

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – June 12, 2008

Hearing Officer Johanna Patri, AICP
 Jeremy Tejrjian, AICP

Staff Present: Veronica Corella Pearson, Assistant Planner
 Scott Greeley, Planner and Johanna Patri, Senior Planner
 Kristina Tierney, Planner
 Curtis Havel, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.
Adjourned at 9:05 A.M.

June 12, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Bolinas Community Public Utility District

Application (type and number): Coastal Permit (CP 08-38)

Assessor's Parcel Number: 188-120-21

Project Location: 400 Mesa Road, Bolinas

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: June 12, 2008

DETERMINATION: Approved with Conditions

Minutes of the June 12, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C2. COASTAL PERMIT (CP 08-38): BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Hearing requesting approval for the placement of ground mounted solar arrays at 400 Mesa Road that would span approximately 152 feet by 38 feet, and be mounted flush to natural grade with a maximum height of approximately 2 feet. The system would be located to the north of the water treatment building, on the south aspect of the levee, within 100 feet of the reservoir. The project would be constructed between August 15th and October 15th of 2008 and would be limited to the area of existing disturbance. Work would consist of excavation for the piers that support the panels of 3 feet, 8 inches, and a trench for the conduit will run to the location of the equipment pad which is adjacent to the water treatment building, approximately 25 feet to the south. The subject property is located at **400 Mesa Road, Bolinas**, and is further identified as **Assessor's Parcel 188-120-21**.

In response to the Hearing Officer, staff stated that she had received a request from the general manager of the Bolinas Community Public Utility District (BCPUD) to change the project description to read that construction would commence from July 15 through October 15.

The Hearing Officer concurred with staff's recommendation and amended the Condition of Approval #1 to state: "July 15th through October 15th. Staff recommended that a year not be placed in the event that construction is not finished in this year.

The public testimony portion of the hearing was opened.

Don Smith, BCPUD Director, representing BCPUD, was present and stated that BCPUD would want to proceed with construction after the appeal period.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's analysis and approved the Bolinas Community Public Utility Coastal 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 five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-127

A RESOLUTION APPROVING
THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT COASTAL PERMIT (CP 08-38)

ASSESSOR'S PARCELS 188-120-21

400 MESA ROAD, BOLINAS

SECTION 1: FINDINGS

- I. WHEREAS the Bolinas Community Public Utility District has requested Coastal Permit approval for the placement of ground mounted solar arrays at 400 Mesa Road that would span approximately 152 feet by 38 feet, and be mounted flush to natural grade with a maximum height of approximately 2 feet. The system would be located to the north of the water treatment building, on the south aspect of the levee, within 100 feet of the reservoir. The project would be constructed between August 15th and October 15th of 2008 and would be limited to an area of existing disturbance. Ground work would consist of excavation for the piers that support the panels, at a depth of 3 feet, 8 inches, and a trench for the conduit will run to the location of the equipment pad which is adjacent to the water treatment building, approximately 25 feet to the south. The subject property is identified as 400 Mesa Road, Bolinas, and Assessor's Parcels 188-120-21.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 16, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS The Bolinas Community Public Utility District acting as the responsible agency, pursuant to Section 15051 of the California Environmental Quality Act, has filed a Notice of Exemption with the County Clerk under Section 15303, Class 3 (e).
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) for the reasons specified below:

A. Water Supply:

The proposed project would support the Bolinas Community Public Utilities District's ability to provide water to residents.

B. Septic System Standards:

The Marin County Environmental Health Services Division has reviewed plans and the proposed solar panels will have no impact to existing septic systems.

C. Grading and Excavation:

The proposed project requires a minimal amount of excavation for the placement of the panel piers and electrical conduit.

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, a minimal amount of site disturbance is proposed and the project is not likely to disturb cultural resources. Conditions of project approval would require that in the event that cultural resources are discovered during site preparation or construction of this project, all work shall immediately be 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 to meet Local Coastal Program requirements.

E. Coastal Access:

The project site is not located adjacent to the shoreline and therefore the project will not affect coastal access.

F. Housing:

The proposed will not impact the availability of affordable housing to households of lower or moderate income.

G. Stream Conservation Protection:

This project site is situated in an area subject to riparian protection policies, as identified on the National Resources Map for Unit I of the LCP. Yet, all work proposed would be contained to the south aspect of the levee reservoir and will not impact the reservoir or the stream that continues south of Mesa Road, as verified by the consulting biologist.

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 California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat areas for the California red-legged frog (*Rana aurora draytonii*) and the Northwestern pond turtle (*Actinemys marmorata*). The red legged frog prefers aquatic habitats and breeds in dense, shrubby, riparian vegetation and deep, still or slow moving water, between late November and late April, with inactivity in the dry months. The Northwestern pond turtle (NWPT) prefers submerged cover and basking structures and nests on unshaded slopes close to their aquatic habitat. The hatchlings require shallow water with relatively dense emergent and submergent vegetation for foraging. A site visit was conducted by a biologist and no red legged frogs or NWPT were seen and it was determined that no work will impact any of

their habitat. Nor will work occur during the breeding season for the turtle. The applicant has also proposed to train all construction crews prior to beginning construction to identify the two species so in the event they are seen, all work shall cease. Accordingly, the project will not adversely affect any wildlife habitats.

J. Protection of Native Plant Communities:

A review of the California Natural Diversity Database, prepared by the California Department of Fish and Game, indicates that the subject property is located in the habitat area for Coast yellow leptosiphon (*Leptosiphon croceus*). This plant is currently known to exist at only one location in San Mateo County and has since been considered to be extirpated in Marin County. Furthermore, during the site visit it was concluded that the location of the proposed solar panels consists of primarily non-native plants. Therefore, no significant or adverse impacts to native plant communities would result from the project.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone and therefore the project would not affect the shoreline.

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone or in an area that is subject to landslides.

M. Public Works Projects:

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The proposed project will be sited on an area of existing disturbance, and will be located near the water treatment building, below the reservoir, preserving views of the reservoir and open areas.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The subject parcel is not located within the designated historic preservation boundaries for Bolinas as identified in the Marin County Historic Study for the Local Coastal Program.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Community Public Utilities District Coastal Permit subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Bolinas Community Public Utility District Coastal Permit (CP 08-38) is approved for the placement of ground mounted solar arrays at 400 Mesa Road that will span approximately 152 feet by 38 feet, and be mounted flush to natural grade with a maximum height of approximately 2 feet. The system will be located to the north of the water treatment building, on the south aspect of the levee, within 100 feet of the reservoir. The project will be constructed between July 15th and October 15th and will be limited to an area of existing disturbance. Work would consist of excavation for the piers that support the panels with a depth of 3 feet, 8 inches, and a trench for the conduit will run to the location of the equipment pad adjacent to the water treatment building, approximately 25 feet to the south. The subject property is identified as 400 Mesa Road, Bolinas and Assessor's Parcel 188-120-21.
2. Building Permits are not required for the project. However, if the applicant voluntarily applies for a Building Permit then except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Bolinas Community Public Utility District", consisting of 2 pages, received on February 4, 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 conditions of approval.
4. All construction activities shall comply with the following standards:
 - a. 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.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

5. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
6. 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. 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.
7. 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.
8. 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 this Coastal Permit, for which action is brought within the applicable statute of limitations.

Marin County Department of Public Works, Land Use and Water Resources Division

9. None of the solar arrays or any other structure shall be located within the mesa Road County right-of-way or any easements.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bolinas Community Public Utility District Coastal Permit approval with the substantial completion of all the approved work before June 16, 2010 or all rights granted in this approval shall lapse unless the applicant applies for an extension limited to a maximum of four years, at least 30 days before the expiration date above and the 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, Civic Center, San Rafael, no later than **4:00 p.m. on June 20, 2008.**

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of June, 2008:

Attest:

Johanna Patri
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Joyce Evans
Recording Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Bolinas Community Public Utility District

Application (type and number): Coastal Permit (CP 08-37) and Design Review Clearance (DC 08-91)

Assessor's Parcel Number: 193-030-38

Project Location: 101 Mesa Road, Bolinas

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: June 12, 2008

DETERMINATION: Approved with Conditions

Minutes of the June 12, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. COASTAL PERMIT (CP 08-37) AND DESIGN REVIEW CLEARANCE (DC 08-91: BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Hearing requesting approval for the placement of ground mounted solar arrays at 101 Mesa Road that would span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels would be ground mounted and attain a maximum height of 6 feet. The system would be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds and wetlands. The project would be constructed between August 15th and October 15th of 2008 and would be limited to the area of existing disturbance. Work would consist of excavation for the piers that support the panels of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad which is adjacent to the waste-water treatment building, approximately 40 feet to the west. The subject property is located at **101 Mesa Road, Bolinas**, and is further identified as **Assessor's Parcel 193-030-38**.

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, after making a site visit, concurred with staff's analysis and approved the Bolinas Community Public Utility District Coastal Permit and Design Review Clearance, 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 five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-128

A RESOLUTION APPROVING
THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT COASTAL PERMIT (CP 08-37)

ASSESSOR'S PARCELS 193-030-37

101 MESA ROAD, BOLINAS

SECTION 1: FINDINGS

- I. WHEREAS the Bolinas Community Public Utility District has requested Coastal Permit approval for the placement of solar arrays at 101 Mesa Road that would span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels would be ground mounted and attain a maximum height of 6 feet. The system would be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds. The project would be constructed between August 15th and October 15th of 2008 and would be limited to the area of existing disturbance. Work would consist of excavation for the piers that support the panels at a depth of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad adjacent to the waste-water treatment building, approximately 40 feet to the west. The subject property is identified as 400 Mesa Road, Bolinas, and Assessor's Parcels 188-120-21.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 16, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS The Bolinas Public Utility District acting as the lead agency, has filed a Notice of Exemption with the County Clerk under Section 15303, Class 3 (e).
- 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 flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - b. The proposed project is in compliance with the governing C-OA land use designation since the solar panels would be for a public service use.
 - c. The proposed project would result in development that conforms to the governing zoning standards related to height, size and location.
 - d. The proposed project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control 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 other services.
- f. The proposed project would minimize soil disturbance and impacts to natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan because:

- a. 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, mass and bulk.
- b. The subject property would not impact water supply and sewage disposal, as confirmed by the Environmental Health Services Division by phone conversation on March 3, 2008.
- c. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
- d. The proposed development would not occur within the Bluff Erosion Zone identified in the Bolinas Gridded Mesa Plan.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) for the reasons specified below:

A. Water Supply:

The proposed project would support the Bolinas Community Public Utilities District's ability to provide water to residents.

B. Septic System Standards:

The Marin County Environmental Health Services Division has reviewed plans and the proposed solar panels will have no impact to existing septic systems on the property.

C. Grading and Excavation:

The proposed project requires a minimal amount of excavation for the placement of the panel piers and electrical conduit.

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, a minimal amount of site disturbance is proposed and the project is not likely to disturb cultural resources. Conditions of project approval would require that in the event that cultural resources are discovered during site preparation or construction of this project, all work shall immediately be 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 to meet Local Coastal Program requirements.

E. Coastal Access:

The project site is not located adjacent to the shoreline.

F. Housing:

The proposed will not impact the availability of affordable housing to households of lower or moderate income because it does not entail the demolition of any housing or the conversion of affordable housing to market rate housing.

G. Stream Conservation Protection:

The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream.

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 California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat areas for the California red-legged frog (*Rana aurora draytonii*) and the Northwestern pond turtle (*Actinemys marmorata*). The red legged frog prefers aquatic habitats and breeds in dense, shrubby, riparian vegetation and deep, still or slow moving water, between late November and late April, with inactivity in the dry months. The Northwestern pond turtle (NWPT) prefers submerged cover and basking structures and nests on unshaded slopes close to their aquatic habitat. The hatchlings require shallow water with relatively dense emergent and submergent vegetation for foraging. A site visit was conducted by a biologist and no red legged frogs, or NWPT were seen and it was determined that no work will impact any of their habitat. Nor will work occur during the breeding season for the turtle. The applicant has also proposed to train all construction crews prior to beginning construction to identify the two species so in the event they are seen, all work shall cease. Accordingly, the project will not adversely affect any wildlife habitats.

J. Protection of Native Plant Communities:

A review of the California Natural Diversity Database, prepared by the California Department of Fish and Game, indicates that the subject property is located in the habitat area for Coast yellow leptosiphon (*Leptosiphon croceus*). This plant is currently known to exist at only one location in San Mateo County and has since been considered to be extirpated in Marin County. Furthermore, the during the site visit it was concluded that the location of the proposed solar panels consists of primarily non-native plants. Therefore, no significant or adverse impacts to native plant communities would result from the project.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone and would therefore not adversely affect the shoreline.

L. Geologic Hazards:

The project site is not located within the Alquist-Priolo Special Study Zone or in a location that is subject to landslides. Therefore, the project would not be subject to unusual geologic hazards.

M. Public Works Projects:

This proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The height, scale, and design of the proposed accessory structure would comply with the standards of the governing zoning and will be compatible with the established character of the surrounding community.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The subject parcel is not located within the designated historic preservation boundaries for Bolinas 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 to approve a Design Review pursuant to Marin County Code Section 22.82.040 because the project entails the erection of solar panels which are supported by the Countywide Plans goal to increase renewable resource use. The panels will be located on the levee adjacent to the access road and face the spray fields, and would not affect viewsheds or neighborhood development. In addition the project will not require the removal of any native vegetation or result in any grading.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Community Public Utility District Coastal Permit (CP 08-37) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Bolinas Community Public Utility District Coastal Permit (CP 08-37) is approved for the placement of ground mounted solar arrays at 101 Mesa Road that will span approximately 151 feet by 10 feet, and 75 feet by 10 feet. The panels will be ground mounted and attain a maximum height of 6 feet. The system will be located approximately 50 feet to the southwest of the waste water treatment building, and east of the service road, within 100 feet of the settling ponds and wetlands. The project will be constructed between August 15th and October 15th of 2008 and will be limited to the area of existing disturbance. Work will consist of excavation for the piers that support the panels with a depth of 5 feet, 4 inches, and a trench for the conduit, which will run to the location of the equipment pad adjacent to the waste-water treatment building, approximately 40 feet to the west. The subject property is identified as 101 Mesa Road, Bolinas and Assessor's Parcel 193-030-38.
2. Building Permits are not required for the project. However, if BPUD voluntarily submits a Building Permit application, then except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Bolinas Community Public Utility District Wastewater Treatment Plant", consisting of 2 pages, received on February 4, 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 the below conditions of approval.
4. All construction activities shall comply with the following standards:
 - a. 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.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
5. All utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
6. 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. 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.
7. 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.
8. 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 this Coastal Permit, for which action is brought within the applicable statute of limitations.

Marin County Department of Public Works, Land Use and Water Resources Division

9. None of the solar arrays or any other structure shall be located within the mesa Road County right-of-way or any easements.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bolinas Community Public Utility District Coastal Permit and Design Review Clearance approval with the substantial completion of all the approved work before June 16, 2010 or all rights granted in this approval shall lapse unless the applicant applies for an extension limited to a maximum of four years, at least 30 days before the expiration date above and the 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, Civic Center, San Rafael, no later than **4:00 p.m. on June 20, 2008.**

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of June, 2008:

Johanna Patri
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Recording Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Tom Ritchey

Application (type and number): Coastal Permit (CP 06-1) and Design Review (DR 06-4)

Assessor's Parcel Numbers: 119-270-09, 119-260-05 and 119-270-11

Project Location: 100 Toby Road, Pt. Reyes Station

For inquiries, please contact: Scott Greeley, Planner and Johanna Patri, Senior Planner

Decision Date: June 12, 2008

DETERMINATION: Approved with Conditions

Minutes of the June 12, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-25.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

C4. COASTAL PERMIT (CP 06-1) AND DESIGN REVIEW (DR 06-4: TOM RITCHEY

Hearing requesting a four-year Coastal Permit and Design Review Extension to vest the Ritchey Coastal Permit (CP 01) and Design Review (DR 06-04) conditional approvals granted by the Deputy Zoning Administrator in April 2006 for the construction of a 2,978 square foot, two-story, three-bedroom primary residence with 1,500 square feet of deck and porch area and a maximum height of 25 feet above grade. Proposed setbacks from corresponding property lines consist of: 165 feet from front (southwest) property line; 25 feet from rear (northeast) property line and 15 feet to the public access easement; 170 feet from the side (southeast) property line; and 75 feet east of the second dwelling unit. Building permits have been granted for the conditionally approved single-story detached Second Unit and the 2,640 square foot, single-story detached accessory barn structure with a maximum height of 22.5 feet above grade. The subject property is located at **100 Toby Road, Pt. Reyes Station**, and is further identified as **Assessor's Parcel's 119-270-09, 119-260-05 and 119-270-11**.

In response to the Hearing Officer, staff stated that the applicant had asked to keep the temporary storage container on site indefinitely. Staff stated that the storage container is not part of the application or extension, and after remaining on site for a year, it is to be removed within 30 days of the project completeness as noted in the Condition of Approval.

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

The Hearing Officer concurred with staff's analysis and approved the Ritchey Coastal Permit and Design Review, 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 NO. 08-129

A RESOLUTION CONDITIONALLY APPROVING THE
RITCHEY COASTAL PERMIT (CP 06-01) AND DESIGN REVIEW (06-04)
EXTENSIONS (EX 08-20 AND EX 08-21)
100 TOBY ROAD, POINT REYES STATION
ASSESSOR'S PARCEL 119-270-09 AND
ASSESSOR'S PARCELS 119-260-05 AND 119-270-11

- I. WHEREAS the applicant, on behalf of the property owner Tom Ritchey, is requesting four-year Coastal Permit and Design Review extensions to vest the Ritchey Coastal Permit (CP 01) and Design Review (DR 06-04) conditional approvals granted by the Deputy Zoning Administrator in April 2006 for the construction of a 2,978 square foot, two-story, three-bedroom primary residence with 1,500 square feet of deck and porch area and a maximum height of 25 feet above grade. Proposed setbacks from corresponding property lines consist of: 165 feet from front (southwest) property line; 25 feet from rear (northeast) property line and 15 feet to the public access easement; 170 feet from the side (southeast) property line; and 75 feet east of the second dwelling unit.

The subject property is located at 100 Toby Road, Point Reyes Station, and is further identified as Assessor's Parcel 119-270-09 and Assessor's Parcels 119-260-05 and 119-270-11.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 12, 2008, to consider the merits of the extension request, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator (DZA) found that the 2006 Ritchey Coastal Permit (CP 06-01), Design Review (DR 06-04), Second Unit (06-01) and Use Permit (06-33) project was Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the CEQA Guidelines because the project entails the single-family residential development of a vacant residential parcel and the preservation of an open space parcel created by, and in conformance with, the January 2002 Final Environmental Impact Report (FEIR) of the Point Reyes Affordable Homes Project Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Master Plan, Precise Development Plan, Coastal Permit, and Subdivision certified by the Board of Supervisors (Board of Supervisors Resolution No.2002-18) and the March 2002 Addendum to the Point Reyes Affordable Homes Project FEIR adopted by the Board of Supervisors (Board of Supervisors Resolution No. 2002-25).

The DZA found that the 2006 Ritchey application plans provided adequate information pursuant to CEQA and the County's EIR Review Guidelines to determine that:

- No important revisions of the certified FEIR are required due to the involvement of new environmental impacts not considered in the certified FEIR and adopted Addendum;

- No substantial changes occur with respect to the circumstances under which the proposed project is reviewed and undertaken, which will require revisions to the certified FEIR and adopted Addendum;
- No substantial changes occur with respect to the circumstances under which the proposed project is undertaken that were not considered and analyzed in the certified FEIR and adopted Addendum;
- There is no new information of substantial importance related to the proposed project that was not known at the time of the certified FEIR and adopted Addendum;
- The proposed project will not result in any new significant effects that were not analyzed in the certified EIR and adopted Addendum; and
- All pertinent mitigation measures contained in the certified EIR and adopted Addendum have been incorporated into the design of the proposed project and conditions of project approval.

IV. WHEREAS, the Deputy Zoning Administrator finds that the requested Extensions (EX 08-20 and EX 08-21) to vest the Ritchey Coastal Permit (CP 06-01) and Design Review (DR 06-04) for the construction of the 2,978 square foot, two-story, three-bedroom primary residence with 1,500 square feet of deck and porch area and a maximum height of 25 feet above grade do not propose any changes to the 2006 Deputy Zoning Administrator conditional approvals. No new environmental impacts not considered in the certified FEIR and adopted Addendum have been identified. No substantial changes or new information with respect to the environment or circumstances have been identified under which the proposed extensions have been reviewed or were not considered and analyzed in the certified FEIR and adopted Addendum. All pertinent mitigation measures contained in the certified FEIR and adopted Addendum have been incorporated into the conditions of project approval of the requested extensions.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as conditioned herein, is consistent with the Point Reyes Affordable Homes Project Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Master Plan, Precise Development Plan, Coastal Permit, and Subdivision, approved by the Board of Supervisors in 2002 which created Lot 9 (Assessor's Parcel 119-270-09), the market rate residential lot for future development of a three-bedroom, single-family residence, a one-bedroom second dwelling unit, and a barn, with access from an extension of Toby Road off Mesa Road and Lot 13, a wetlands parcel (Assessor's Parcels 119-260-05 and 119-270-11), including a 100-foot buffer zone. All pertinent conditions of approval of the Point Reyes Affordable Homes Project Countywide Plan Amendment, Community Plan Amendment, Local Coastal Program Amendment, Rezoning, Master Plan, Precise Development Plan, Coastal Permit, and Subdivision have been incorporated into the Ritchey project conditional approval.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, subject to the conditions of approval contained herein, is consistent with the goals and applicable policies of the 2007 Marin Countywide Plan (CWP) that emphasize preservation of, and compatibility with, the surrounding natural resources and environment and will ensure the orderly planned growth and protection of natural resources and the environment for the following reasons:

A. The property is located in the Coastal Recreation Corridor of the CWP where open space, recreational, and agricultural land uses are emphasized along with the preservation of existing coastal communities. The project is consistent with the CWP C-SF-4 (Coastal, Single-Family, 1-2 units per acre) and the C-OS (Coastal, Open Space) land use designations established by the Point Reyes Affordable Homes Countywide Plan Amendment approved by the Marin County Board of Supervisors in 2002. The project will

result in residential development on the parcel, a principally permitted use under the governing C-R-A:B-3 (Coastal, Residential, Limited Agricultural, District, 20,000 square feet minimum lot size) and the preservation of open space on the wetlands parcel zoned C-OA (Coastal, Open Area) as created by the Point Reyes Affordable Homes project.

- B. The project is consistent with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
- C. The project complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plan species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
- D. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
- E. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
- F. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
- G. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
- H. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
- I. The project design and improvements ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
- J. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
- K. The project will require energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
- L. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
- M. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*).

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, subject to the conditions of approval contained herein, is consistent with the goals and applicable policies of the Point Reyes Station Community Plan (Community Plan) for the following reasons:
- A. The project utilizes a design that is compatible with the existing visual and architectural character of the Point Reyes Station community and the surrounding Point Reyes Affordable Homes project. The rural, simple architectural design complements the surrounding community in scale, form, and massing.
 - B. The project will be consistent with the Community Plan's general criteria for new residential development (Policy RL-3.3) because it will result in minimal site disturbance and grading, preserve views and vistas from public roads and surrounding properties, preserve the sun light, views, and privacy of adjacent properties, and preserve the existing rural community character. Furthermore, the project has been designed to incorporate exterior building design and materials that are compatible with the surrounding community. Program RL-3.3c recommends a maximum floor area of 4,000 square feet on any lot located in the planning area. Through the Design Review process, the total proposed floor area of 6,944 square feet development can be approved based on the findings contained in Program RL-3.3d, including: (1) adequate setbacks from property lines are maintained (the applicant owns the adjacent wetlands parcel, thereby providing a buffer for the barn structure from surrounding development); (2) the residential parcel is over one-acre in size and the 7,538 square feet of development on the 3.39-acre lot results in a floor area ratio of 5%, where 30% is allowed by County code; and (3) the siting of the structures and required landscaping will provide adequate screening from off-site views and will not significantly impact sun and light exposure to adjacent properties.
 - C. Program RL-3.3b of the Community Plan recommends a height limitation of 15 feet above natural grade for an accessory building. The applicant is requesting Use Permit approval to allow the 22.5-foot height exception to the recommended 15-foot height for the barn structure. (Refer to Finding X below.) Marin County Code, Section 22.70.060 allows the 20-foot height exception for the second unit structure because the detached accessory structure is located over 40 feet from all property lines, in which case the structure may be constructed to the 25-foot height allowed for the primary residence. Project approval requires a precise landscape plan requiring low water usage and consisting of native landscape specimens consistent with the Point Reyes Station Landscape Guide, Appendix K. (Residential Land Use Policies RL-3.2, RL-3.3, Natural Resource Policies NR-6.2, NR-7.1, Community Services Policies CS-1.3, CS-1.4)
 - D. The project will not affect special-status species and wildlife communities. Preconstruction surveys are required to prevent any potential disturbance to nesting birds, and project approval allows minimal use of fencing that would limit wildlife passage through the property. (Natural Resource Policies NR-6.3, NR-6.4, NR-6.5)
 - E. In order to ensure the continued health and survival of significant natural areas, the project has been designed to avoid development within the wetland areas on the property and to minimize disturbance of the natural environment (including topography) of the site. (Natural Resource Policy NR-5.3, Residential Land Use Policy RL-3.2)

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Coastal Permit Extension (EX 08-20) can be granted in accordance with Section 22.56.120I of the Marin County *Interim* Development Code (Title 22I) because the proposed construction of the 2,978 square foot, two-story, single-family residence continues to be in conformance with the requirements and objectives of the Local Coastal Program (LCP) Unit II, subject to the mandatory FEIR mitigation and monitoring measures and the conditions of approval contained herein for the following reasons:

- A. The proposed project is consistent with the Natural Resources element of the LCP because it will preserve the wetlands parcel, including no filling of the wetlands or surficial encroachments into the 100-foot wetland buffer. (Natural Resources Policy 4, Diking Filling and Dredging Policy 1)

- B. The project will not impact any special-status species and communities on the property. The grassland environment is not considered a sensitive habitat area. (Natural Resources Policy 5b)

- C. The proposed project is consistent with applicable policies contained in the Agriculture element of the LCP. The agriculture policies encourage the preservation of productive agriculture and lands with the potential for agricultural use and require that non-agricultural development not conflict with agricultural uses or result in incompatibilities with the rural character of the County's coastal zone. These policies are also intended to concentrate development in suitable locations, ensure that adequate public services are available for new development, and protect coastal wildlife, habitat, and scenic resources. The proposed LCP policy would not conflict with the LCP's agriculture policies because the project will not affect prime agricultural land, which does not exist on the property. Limited, small-scale agricultural uses are allowed on the C-R-A:B-3, parcel, while intensive agricultural uses may conflict with provision of the LCP relating to wetland protection and enhancement. (Agriculture Policy 1)

- D. Adequate public services and resources, including water supply, and road access and capacity are available to serve the proposed project. The North Marin Water District has confirmed that it has adequate capacity to supply water to the project site for domestic and fire protection purposes. The proposed on-site sewage disposal system has been approved by the Marin County Environmental Health Services to serve the proposed development. Adequate road access is available from Highway One and from Mesa Road for the project. (Public Services Policies 1, 2, 3, 4)

- E. No evidence of prehistoric or historic cultural resources has been found on the subject property, and the proposed project will not affect an area of known or suspected archaeological or paleontological significance. (New Development and Land Use Policy 2)

- F. The project will result in buildings that are compatible in height, scale, and design with the character of the surrounding natural and built environment, that are sited to follow the natural contours of the landscape, and as approved with conditions will be screened with appropriate landscaping which takes into consideration vistas of neighboring properties. The project will not interfere with any public views to or along the coast. Utility distribution lines will be placed underground. (New Development and Land Use Policy 3)
 - G. The project is consistent with the LCP policies which require development to be located over areas that are stable and to not create a hazard or diminish the stability of an area. The undergrounding of electrical utility lines will also minimize fire hazards to surrounding areas. (New Development and Land Use Policy 5)
 - H. The project has been designed to fit the site's topography, soils, geology, and hydrology, and all grading, cut and fill operations, and other site preparation will be kept to a minimum. Surface run-off will be collected downslope through an onsite stormwater collection and treatment system, which includes use of grassy swales and infiltration trenches to facilitate groundwater recharge. Erosion and sedimentation control and slope stability measures will be required prior to the construction during the rainy season. (New Development and Land Use Policy 5)
- IX. WHEREAS the Marin County Planning Commission finds that the proposed project, subject to the conditions of approval contained herein, conforms to the requirements and objectives of the Local Coastal Program, Unit II, and is consistent with the mandatory findings to approve a Coastal Permit pursuant to Marin County *Interim* Code (Title 22I) Section 22.56.130I, as specified below:
- A. The North Marin Water District will supply water service to the project, subject to construction of extension lines.
 - B. The Marin County Environmental Health Services has approved an up-to-code sewage disposal system for four bedrooms to service the residential development.
 - C. The project will require minimal grading (less than 500 cubic yards). Grading will be balanced on site to accommodate construction of the driveway, parking areas, septic systems, and building foundations. A condition of approval will require that all construction activities conform to the erosion and sediment control requirements contained in Title 24 of the Marin County Code.
 - D. The project will not impact archaeological, historical, or cultural resources because: (1) no prehistoric resource sites have been recorded within the project area; and (2) through the Point Reyes Affordable Homes project, the Federated Indians of Graton Rancheria determined that the project site contains no Native American cultural sensitivities. However, because Native American archaeological sites within the western portion of Marin County tend to be located on alluvial flats near sources of fresh water, there is a potential for identifying unrecorded Native American resources on the project site. A condition of project approval requires that all work at the site shall stop in the unlikely event that archaeological resources are discovered during construction, and that a qualified

archaeologist shall be consulted to evaluate the resource in accordance with state and federal guidelines.

- E. Although the property is not located between the sea and the first public road, or in an area designated by the Local Coastal Program where public access is desirable, the project site includes a pedestrian easement along the eastern boundary of the project site in order to provide pedestrian access from the West Marin School to adjoining properties and ultimately to downtown Point Reyes Station. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.
- F. The proposed single-family residence and second dwelling unit will result in an increase of the housing stock in the Point Reyes Station community.
- G. The subject property is not located on or near any perennial or intermittent stream, which has been identified on the National Resources Map for Unit II of the Local Coastal Program, and no filling of on-site wetlands or surficial encroachments into the wetlands parcel, including the parcel's 100-foot wide wetland buffer zone, will occur.
- H. 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. The project will have no significant adverse effects on wildlife, vegetation, and any special-status species (i.e., species listed by the State and federal government as rare, threatened or endangered, or species proposed or considered candidates for such listing). The project site does not provide habitat for special-status species, and none are expected to occur onsite. A condition of approval will require the applicant to eliminate all invasive species on the project site and to utilize landscape species that are recommended in the Point Reyes Station Landscaping Guide that is included as Appendix K to the community plan.
- J. Trees adjacent to the property provide potential nest sites for raptors and other birds. In order to ensure that potential impacts on raptors and other tree-nesting birds are reduced to a less-than-significant level, a condition of approval would require the conduct of focused surveys prior to construction during the nesting season (February 1 to August 31) and to cease construction within 400 feet of an active nest if nesting raptors are found.
- K. The proposed development does not encompass provisions for revetments, breakwaters, seawalls, or other manmade alterations that would alter the existing shoreline condition or prevent the re-establishment of the existing dune contours because the property is not adjacent to a beach or dune protection area.
- L. The property is not located in an area containing geologic hazards. All improvements will be constructed in accordance with the current building and seismic codes as well as development standards contained in Marin County Code Title 24.
- M. The project does not entail expansion of public roads, flood control projects, or utility services.
- N. No land division or property line adjustment is proposed as part of this project.

- O. The project will not conflict with the visual character of the surrounding Point Reyes Station community because the height, scale, and design of the buildings are compatible with the character of the surrounding natural and built environments. Adequate landscape screening will be required in a manner that will not obstruct vistas of surrounding properties or public views. All new utility lines will be installed underground in order to minimize impacts to views from roads and other off-site vantage points.
- P. The Point Reyes Affordable Homes Project, that created the subject parcels, provides a mix of residential and visitor-serving commercial uses, including a public parking lot, public restrooms, and a visitor-serving overnight lodge or equivalent use on the property.
- Q. The project site is not located within the historic preservation boundaries for Point Reyes Station as identified in the Marin County Historic Study for the Local Coastal Program. Therefore, the project is excluded from compliance with the Local Coastal Program's Design Guidelines for Construction in Historic Areas.
- X. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory Design Review findings (Section 22.82.040I of the Marin County *Interim* Code) can be made to approve the Design Review Extension (EX 08-21) in accordance with Section 22.56.120I of the Marin County *Interim* Development Code (Title 22I) as specified below.

The proposed unpretentious, rural architectural style of the single-family residence will be consistent with the rural residential character of the surrounding Point Reyes Station community. The project: (1) conforms with all property development standards applicable to the C-R-A:B-3 zoning district, including principally-permitted structures and uses; (2) will function and harmonize with the site and other properties in the vicinity with respect to siting of the structures; (3) incorporates characteristics of scale, architectural design, and exterior color and building materials that are compatible with surrounding residential and agricultural buildings; and (4) minimizes the extent of grading by siting the structure consistent with the underlying topography. The design of the structure is compatible with the second dwelling unit and the barn on-site and those of other similar buildings in the vicinity, respects the surrounding natural environment, and does not adversely affect the views, light or privacy of adjoining properties.

Building materials will be subdued natural colors or earth tone finishes that are visually compatible with the colors of the natural setting and the rural architectural design. Utility lines serving the lot also will be installed underground. The project will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way. The proposed development will be screened and softened from views from adjoining properties and rights-of-way by required landscaping consisting of species as specified by the Point Reyes Community Plan.

As part of the Building Permit review, the Department of Public Works will review the grading and drainage plans to ensure that the project incorporates suitable drainage systems that will adequately collect, convey, and distribute surface run-off into appropriate drainage systems. Because the development is designed consistent with the underlying topography, construction will require minimal grading. The development will not encroach onto adjoining private properties, public lands, or private and public easements, and rights-of-way, or the adjacent wetlands parcel required to be preserved as open space. The project provides ample off-street parking for occupants and guests. Conditions of project approval require the applicant to implement the

County's Building Energy Efficient Structures Today (Best) Practices in preparing construction drawings to be reviewed and approved by Planning Division staff, including the use of low-flow water fixtures and other water-saving devices. Conditions of approval require construction plans to comply with the Single-family Dwelling Energy Efficiency Ordinance (Board of Supervisor Ordinance #3356) and Marin County Code Title 24 standards. The project is required to meet the Certified Rating of the Marin Green Home, Green Building Rating System.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Ritchey Coastal Permit (06-01) and Design Review (06-04) Extensions (EX 08-20 and EX 08-21) pursuant to Section 22.56.120I (Coastal Permit) and Section 22.82.130I (Design Review) of the Marin County *Interim* Code (Title 22I) subject to the conditions specified below.

Marin County Community Development Agency - Planning Division

1. This approval grants four-year Coastal Permit and Design Review Extensions to vest the construction of a 2,978 square foot, two-story, three-bedroom primary residence with 1,500 square feet of deck and porch area and a maximum height of 25 feet above grade on the 3.39-acre single-family residential flag-lot parcel (119-270-09). Proposed setbacks from corresponding property lines consist of: 165 feet from front (southwest) property line; 25 feet from rear (northeast) property line and 15 feet to the public access easement; 170 feet from the side (southeast) property line; and 75 feet east of the second dwelling unit. Approved exterior finishes and colors shall consist of forest green metal roofing for the residences and galvanized corrugated zinc-color, metal roofing for the barn; recycled or salvaged horizontal redwood siding; and bronze anodized aluminum window frames. This approval requires the preservation as private open space the contiguous 3.53-acre wetlands parcel (119-260-05 and 119-270-11) that includes a 100-foot wetland buffer zone. This approval requires installation of a precise landscape plan with a pressure regulated drip irrigation system and requires a layer of organic mulch or suitable material as specified in Condition 4 below.

The subject property is located at 100 Toby Road, Point Reyes Station, and is further identified as Assessor's Parcel 119-270-09 and Assessor's Parcels 119-260-05 and 119-270-11.

2. Subsequent development, use of, and plans submitted for a Building Permit for the single-family residence shall conform to plans on file in the Community Development Agency, identified as "Exhibit A", entitled "Tom Ritchey", prepared by Space Inc. and received in the Planning Division January 26, 2006. Installation of landscaping shall conform to plans on file in the Community Development Agency, identified as "Exhibit B", entitled "Ritchey residence", prepared by Space Inc, and approved January 2, 2007.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall prepare the building permit plans to comply with the requirements outlined below.
 - a. It shall be the applicant's responsibility to 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 Design Review Conditions of Approval as notes.

- b. The plans shall include notes that all soils disturbed by development of the project shall be recontoured to their natural state to the greatest extent possible and shall be reseeded with native grasses or wildflowers to control erosion.
- c. The location and type of all exterior lighting shall be depicted on the plans for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded.
- d. Submit a Statement of Conformance, signed by the project architect, demonstrating that the project: (1) meets the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines; and (2) complies with the Single-family Dwelling Energy Efficiency Ordinance (Board of Supervisors Ordinance #3356). The project shall include use of energy-saving measures, including compliance with efficiency standards that exceed Title 24 of the California Energy Code, through use of the following energy-saving measures: (1) "Energy Star" rated appliances; (2) avoidance of paints and stains containing Volatile Organic Compounds; (3) automatic light sensors; and (4) use of fluorescent light fixtures for 75% of all lighting fixtures. The project must consist of the use of low flush toilets and low flow shower heads.
- e. The driveway and outdoor parking areas shall be permanently maintained as gravel or other porous material. The design engineer shall provide plans and specifications to demonstrate that the design of the gravel driveway will have sufficient load-bearing capacity to accommodate required/anticipated loads while preserving permeability of the gravel.
- f. Other than the approved structure, impervious materials shall be minimized on the site.
- g. The building permit plans must include the southeast property line fencing with a typical fence section showing the design of the fence raised so that water can flow under the fence and that where the fence crosses the V-ditch, it crosses as close to a 90 degree angle as possible.

4. The landscaping installation shall:
 - a. Assure that the project site will be appropriately landscaped upon completion of the project and that all disturbed sites will be recontoured and planted with vegetation primarily native to the Point Reyes Station Community;
 - b. Consist of a combination of trees 5-and 15-gallon in size;
 - c. Include implementation of the recommendations and plant list consistent with the Point Reyes Station Landscaping Guide, which is included as Appendix K to the community plan and proposed removal of all invasive species;
 - d. Ensure that the project landscaping will adequately maintain views and light for surrounding properties and provide screening of the development;
 - e. Include an appropriate grass/pasture land restoration plan and a mix of evergreen and deciduous shrubs, for different habitat values;
 - f. Require a layer of organic mulch or suitable material;
 - g. Provide an attractive appearance throughout the year; and
 - h. Includes any fencing.
5. In order to keep open the off-site views and vistas as seen by neighboring property owners, conditions of approval require that all future fencing on the project site must be open wire mesh fencing. No fencing or landscaping is allowed that will obstruct the downslope grassy swale or the 10-foot wide pedestrian access easement along the eastern property line.
6. If archaeological resources are encountered at any time during construction on any portion of the property, the applicant must contact an archaeologist approved by the Marin County Environmental Coordinator to evaluate the find. If it is determined that a prehistoric site exists (a) no future development activity shall take place at or in close proximity to the prehistoric site within the development area; (b) the historical site(s) shall be filled to protect the resources; (c) no additional excavation shall occur at these locations other than to remove surface organic material; and (d) the applicant may be required to submit a revised project to protect the resource(s). In addition, all monitoring procedures contained in the archaeological evaluation have been incorporated into conditions of project approval.
7. Construction activity is permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 4:00 p.m. on Saturday. No construction activity shall be permitted on Sundays or Holidays. Exceptions to this limitation may be granted due to special circumstances upon written request from the applicant and approval by the Community Development Director.
8. During site preparation and actual construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling soils or construction debris from the site, to prevent dust from blowing and from depositing on surrounding properties.

9. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrian and vehicles can pass safely at all times. 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.
10. All utility connections and extensions serving the project shall be installed underground.
11. BEFORE ISSUANCE OF A FINAL INSPECTION OR OCCUPANCY OF THE FIRST RESIDENCE AND/OR THE BARN AND BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SECOND RESIDENCE, the owner shall:
 - a. Install all required landscaping and irrigation at the first residence and the barn and shall call for an inspection by Community Development Agency staff at least five days before the anticipated inspection. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspection. A performance agreement with financial security may be required if landscaping is not installed before final inspection of the first residence; and
 - b. Remove all construction debris and stacks of lumber and logs from the project site; the barn may be used for storage of lumber.
12. BEFORE ISSUANCE OF A FINAL INSPECTION OR OCCUPANCY OF THE SECOND RESIDENCE, the owner shall:
 - a. Install all required landscaping and irrigation and call for an inspection by Community Development Agency staff at least five days before the anticipated inspection. Failure to pass inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspection. A performance agreement with financial security may be required if landscaping is not installed before final inspection of the first residence; and
 - b. Remove all construction debris and stacks of lumber and logs from the project site; the barn may be used for storage of lumber.
13. Any changes or additions to the project shall be submitted to the Community Development Agency in consultation with the Point Reyes Village Association, for review and approval before the contemplated modifications may be initiated. Any future improvements, including uses of the designated pasturelands, including fencing and keeping of horses or livestock, shall be submitted to the Community Development Agency before implementation.

SPECIAL CONDITIONS

14. BEFORE ISSUANCE OF A FINAL INSPECTION OR OCCUPANCY OF THE FIRST RESIDENCE AND/OR THE BARN AND BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SECOND RESIDENCE, the temporary storage container must be removed from the site.
15. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SECOND RESIDENCE, the applicant shall submit to the Community Development Agency a copy of a Homeowner's Exemption Form with the Marin County Assessor's Office on the subject indicating that principal residence on the property is owner-occupied. Once there is a second unit on the property, the second unit shall

be located on the same lot or parcel on which the owner of record maintains his/her principal residence.

16. Trees adjacent to the property provide potential nest sites for raptors and other birds. BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE SECOND RESIDENCE, in order to ensure that potential impacts on raptors and other tree-nesting birds are reduced to a less-than-significant level, a pre-construction focused nesting survey, prepared by a qualified biologist, shall be conducted prior to construction during the nesting season (February 1 to August 31) and said survey shall be submitted to the Community Development Agency. Construction within 400 feet of an active nest shall be delayed if nesting raptors are found.
17. Only uses allowed by the provisions of the Local Coastal Program are permitted within the wetlands parcel (Assessor's Parcel 119-260-05 and 119-270-11). Fences and other structures shall be prohibited. Animal grazing, filling or other site alterations are prohibited. Vegetation shall not be removed, unless for purposes of eradicating non-native, invasive species, to comply with local and state fire safety regulations, to prevent the spread of disease as required by the state food and agriculture department, or to prevent safety hazards to people and property. It shall be the responsibility of the property owner to eradicate said non-native, invasive species within the wetlands parcel. An Eradication Plan shall be submitted to the Community Development Agency – Planning Division, before commencing said eradication.
18. Use of the project site shall include the following provisions:
 - a. The 10-foot wide public access easement extending the full length of the northern property line must be left open and cannot be obstructed by fencing, landscaping, or other improvements.
 - b. The grass-lined swale, which runs along the lower slope of the property and facilitates site drainage from east to west must be kept open, maintained by the property owner, left in its natural state, and cannot be obstructed by fencing, landscaping, or other improvements.
19. BEFORE FINAL INSPECTION OF ANY RESIDENCE, the architect of record shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were implemented to meet the "Certified" or better rating under the Marin Green Home, Remodeling Green Building Residential Design Guidelines.

Marin County Department of Public Works - Land Development

20. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner shall submit the following information for review and approval as part of the Building Permit application.
 - a. The turnout shall be a minimum of 18 feet wide by 60 feet long, including transitions. Building Permit plans shall show a typical turnout on plans.
 - b. Site plan shall show typical driveway cross-section, drainage, slope, and limits of grading.
 - c. Provide documentation from the Fire Department approving access and turnaround.
 - d. The first 30 feet of the driveway approval shall be paved.
 - e. An Erosion and Siltation Control Plan shall be submitted.

- f. Plans shall be reviewed and approved by the soils engineer. Certification shall be by the engineer's signature and stamp on the plans or by signed and stamped letter.
- g. Note on plans that Design Engineer/Architect shall certify to the County in writing that all grading and drainage work and retaining wall excavation and construction was done in accordance with plans and field directions. Also, note on plans that PRIOR TO FINAL INSPECTION, driveway, parking, frontage, and site improvements shall be inspected by DPW Engineer
- h. Detailed drainage plans, prepared by a registered engineer, must be submitted that include drainage systems that directs run-off from any structure to infiltration galleries as close to the structures as possible. These drainage systems must be designed for a 100-year storm and must result in no net change (addition) in stormwater run-off that currently exits on the vacant parcel, as verified by the design engineer.

Marin County Community Development Agency - Environmental Health Services

- 21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant/owner shall:
 - a. Provide a will serve letter from the North Marin Water District; and
 - b. Demonstrate that the building floor plans have been revised so that the "family room" provides an opening per Marin County Code 18.06 (i.e. arched doorway, half wall, or railing).

Marin County Fire Department

- 22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written verification from the District Fire Marshal that all project review fees have been paid and that the project complies with all fire protection requirements including: addressing, propane tank installation, defensible space, installation of fire sprinkler system and smoke detection system.
- 23. BEFORE FOUNDATION INSPECTION, the defensible space must be in place.
- 24. BEFORE FINAL INSPECTION, all Fire Department requirements must be met, including payment of all required fees.

North Marin Water District

- 25. BEFORE FINAL INSPECTION, the owners shall comply with all requirements of the District and shall complete all arrangements, including: construction of new water distribution facilities, enter into an agreement with the District, and complete financial arrangements. In addition, the project shall conform to District Regulation 17 – "Mandatory Water Conservation Measures" and water-saving landscape requirements, including irrigation with a pressure regulated drip irrigation system and required layer of organic mulch or suitable material.

SECTION III: VESTING, PERMIT DURATION AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Ritchey Coastal Permit (06-01) and Design Review (06-04) Extension (EX 08-20 and EX 08-21) approvals by securing a building permit and other permits for all of the approved work and by substantially completing the improvements in accordance with the secured permits by **June 12, 2012**, or all rights granted in this approval shall lapse.

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, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **June 19, 2008**.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of June 2008.

JEREMY TEJIRIAN, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: William and Susan Stitt

Application (type and number): Coastal Permit (CP 08-6), Second Unit Permit (SU 08-39),
and Design Review (DR 08-7)

Assessor's Parcel Number: 112-144-28

Project Location: 55 Balmoral Way, Inverness

For inquiries, please contact: Kristina Tierney, Planner

Decision Date: June 12, 2008

DETERMINATION: Approved with Conditions

Minutes of the June 12, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-19.

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

C4. COASTAL PERMIT (CP 08-6), SECOND UNIT PERMIT (SU 08-39), AND DESIGN REVIEW (DR 08-7: WILLIAM AND SUSAN STITT)

Hearing requesting approval to construct additions to an existing single family residence measuring 543 square feet, a new, approximately 710 square foot second unit, and a new, approximately 400 square foot garage. First floor improvements will consist of expanding the existing utility area on the first floor and adding a new bathroom and closet adjacent to the utility area. Second floor improvements include an addition to the office on the second story and a large storage closet. The additions would bring the front of the house within approximately 6 feet of the front property line. Also proposed is an approximately 194 square foot solarium that would connect the primary residence and the proposed second unit. Upon completion, the residence would total 2,069 square feet. The second unit will be attached to the western edge of the existing residence and would be located approximately 6 feet from the northerly, front property line and 27 feet from the westerly side property line. The proposed garage would be located approximately 1 foot from the front (northerly) and side (easterly) property lines. The location and size of the garage are extremely limited due to required setbacks from the leach lines and the location of the house and propane tank, and the slope of the lot. Upon completion, development at the project site would total approximately 2,779 square feet and have a floor area ratio (FAR) of 22.3 percent. The subject property is located at **55 Balmoral Way, Inverness**, and is further identified as **Assessor's Parcel 112-144-28**.

In response to the Hearing Officer, staff acknowledged three additional comment letters from neighbors objecting to the overall size of the project. A new septic system is being proposed, and the second unit would be connected to the proposed solarium at the western edge. Discussion followed on issues concerning:

- Article V of the Development Code regarding property located in a Coastal Zone;
- Regulations from Title 22;
- The 2003 bill that was passed to favor second units and ratified by the Coastal Commission;
- Modifying the solarium;
- Second units need to be independently assessable and the front door on this unit is connected to the house;
- A clear access way that is needed to the parking spot; and
- The necessary width of the driveway and the turnaround radius according to Berenice Davidson, Department of Public Works.

The public testimony portion of the hearing was opened.

William and Susan Stitt, applicants, spoke regarding concerns with the new requirements.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator made several comments pertaining to the project, including but not necessarily limited to the following:

- Concerns with adding new Condition of Approval without a full understanding of the ramifications;
- Possible modifications to the parking so the road could be widened and cars could turnaround;
- Effect on the view corridors.

The Hearing Officer noted that the final day for action was approaching, and the project needed to be continued to the hearing of June 26th to allow time for a redesign.

H1. VARIANCE (VR 07-30): PETER EDMISTER

Hearing requesting approval to construct a new entry deck and stairs along the northerly and easterly elevations of the existing single-family residence. The project also includes the conversion of the existing internal staircase into a storage room (on the lower floor) and a kitchen (on the upper floor). All of the proposed improvements are located within the required 25-foot front yard setback established by R-1:B-1 zoning district. The stairs and deck additon would be located 6.5 feet from the front property line, and the internal stair/kitchen remodel would be located 12.5 feet from the front properrty line (along Gibson Avenue). Variance approval is required because the project is proposed to be located 6.5 feet from the northeasterly front property line where a setback of 25 feet would otherwise be required by the governing R-1:B-1 zoning district. The subject property is located at **207 Gibson Avenue, Mill Valley** , and is further identified as **Assessor's Parcel 051-272-29**.

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

The Hearing Officer acknowledged receipt of a supplemental memorandum from staff dated June 9, 2008. Staff recommends a continuance of the Edmister project to a future date, to allow adequate time to reslove the merits items.

The Hearing Officer continued the item to a date unknown.