
19. Any new utilities proposed to serve the approved project shall be underground.
20. The applicant/owner hereby agrees to 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 an addition and remodeling to an existing single-family residence for which action is brought within the applicable statute of limitations.
21. 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.
22. Within 30 days of the Decision, the applicant must submit a Building Permit application and revisions to legalize the project. Request for an extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicants control.
23. Within 60 days of this Decision, a Building Permit application must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicants control.
24. Within 120 days of this Decision the applicant must complete the approved construction and receive approval of the final inspection by the Building and safety staff. Requests for an

extension to this timeline must be submitted in writing to the Community Development Agency staff and will be granted for good cause such as delays beyond the applicant's control.

Department of Public Works, Land Use and Water Resources

25. The project is in a Special Flood Hazard Area, Zone-V5, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0419 revised March 1, 1982). The County has determined the Base Flood Elevation to be 23-feet NGVD-1929. According to the submitted Cost Estimate and Appraisal the ratio of improvement costs to the depreciated value of the structure is 38% and therefore does not constitute substantial improvements". As a result, the structure will not need to be raised above the FEMA Base Flood Elevation (BFE).
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. Provide documentation for the approval of parking over the septic system by the Stinson Beach Community Services District (SBCSD). If the SBCSD does not allow parking over the septic system, DPW will allow one on-site parking space. Note that parking spaces fronting properties within a right-of-way shall not be dedicated to any one parcel.
 - b. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
 - c. Provide a drainage plan for the project.
 - d. Propane tanks shall be securely anchored to resist flotation or lateral movement.
27. Upon completion of the construction and BEFORE FINAL INSPECTION FOR THE BUILDING PERMIT, DPW Land Development shall conduct an inspection to verify compliance and accuracy to the initial cost estimate. If the improvements are not within the approved cost estimate and if the final improvement costs exceed 50% of the appraised depreciated value of the structure, the entire structure shall be elevated so that the lowest horizontal member is at or above the BFE. If the structure is required to be raised, the design parameters pursuant to MCC §23.09 shall be implemented as stated in Merit Items "a" thru "f" below:
 - a. New construction within the Zone-V5 shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system in accordance with FEMA Technical Bulletin 5-93. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Upon completion of construction and prior to final inspection by the Building and Safety Division, a registered professional engineer or architect shall certify to the county that the design and methods of construction to be used are in accordance with these requirements.

- b. Per MCC §23.09.039, all new construction in coastal high hazard area shall have the lowest horizontal portion of the structural members of the lowest floor (excluding pilings or columns) elevated to or above the base flood elevation. Show on plans how project complies with this requirement. Per MCC §23.09.039, fill shall not be used for structural support of buildings in coastal high hazard areas. Provide existing topography on site plan and cross section through building indicating how building will be constructed.
- c. Provide information on the plans showing that all electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding, especially any underneath the floor joist elevation in Zone-V5.
- d. All new construction within Zone-V5 that are elevated on pilings or columns shall be constructed so that the pile or column foundations and the structure attached thereto are anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components. Prior to issuance of building permit, a registered professional engineer or architect shall review the structural design, specifications, and plans for the construction, and shall certify to the County that the design and methods of construction to be used are in accordance with these requirements.
- e. All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic forces on exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a registered civil engineer or architect. Provide calculations and details showing how the enclosed area floor is designed to automatically equalize hydrostatic flood forces (venting requirement is 1 square inch per 1 square foot, venting height maximum is 1 foot above grade).
- f. Upon completion of construction and prior to final inspection, submit certification by a registered engineer or architect that the structure complies with Marin County Code §23.09, Floodplain Management.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Petersen Coastal Permit and Variance approval by securing a Building Permit and substantially completing all of the approved work before May 15, 2010, 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.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Coastal Permit and Variance approval (and no extensions have been granted), the Building Permit and Coastal Permit and Variance approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Coastal Permit and Variance at least 10 days before the expiration of the Coastal Permit and Variance.

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 May 22, 2008.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May 2008.

JEREMY TEJIRIAN, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary