

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – June 26, 2008**

Hearing Officer      Johanna Patri, AICP  
   Jeremy Tejrjian, AICP

Staff Present:        Christine Gimmler, Senior Planner  
   Veronica Corella Pearson, Planner  
   Loraine Jackson  
   Neal E. Osborne, Planner/Ben Berto, Principal Planner  
   Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.  
Adjourned at 9:35 A.M.  
Reconvened at 9:37 A.M.  
Adjourned at 10:00 A.M.

# Marin County Community Development Agency

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Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Robert and Lois Parks

Application (type and number): Coastal Permit (CP 08-1), Use Permit (UP 08-10)  
and Design Review (DR 08-35)

Assessor's Parcel Number: 100-050-42

Project Location: 28375 State Route one, Tomales

For inquiries, please contact: Christine Gimmler, Senior Planner

Decision Date: June 26, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the June 26, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 08-1), USE PERMIT (UP 08-10), AND DESIGN REVIEW (DR 08-35):  
ROBERT AND LOIS PARKS**

A proposal to consider construction and operation of a new telecommunications facility for Verizon Wireless on an agriculturally-zoned approximately 197-acre parcel located north of the town of Tomales. The project includes the installation of one 18 foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25 foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. Both proposed monopoles would be located on a hillside a minimum of 400 feet west of State Route One. The subject property is located at **28375 State Route One, Tomales**, and is further identified as **Assessor's Parcel 100-050-42**.

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

The public testimony portion of the hearing was opened

The applicant, NSA Wireless (for Verizon Wireless) was present, and asked to have the typo corrected in Condition of Approval #15, to state "October 15 through April 15th."

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's analysis and approved the Parks Coastal Permit, Use 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 08-130

A RESOLUTION APPROVING THE  
PARKS (VERIZON WIRELESS) COASTAL PERMIT, USE PERMIT AND DESIGN REVIEW  
ASSESSOR'S PARCEL 100-050-42  
28375 STATE ROUTE ONE, TOMALES

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**SECTION I: FINDINGS**

- I. WHEREAS, NSA Wireless, on behalf of Verizon Wireless, is requesting approval to construct a new telecommunications facility on an agriculturally zoned approximately 197 acre parcel located north of the town of Tomales. The project includes the installation of one 18 foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25 foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. Both proposed monopoles would be located on a hillside a minimum of 400 feet west of State Route One. The subject property is located at **28375 State Route One, Tomales**, and is further identified as Assessor's Parcel **100-050-42**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 26, 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 this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines, because the project entails the installation and operation of a new telecommunications facility which would not result in grading, tree removal, or other potentially significant impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. dated January 15, 2008 concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed and existing telecommunications facilities.
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Tomales Community Plan for the following reasons:
  - A. The proposed project is compatible with the Agricultural land use designation for the project site and would not interfere with the existing use of the ranch property for livestock grazing.
  - B. The proposed project would not result in grading or the removal of existing vegetation.
  - C. Mandatory Use Permit findings can be made pursuant to Section 22.48.040 of Marin County Code to allow public utility and service uses necessary for public safety, convenience, and welfare.

- D. The proposed project is consistent with the goals and policies of the Marin County Telecommunications Facilities Policy Plan (TFPP) because the project, as modified by conditions of approval, would ensure that the siting and design of the proposed facility is compatible with other land uses, would provide protection from vandalism and fire hazards, would minimize visual impacts, and would minimize potential health risks to people.
  - E. The proposed project would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
  - F. The size and location of the subject property and the siting of the proposed facility will minimize impacts on visual qualities of the site.
  - G. The proposed project has been reviewed and approved by the Tomales Design Review Board.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:
- A. The proposed facility would be located on a large agriculturally zoned parcel and would be compatible with the use of the site for livestock grazing. The project site is located over 400 feet from the nearest public roadway and is not located in close proximity to residential areas. The facility would be sited in an undeveloped area where no grading or tree removal would be required and visual simulations demonstrate that the project would not be visually prominent from off-site areas. Based on these factors, the facility would be consistent with the location standards contained in the TFPP.
  - B. The facility would allow Verizon Wireless to provide improved cellular coverage in the Tomales area and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
  - C. The applicant has submitted a report prepared by Hammett and Edison, Inc., dated January 15, 2008, which concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields. RF emissions of the proposed telecommunications facility would be well below the maximum permissible exposure standards established by the FCC. Additionally, the antenna area would not be publicly accessible and, therefore, would not require mitigation to protect the public from exposure limits. Based on these factors, the proposed facility is consistent with the Electromagnetic Field Emissions policies contained in the TFPP.
  - D. The facility does not create significant lighting impacts on surrounding areas because no lighting is proposed for the site.
  - E. Vehicular access and parking for the proposed project site is provided from existing ranch roads on the property. No additional road or parking area construction would be required for the operation of the facility.

F. The facility would be located in a rural area. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property, therefore, the proposed facility would neither generate significant levels of noise nor traffic.

G. The project does not significantly impair the visual conditions on and surrounding the subject property because the facility would maintain large setbacks to property lines and would be partially screened by topography and existing vegetation on the subject and surrounding properties. Visual simulations indicate that the proposed facility would not be visually prominent as viewed from surrounding roadways or the town of Tomales. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects. Finally, the proposed project has been reviewed by the Tomales Design Review Board, which found the proposed location and design to be appropriate for the facility. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the governing C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density) and required findings pursuant to Section 22.57.036 of the Marin County Code because: 1) the proposed project would be compatible with and accessory to the existing agricultural uses on the property; 2) the project would effect less than 0.02 acres of the 197 acre ranch (0.01%) and would not interfere with the operation of the existing livestock ranching operations; 3) minor proposed improvements to existing ranch roads (gravel surfacing) would enhance agricultural use of the ranch and contribute to agricultural viability by facilitating more even livestock utilization across the property; and 4) the proposed improvements would not impair the open space and scenic values of the site.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of project approval, is consistent with the MANDATORY FINDINGS FOR COASTAL PERMIT approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130 of the Marin County Code) as described below.

**A. Water Supply:**

The proposed telecommunications facility would not need water service or impact existing water supply to the subject property.

**B. Septic System Standards:**

The proposed telecommunications facility would not need water service or impact existing water supply to the subject property.

**C. Grading and Excavation:**

Installation of the two proposed monopoles and construction of the 240 square foot equipment shelter would result in minor excavation work which the Marin County Department of Public Works, Land Use and Water Resources staff has found to be the minimum necessary to accommodate the proposed project. Therefore, the project would not result in significant grading or excavation.

**D. Archaeological Resources:**

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of high archaeological sensitivity. In addition, it is not likely that the proposed project would disturb cultural resources because proposed development would not result in significant grading or excavation. Project approval requires that in the event that 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 subject property is located north of the town of Tomales well inland from the coast and would not affect public access to coastal areas. The site is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. In addition, the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

**F. Housing:**

The proposed telecommunications facility would not affect the availability of housing stock within the Tomales community.

**G. Stream Conservation Protection:**

The proposed project site is not located in an area subject to the streamside conservation policies of the Marin Countywide Plan and Local Coastal Program, Unit II.

**H. Dune Protection:**

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

**I. Wildlife Habitat:**

Review of the Natural Diversity Data Base Maps on file with the Marin County Community Development Agency reveals that the subject property is not located in the identified habitat area of any rare or endangered species. In addition, the Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources.

**J. Protection of Native Plant Communities:**

Review of the California Natural Diversity Data Base Maps on file with the Marin County Community Development Agency, reveals that the subject property is located in the potential habitat area for a sensitive plant species, the Yellow delphinium (*Delphinium luteum*). However, the proposed telecommunications facility would be located on pasture land that is actively grazed. In addition, the development footprint of the support poles and equipment cabinet are very small in size. Therefore, it is unlikely that the proposed project would impact rare and endangered plants.

**K. Shoreline Protection:**

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

**L. Geologic Hazards:**

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

**M. Public Works Projects:**

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

**N. Land Division Standards:**

No land division is proposed as part of this project.

**O. Visual Resources:**

The proposed project would not adversely impact visual resources on and surrounding the subject property because the facility would maintain large setbacks to property lines and would be partially screened by topography and existing vegetation on the subject and surrounding properties. Visual simulations indicate that the proposed facility would not be visually prominent as viewed from surrounding roadways, including State Route One, or the town of Tomales. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects. Finally, the Tomales Design Review Board has expressed support for proposed project based on its visually unobtrusive location.

**P. Recreation/Visitor Facilities:**

The subject property is not governed by Village Commercial Residential zoning regulations. The proposed telecommunications facility would improve cellular phone coverage for both residents and visitors in the Tomales area.



**Q. Historic Resource Preservation:**

The subject property is not located within the historic preservation boundaries for Tomales as identified in the Tomales Community Plan and the Marin County Historic Study for the Local Coastal Program, and would not affect any historic resources on the property or in the vicinity. .

**R. Fire Protection:**

Project approval requires that prior to final inspection, the applicant shall comply with all requirements of the Marin County Fire District.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Section 22.48.040 of the Marin County Code), as specified below.

- A. Public utility and service uses may be approved by Use Permit pursuant to Section 22.48.040 of the Marin County Code when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the Verizon Wireless communication network which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to the overall public safety, convenience, and welfare.
- B. The proposed project would be consistent with policies of the Marin Countywide Plan and Tomales Community Plan as described in Section IV. above.
- C. The project complies with the California Environmental Quality Act and would not result in any significant, public health risks with respect to human exposure to radio frequency radiation because the facility will operate well below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers.
- D. The proposed project would not result in significant adverse visual impacts because the facility would be located over 400 feet from the nearest public roadway in an area that is partially screened from off-site locations by existing vegetation and topographical features.
- E. The proposed project would be incidental to the primary agricultural use of the subject property for livestock grazing and would not alter or impair the character of the site or conflict with provisions of the Marin Agricultural Land Trust easement on the property.
- F. As conditioned, granting the Use Permit on the subject property would not be detrimental to the public interest, health, safety, convenience, or welfare of persons working or residing in the surrounding neighborhood.

IX. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project conforms to with the requirements of Design Review pursuant to Section 22.42.060 of the Marin County Code because the proposed project would not result in significant grading, tree removal or other adverse physical effects on the environment. The facility would maintain large setbacks to surrounding public roadways and residences and would not interfere with the existing use of

the subject and surrounding properties. The proposed telecommunication facility support poles would not be readily visible from off site locations, including State Route One as it passes the property. Overall, the proposed facility would be compatible with existing uses on the property and would not conflict with the visual character of the subject property or surrounding community.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Parks (Verizon Wireless) Coastal Permit 08-1, Use Permit 08-10, and Design Review 08-35 subject to the following conditions:

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Marin County Code Sections 22.56 (Coastal Permit), 22.88 (Use Permit) and 22.82 (Design Review) , the Parks (Verizon Wireless) Coastal Permit 08-1, Use Permit 08-10 and Design Review 08-35 are approved for the construction and operation of an unstaffed, wireless telecommunications facility on the Parks Ranch in Tomales. As approved, the project includes the installation of one 18-foot high, 6-inch diameter monopole supporting two 4-foot long panel antennas, and one 25-foot high, 6-inch diameter monopole supporting four 4-foot long panel antennas. Each monopole would be surrounded by 4-foot high cattle fencing. Also proposed is an associated 240 square foot equipment shelter located within an 840 square foot lease area, which would also house a 60 kilowatt diesel emergency stand-by generator. The facility would be sited a minimum of 400 feet west of the front property line along State Route One. The subject property is located at **28375 State Route One, Tomales**, and is further identified as **Assessor's Parcel 100-050-42**.
2. EXCEPT AS MODIFIED BY CONDITIONS OF APPROVAL, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Tomales #173496, 28375 Shoreline Highway, Tomales," consisting of 5 sheets, prepared by JES Engineering, Inc, dated 1/11/08 and received 1/24/08, and on file in the Marin County Community Development Agency.
3. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site shall be returned to its preexisting conditions.
4. The support monopole and antennas shall be painted a nonreflective gray color to blend with the sky. All metal work and fencing shall be an appropriately subdued, nonreflective color. Any changes to the approved exterior colors shall be submitted for review and approval by the Community Development Agency Director.
5. No exterior lighting is proposed or approved on or in the vicinity of the antennas, supporting monopoles, or fencing as part of this application. Any exterior lighting proposed in the area of the equipment shelter shall be permitted for safety purposes only and must be manually operated, low wattage, hooded, and downward directed to minimize visual effects.

6. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with any other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law. The applicant shall demonstrate compliance by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as required by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with any other existing ambient sources.
7. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources, exceed the updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. This condition shall not apply if the County is preempted by Federal and/or State law, rules or regulations from applying an updated EMF standard after the approved facility has been constructed.
8. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use equipment that is audible from nearby locations may occur at all times. Back-up generators shall comply with the above-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
9. 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 construction activities shall comply with the following standards:
  - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.

11. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
12. This Coastal Permit/Use Permit/Design Review approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County effort to utilize the subject property for shared location or co-location in the future if it is technically feasible and would minimize adverse affects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. Verizon Wireless (or subsequent telecommunications provider) shall allow co-location on their approved support pole for a marketable rate.
13. This Use Permit is subject to revocation procedures contained in Section 22.120.030 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare of safety of persons residing or working in the neighborhood.
14. 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. Subject to prior written request by the applicant, the Director may administratively authorize changes or additions to the project that are determined to be minor and consistent with the findings herein.

Marin County Department of Public Works

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall be required to install and maintain erosion control measures if work occurs between October 15 and April 15.
16. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4 feet (3 feet when backfill area is sloped or has a surcharge). Height is measured from the bottom of the footing.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit, Use Permit and Design Review approval by obtaining a Building Permit for the approved work and substantially completing all work before June 26, 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 above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Coastal Permit/Use Permit/Design Review shall be valid until **June 26, 2018**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions. In the event that the terms of this Use Permit 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 in the neighborhood, this Coastal Permit, Use Permit and Design Review approval could be revoked or suspended in accordance with the terms and provisions of Chapter 22.120 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on July 5, 2008.

#### **SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26<sup>th</sup> day of June, 2008:

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary

# Marin County Community Development Agency

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Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Chris Tellis

Application (type and number): Floating Home Adjustment (FH 08-2)

Assessor's Parcel Number: 901-060-12

Project Location: 12 Yellow Ferry harbor, Sausalito

For inquiries, please contact: Neal E. Osborne, Planner/Ben Berto, Principal Planner

Decision Date: June 26, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the June 26, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-9.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

### **C3. FLOATING HOME ADJUSTMENT (FH 08-2): CHRIS TELLIS**

A proposal to remodel an existing floating home with new architectural features to improve the aesthetics of the visual form with decorative finials, deck kneebraces, handrails, a flag pole, a trellis, and 2 gabled roof extensions over the south and north decks; a reduction in the width of side decks by 2.5 feet and approximately 310 square feet; removal of a greenhouse on the north deck; and removal of a large deck on the south side. The existing 1,598 square foot floating home is 25.7 feet wide on a 30-foot wide barge, is 36 feet long, and has a maximum height of 21 feet above the water line. The upper level has 669 square feet of floor area that is 72% of the barge level that has 927 square feet of floor area. Floating Home Adjustment approval is required for substantial remodeling of an existing legal non-conforming floating home pursuant to Marin County Code Section 22.46.030.C.2, because the proposal would result in a modified floating home with more cubical contents and with a 25.7-foot width and a 21-foot height, that exceed the 20-foot width and height standards. The subject property is located **at 12 Yellow Ferry Harbor, Sausalito**, and is further identified as **Assessor's Parcel 901-060-12**.

In response to the Hearing Officer, staff acknowledged speaking with the neighbor at 13 Yellow Ferry Harbor regarding concerns with the setbacks.

The public testimony portion of the hearing was opened.

Chris Tellis, applicant, spoke regarding the neighbors concerns with the setbacks, explaining how he was reducing the size to comply with the setbacks. He believes that changes in regulations created the nonconformities with the 10-foot setback requirements between barges, and noted that the deck will be built with non-flammable material. . He stated that this project would open up the distance between the houseboats. The Hearing Officer questioned the applicant about his submitted plans, specifically Sheet A1.2 of Exhibit "A", of 13 Yellow Ferry Harbor and pointed out various inconsistencies between the submitted drawings of the project and actual measurements made by staff as well as the administrative record of the 1995 Floating Home Exception approvals, showing a 7 foot, 9 inch separation between the proposed finished deck and the adjacent pop-out window.

Shannon Hartnett, neighbor, spoke regarding the possible fire hazard with less than ten feet between boats. The fire department wanted 10 feet between combustible to combustible houseboats for safety reasons.

The public testimony portion of the hearing was closed.

The Hearing Officer expressed concerns with the accuracy of the submittal on Sheet A1.2. Discussion followed on the setbacks between 13 Yellow Ferry and 11 Yellow Ferry, and the fire departments requirements for fire resistant materials when the ten foot setbacks are not met. Staff reviewed Sheet A1.2 and stated the plans showed a set-back between barges at 12 Yellow Ferry Harbor and 13 Yellow Ferry Harbor of 9 feet, 2 inches.

The Hearing Officer approved the project and directed the following modifications to the Resolution Conditions 1 and 3:

- Between #12 Yellow Ferry Harbor and #13 Yellow Ferry Harbor a minimum setback of 9 feet 2 inches as shown on Sheet A 1.2 of Exhibit A shall be maintained.
- If it is infeasible to comply with the ten foot compliance separation standard between either #11 Yellow Ferry Harbor or #13 Yellow Ferry Harbor, modifications shall be made to the exterior siding to improve fire resistance as specified in Condition of Approval #3, or reduce the width of the decks for compliance with the ten foot setback requirements.

The Hearing Officer concurred with staff's analysis and approved the Tellis Floating Home Adjustment, 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 08-131**

**A RESOLUTION CONDITIONALLY APPROVING  
THE TELLIS FLOATING HOME ADJUSTMENT**

**ASSESSOR'S PARCEL 901-060-12**

**12 YELLOW FERRY HARBOR, SAUSALITO**

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**SECTION 1: FINDINGS**

- I. WHEREAS, the owner, Chris Tellis, is requesting Floating Home Adjustment approval to remodel an existing floating home with new architectural features to improve the aesthetics of the visual form with decorative finials, deck kneebraces, handrails, a flag pole, a trellis, and 2 gabled roof extensions over the south and north decks; a reduction in the width of side decks by 2.5 feet and approximately 310 square feet; removal of a greenhouse on the north deck; and removal of a large deck on the south side. The existing 1,598 square foot floating home is 25.7 feet wide on a 30-foot wide barge, is 36 feet long, and has a maximum height of 21 feet above the water line. The upper level has 669 square feet of floor area that is 72% of the barge level that has 927 square feet of floor area. Floating Home Adjustment approval is required for substantial remodeling of an existing legal non-conforming floating home pursuant to Marin County Code Section 22.46.030.C.2, because the proposal would result in a modified floating home with more cubical contents and with a 25.7-foot width and a 21-foot height, that exceed the 20-foot width and height standards, and a minimum 10-foot separation from adjacent floating homes shall be provided, if it is feasible to relocate the subject and adjacent floating homes in the marina. If it is infeasible to provide the compliance with the separation standards, a minimum setback of 9 feet 2 inches shall be maintained between #12 Yellow Ferry Harbor and #13, as shown on plan sheet A 1.2 of Exhibit A., provided the reduced separation would not result in substantial additional fire danger risk and has been approved by the Fire Marshal with minor modifications to the exterior siding to improve fire resistance. The subject property is located at 12 Yellow Ferry Harbor, Sausalito, and is further identified as Assessor's Parcel 901-060-12.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on June 26, 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 project is Categorically Exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15301, Class 1(e)(1) of the CEQA Guidelines because it entails the remodeling of an existing floating home and would not result in potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the project complies with the Marin Countywide Plan and the Richardson Bay Special Area Plan because the project would be consistent with the following policies:

- A. Countywide Plan Policy CD-14.5 and Policy 1 of the Richardson Bay Special Area Plan-Residential Vessels and Floating Structures, that allow floating homes on the Bayfront Conservation Floating Home Marina land use designations, and the subject property will continue to be used for a residential floating home.
  - B. Countywide Plan Policy EQ-2.43, and policies of the Richardson Bay Special Area Plan, which call for the protection of wetland areas, because the proposed remodeling would result in a minor reduction in the amount of bay shadow fill.
  - C. Countywide Plan Policies EQ-3.9 and –3.10, because the Department of Public Works, the Sausalito Sanitary District, the Marin Municipal Water District, the Marin County Fire Department, San Francisco Bay Conservation and Development Commission, and the Yellow Ferry Harbormaster have no objections to the project.
  - D. Countywide Plan Policy EQ-3.11 and Policy 10 of the Richardson Bay Special Area Plan-Public Access, Views, and Vistas, that recommend consideration of visual qualities and view potential of the surrounding environment, because the project would not result in significant loss of views and would not adversely affect the visual quality of the marina.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be compatible with surrounding improvements because:
- A. The proposal includes remodeling of an existing floating home, which requires a Floating Home Adjustment to allow a height of 21 feet above the waterline.
  - B. The project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and access to the subject and surrounding properties, because it consists of reductions of deck areas, removal of a greenhouse, and would improve the exterior appearance of the floating home.
  - C. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Floating Home Adjustment, pursuant to Section 22.46.040 of the Marin County Code can be made because:
- A. The project is the remodeling of the existing floating home with new architectural features to improve the aesthetics of the visual form with decorative finials, deck kneebraces, handrails, a flag pole, a trellis, and 2 gabled roof extensions over the south and north decks; a reduction in the width of side decks by 2.5 feet and approximately 310 square feet; removal of a greenhouse on the north deck; and removal of a large deck on the south side. The existing 1,598 square foot floating home is 25.7 feet wide on a 30-foot wide barge, is 36 feet long, and has a maximum height of 21 feet above the water line. The upper level has 669 square feet of floor area that is 72% of the barge level that has 927 square feet of floor area. The proposal would result in a modified floating home with more cubical contents and with a 25.7-foot width and a 21-foot height, which exceed the 20-foot width and height standards. The modifications to the floating home and the existing width and height would not substantially diminish light, ventilation and views to surrounding floating homes because the additional height and width of the roof are very small improvements

relative to the size of other floating homes in the vicinity. The height above the 16-foot standard is for a small portion of the ridge in the middle of the floating home, and would not result in substantial view impacts to surrounding floating homes. The minimum 10-foot separation from adjacent floating homes shall be provided, if it is feasible to relocate the subject and adjacent floating homes in the marina. If it is infeasible to provide the compliance with the separation standards, a minimum setback of 9 feet 2 inches shall be maintained between #12 Yellow Ferry Harbor and #13, as shown on plan sheet A 1.2 of Exhibit A., provided the reduced separation would not result in substantial additional fire danger risk and has been approved by the Fire Marshal with minor modifications to the exterior siding to improve fire resistance. Revised plans shall be reviewed and approved before issuance of a Building Permit for the project, and the provision of 10-feet of separation or fire resistant siding shall be verified before framing inspection.

- B. The location, size, and height resulting from the additions would be compatible with other floating homes in the Yellow Ferry Harbor. Specifically, the 7-foot and 10-foot distances from adjacent floating homes, the height of 21 feet, and width of 25.7 feet, are comparable to other floating homes in the vicinity.
- C. The project would not encroach into any fairways, paper streets, or adjoining berths, and would comply with Marin County Code Section 11.21.050 because a condition of approval will require survey verification that the floating home would have at least 10 feet of separation from the adjacent floating homes, where 10 feet is required for 2-story floating homes, or the provision of fire resistant siding as approved by the Fire Marshal.
- D. The project would reduce the size of the floating home with removal of 310 square feet of deck and greenhouse and would not substantially increase the bulk and mass of the superstructure with small gable end roof elements in the central portions of the floating home.
- E. As mentioned above, the location, height, and bulk (width) would not significantly diminish light, ventilation, and views. The project would be in character with the existing floating homes in the vicinity and, therefore, would not be detrimental to other floating homes in the immediate vicinity.

## **SECTION 2: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Tellis Floating Home Adjustment subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.46 of Marin County Code, this approval permits the remodeling of an existing floating home with new architectural features to improve the aesthetics of the visual form with decorative finials, deck kneebraces, handrails, a flag pole, a trellis, and 2 gabled roof extensions over the south and north decks; a reduction in the width of side decks by 2.5 feet and approximately 310 square feet; removal of a greenhouse on the north deck; and removal of a large deck on the south side. The existing 1,598 square foot floating home is 25.7 feet wide on a 30-foot wide barge, is 36 feet long, and has a maximum height of 21 feet above the water line. The upper level has 669 square feet of floor area that is 72% of the barge level that has 927 square feet of floor area. The minimum 10-foot separation from adjacent floating homes shall be provided, if it is feasible to relocate the subject and adjacent floating homes in the marina. If it is infeasible to

provide the compliance with the separation standards, a minimum setback of 9 feet 2 inches shall be maintained between #12 Yellow Ferry Harbor and #13, as shown on plan sheet A 1.2 of Exhibit A., provided the reduced separation would not result in substantial additional fire danger risk and has been approved by the Fire Marshal with minor modifications to the exterior siding to improve fire resistance. The subject property is located at 12 Yellow Ferry Harbor, Yellow Ferry Harbor, Sausalito, and is further identified as Assessor's Parcel 901-060-12.

2. Plans submitted for a Building Permit shall conform substantially to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Tellis Floating Home Renovation," consisting of 20 sheets prepared by Michael C. Rex et. al., Michael Rex Associates Architecture and Design, and dated received March 28, 2008.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised site plan to the Director for review and approval with a certification letter signed and stamped by a marine surveyor that verifies 10 feet of separation between the floating homes at 11, 12, 13, and 14 Yellow Ferry Harbor. Upon approval, the revised site plan shall supersede the site plan in Exhibit A and shall be identified as Revised Exhibit A. Alternatively, the applicant shall submit an approval letter from the Marin County Fire Marshal for any encroachment into the 10-foot required separation from either 11 or 13 Yellow Ferry Harbor and shall revise the plans to provide additional fire safety, including fire resistant construction, as specified by the Fire Marshal or reduce the width of the decks for compliance with the 10-foot setback requirements.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans or other first sheet of the office and job site copies of the Building Permit plans shall to list these Floating Home Adjustment Conditions of Approval as notes.
5. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to prevent contamination of the bay, and permit safe passage for pedestrian and vehicular traffic at all times. Every effort shall be made by the holder of the Building Permit to strictly limit the number of vehicles, used to transport workers and materials to the site, to the minimum number necessary. Work at the site shall be limited to the hours of 7:00 AM and 5:00 PM, Monday through Friday, and 9:00 AM to 4:00 PM Saturday. No work shall be permitted on Sundays or holidays.
6. Exterior lighting shall be permitted for safety purposes only and must consist of low wattage fixtures, and be directed downward and hooded. Cut sheets or details for any exterior light fixtures shall be submitted with the building permit application.
7. All flashing, metal work, and trim shall be painted an appropriately subdued, nonreflective color.
8. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

### **Marin County Fire Department**

9. Final occupancy will not be approved until all fire safety requirements are completed and all Fire Department fees are paid in full.

**SECTION 3: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that the applicant must vest the Tellis Floating Home Adjustment (FH 08-2) before June 26, 2010, by securing a valid Building Permit for the approved work and substantially completing any necessary improvements in accordance with the secured Building Permit approval, 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 Agency Director approves it.

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 to the Community Development Agency -- Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on July 11, 2008.

**SECTION 4: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26<sup>th</sup> day of June 2008.

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JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

**H1. COASTAL PERMIT (CP 05-7), DESIGN REVIEW (DR 05-13),  
AND SECOND UNIT (SU 08-19): THOMAS LIPPMAN**

A proposal to consider new development on a lot with an existing garage/barn. The applicant is proposing a new three-story residence with an attached two car garage, a new detached second unit, a new septic system, a domestic well, and other appurtenant structures. The residence would have a total square footage of 5,568 and would attain a height of 24 feet. The second unit would be 743 square feet in size and attain a height of 15 feet. Also proposed is the legalization of an existing garage/barn and a storage shed that are 1,035 square feet and 350 square feet in size respectively. The garage will be modified by removing a minimum of 1 foot, 6 inches of foundation, wall and roof that encroaches onto the neighboring property on the western property line. The subject property is located at **95 Highland Way, Inverness** and is further identified as **Assessor's Parcel 112-300-40**.

The Hearing Officer acknowledged receipt of staff's memo dated June 25, 2008 concerning a request by the applicant for a continuance to a date unspecified. Attached to the supplemental memorandum were letters and e-mails from neighbors and the Inverness Association regarding concerns with traffic, wear and tear from construction, affordable housing and the overall size of the project.

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

With no one in the audience to speak for or against this application, the Hearing Officer continued the item to a date uncertain and instructed staff to renote the item when a date is chosen.

# Marin County Community Development Agency

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Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Alexis Laurent and Eliza Finkelstein

Application (type and number): Coastal Permit (CP 08-46), and Design Review Clearance (DC 08-76)

Assessor's Parcel Number: 195-331-03

Project Location: 210 Seadrift Road, Stinson Beach

For inquiries, please contact: Lorene Jackson, Planner

Decision Date: June 26, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the June 26, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

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Jeremy Tejrjian, AICP  
Hearing Officer

**C2. COASTAL PERMIT (CP 08-46) AND DESIGN REVIEW CLEARANCE (DC 08-76):  
ALEXIS LAURENT AND ELIZA FINKELSTEIN**

A proposal seeking approval to convert an existing detached garage to a new bedroom and bathroom with an adjoining porch and deck. The 402 square foot guesthouse will be within the footprint of the existing garage, while raising the current roof 1.8 feet to a new maximum height of 10.8 feet above existing grade (23.8 feet above mean lower low water.) The exterior materials will match the existing 2,335 square foot house. An adjoining 102 square foot semi-enclosed porch with pizza oven and 13.8-foot tall stack is proposed on the north side of the guesthouse. The proposed structure would maintain the following minimum setbacks: 50 feet from the north front property line, 6.5 feet from the east side property line, and 35 feet from the west side property line. A new 624 square foot deck approximately one to two feet above grade is proposed to wrap around the north and west side of the remodel. The subject property is located at **210 Seadrift Road, Stinson Beach**, and is further identified as **Assessor's Parcel 195-331-03**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. She made three corrections to the resolutions:

- SECTION I: FINDINGS, page 4: Change “V” to “VI”;
- SECTION I: FINDINGS, page 4: VI: Change “per Section 22.42.020.B” to “per Section 22.82.030I(D)”;
- SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS, page 7: Change “Community Development Director” to “Deputy Zoning Administrator” and “Section 22.56.050” to Section 22.56.120I.”

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

The Hearing Officer concurred with staff’s analysis and approved the Laurent and Finkelstein Coastal Permit and Design Review Clearance, 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. 08-132

A RESOLUTION APPROVING THE LAURENT AND FINKLESTEIN COASTAL PERMIT AND DESIGN CLEARANCE

210 SEADRIFT ROAD, STINSON BEACH  
ASSESSOR'S PARCEL 195-331-03

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**SECTION I: FINDINGS**

- I. WHEREAS Michael Mitchell, on behalf of owners Alexis Laurent and Eliza Finkelstein, is seeking Coastal Permit and Design Review Clearance approvals to convert an existing detached garage to a new bedroom and bathroom with an adjoining porch and deck. The 402 square foot guesthouse will be within the footprint of the existing garage, while raising the current roof 1.8 feet to a new maximum height of 10.8 feet above existing grade (23.8 feet above mean lower low water.) The exterior materials will match the existing 2,335 square foot house. An adjoining 102 square foot semi-enclosed porch with pizza oven and 13.8-foot tall stack is proposed on the north side of the guesthouse. The proposed guesthouse and porch would maintain the following minimum setbacks: 50 feet from the **north front** property line, 6.5 feet from the **east side** property line, and 35 feet from the **west side** property line. A new 624 square foot deck approximately one to two feet above grade is proposed to wrap around the north and west side of the remodel. **The subject property is located at 210 Seadrift Road, Stinson Beach, and is further identified as Assessor's Parcel 195-331-03.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing June 26, 2008, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails minor modification to an accessory structure on a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
  - A. The project would be consistent with the C-SF5 (Coastal Single-family Residential, 2-4 units per acre) land use designation;
  - B. The 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;
  - C. The 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;
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and

E. The project would minimize soil disturbance and maximize the retention of existing vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.1301 of the Marin County Code) as specified below.

A. Water Supply

The project site already has a viable water source and the proposed project would not result in any significant increase in demand for water. Stinson Beach County Water District, which currently serves the existing single-family residence on the subject parcel, reviewed and did not present opposition to the project.

B. Septic System Standards

The existing single-family residence is being served by a new on-site private septic system. The Stinson Beach County Water District, the agency that has jurisdiction over reviewing septic systems in this area, has reviewed the proposed project and determined that, as conditioned, it would comply with all relevant standards.

C. Grading and Excavation

The proposed project entails the conversion of an existing structure and addition of a porch and deck on a generally flat site. The project will require minimal grading.

D. Archaeological Resources

The proposed project is located within the Seadrift area of Stinson Beach. A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Stinson Beach area, including the subject property, is considered to an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because the proposed project would result in the conversion of an existing structure on a previously disturbed residential building site. Moreover, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The subject property is a developed ocean-front parcel currently without public access to the beach. The proposed project retains existing side yard setbacks of 6.2 feet along the west and 6.5 feet along the east property lines, which are insufficient spaces to provide public access to the beach without seriously interfering with privacy of the existing residence. Coastal access from the end of Seadrift Road is provided within an open space area.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Stinson Beach community.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any sensitive streams or creeks subject to streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection

The proposed project entails the conversion of an existing structure that is inland from the single-family residence and would not disturb natural dunes. Further, the project site is not located in a dune protection area as identified by the Local Coastal Program.

I. Wildlife Habitat

The project entails the conversion of an existing detached structure and would not result in the removal of any vegetation. The project site is disturbed by existing residential development and there is no evidence that the project would affect wildlife habitats.

J. Protection of Native Plant Communities

As described above, the project site is currently disturbed by residential development. The proposed project would not result in the removal of any plants or other vegetation.

K. Shoreline Protection

The proposed project is adequately setback from the ocean as per the setback standards that are applied to all single-family residences within the Seadrift community. In addition, the proposed guesthouse would simply replace an existing garage. Therefore, the proposed project would not impact any shoreline resources.

L. Geologic Hazards

The project site is located within 0.5-mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of 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 will not affect any existing or proposed public works project in the area.

N. Land Division Standards

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

O. Visual Resources

The proposed project will match the design and materials of the existing single family residence and is compatible with the surrounding natural environment and the character of the local community. The project will not impair or obstruct coastal views from any public street or public viewing location because the roof would not exceed a height of 10.8 feet. The project has been reviewed by the local Seadrift property owner's association for compliance with all local design standards and has been found consistent with those standards.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review Clearance per Section 22.82.030I(D) of the Marin County Development Code can be made. The proposed project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

- A. The proposed project would be consistent with the principally permitted use authorized by the C-RSPS-2.9 zoning district and is incidental to the single-family residential use of the subject property.
- B. The proposed project will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and right-of-ways;
- C. The proposed project would not result in substantial ground disturbance or vegetation removal.
- D. The proposed project is consistent with respect to style, building materials, colors, and setbacks with other development in the surrounding community.
- E. The proposed project would be consistent with the policies and regulations contained in the Marin Countywide Plan, Marin County Local Coastal Program Unit 1, and the Marin County Zoning Code.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Laurent and Finkelstein Coastal Permit (CP 08-46) and Design Review Clearance (DC 08-76) subject to the following conditions:

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.42.020.B (Design Review Clearance), the Laurent and Finkelstein Coastal Permit and Design Review Clearance are approved to convert an existing detached garage to a new bedroom and bathroom with an adjoining porch and deck. As approved, the 402 square foot guesthouse will be within the footprint of the existing garage, while raising the current roof 1.8 feet to a new maximum height of 10.8 feet above existing grade. The exterior materials will match the existing 2,335 square foot house. An adjoining 102 square foot semi-enclosed porch with pizza oven and 13.8-foot tall stack is approved on the north side of the guesthouse. The porch and guesthouse would maintain the following minimum setbacks: 50 feet from the north front property line, 6.5 feet from the east side property line, and 35 feet from the west side property line. Approval includes construction of a new 624 square foot deck approximately one to two feet above grade to wrap around the north and west side of the remodel. The subject property is located at 210 Seadrift Road, Stinson Beach, and is further identified as Assessor's Parcel 195-331-03.
2. Plans submitted for building permits shall substantially conform to plans identified as "Remodel Existing Garage into Bedroom and Bath - Laurent Family", prepared by Michael Mitchell Design and Draughting, received April 16, 2008, marked as "Exhibit A", consisting of four sheets, and on file in the Marin County Community Development Agency, Planning Division.
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 as notes.
4. The exterior building materials and colors shall match those of the existing residence. All flashing, metalwork, and trim shall be appropriately subdued, non-reflective color.
5. All utility connections and extensions serving the project shall be installed underground.
6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
7. All construction activities shall comply with the following standards:
  - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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 or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
- 8. 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 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.
- 9. 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 or flooding actions. The waiver of public liability shall be submitted to the Community Development Director for review and approval prior to recordation.
- 10. 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 approval of the Laurent and Finkelstein Coastal Permit and Design Review Clearance, for which action is brought within the applicable statute of limitations.
- 11. 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.

Marin County Public Works Department, Land Development Division

- 12. The project is in a Special Flood Hazard Area, Zone B, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0420B revised March 1, 1982.) The County has determined the Base Flood Elevation to be 1.0-foot above grade. Therefore, all improvements shall include the finish floor to be at or above 1-foot above grade.
- 13. BEFORE ISSUANCE OF A BUILDING PERMIT:
  - A. Provide in plans, two independently accessible onsite resident parking spaces and two independently accessible guest spaces with a minimum size of 8.5 by 18-feet each. The guest spaces may be in tandem with the resident spaces, but not to each other.
  - 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 destination of the drainage downspouts for the improved structure.

**Stinson Beach County Water District**

- 14. Deck piers shall maintain a 5-foot setback to the septic tank, sump tank, and sand filter.
- 15. Septic and sump tank access ports shall be made accessible through the proposed deck.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review Clearance approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before June 26, 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 above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.1201 of the Marin County Code.

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 **July 3, 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 26<sup>th</sup> day of June 2008.

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JEREMY TEJIRIAN  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

**H2. 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**.

This item was continued from the hearing of June 12, 2008, and is being further continued to July 17, 2008.