



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
RAISER RESOURCES, LLC COASTAL PERMIT AND DESIGN REVIEW**

Item No:	C1	Application No:	CP 08-47 DM 08-53
Applicant:	Donald Bacon	Owner:	Raiser Resources, LLC
Property Address:	24800 Highway One Marshall	Assessor's Parcel:	104-040-33 (prev. referenced 104-040-30)
Hearing Date:	July 17, 2008	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	July 24, 2008
LAST DATE FOR ACTION:	July 17, 2008

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit and Minor Design Review approval to construct a new driveway off Highway One (i.e. State Route One) that would connect to an existing driveway approximately 459 feet from its connection to State Route One. The proposed driveway is approximately 459 linear feet and would consist of asphaltic concrete and concrete surfacing. The site is already served by an existing driveway. The new driveway will have an expanded line of sight in both directions along Highway One. The new driveway will include retaining walls which, in places, would reach a height of 10 feet. The applicant proposes to retain the existing driveway.

GENERAL INFORMATION:

Countywide Plan:	C-AG1 (Coastal, Agricultural and Conservation, 1 dwelling unit per 31-60 acres)
Zoning:	C-APZ-60 (Coastal, Agricultural Production, 1 dwelling unit per 60-acres)
Community Plan Area:	N/A
Lot size:	588.28 acres
Adjacent Land Uses:	Rural Residential and Agricultural
Vegetation:	Native grasslands and vegetation and Juniper trees
Topography and Slope:	Moderate to steeply sloping
Environmental Hazards:	Within 1 mile of the Alquist-Priolo Special Study Zone

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 of the

CEQA Guidelines because it entails the creation of a new driveway to more safely access the property and avoids historic and scenic resources.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program, and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is a medium to steeply sloping property south of the community of Tomales, which directly abuts Highway One overlooking Tomales Bay. The surrounding properties are primarily on large lots, consisting of low density residential and agricultural uses. The applicant proposes to create a new driveway to better serve the property. An existing, modestly sloping gravel driveway, off Highway One, serves a legal residence situated along the crest of a hill near the southwestern edge of the property. The existing driveway is located near a sharp turn along Highway One which, based on prior staff site visits, creates potentially significant safety issues. As it is, there is a sight distance of 280 feet to the north and 50 feet to the south. Anyone exiting the property is required to turn right onto Highway One, heading north, for safety reasons.

The proposed driveway is over 600 feet south of the existing driveway and extends 459 linear feet, connecting to an upslope portion of the existing driveway. The slope of the proposed driveway will range from slightly sloping, of approximately 2%, to steeply sloping of up to 25%. The proposed driveway is proposed to be composed of asphaltic concrete and concrete surfacing, based upon driveway slope.

In order to build the proposed driveway, the applicant will need to construct retaining walls, which in places would reach a height of 10 feet. The County's Single-Family Residential Design Guidelines indicate that retaining walls should be minimized in height and should not exceed 4 feet when they face the street or out from the center of the property and should not exceed 6 feet when they face into the center of the property. Additionally, due to sparse vegetation, the walls could affect scenic views along State Route One. Based on these concerns, staff is recommending that the retaining walls be broken up so that no wall would exceed a maximum height of 6 feet and that the design utilizes stone or other material on the face of the wall to blend with the natural environment and hillside.

The proposed driveway will extend line of sight in both directions, along Highway One, to 300 feet or more, which should improve overall access to the site. Staff has received no negative comments from the public regarding the project. Additionally, the East Shore Planning Group specifically cites existing safety issues and "has no objections" to the proposed project.

The proposed project would result in a modest level of ground disturbance, which is not substantial, and the overall increase in safety accessing the site is highly beneficial. A limited amount of vegetation removal will be required to build the proposed driveway, but no potential habitat area for any special status species has been identified along the driveway's proposed route. Staff is also recommending that the applicant plant native trees and vegetation to help screen the driveway and retaining walls.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review findings can be made.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Raiser Resources, LLC Coastal Permit and Design Review.

- Attachments:**
1. *Proposed Resolution recommending approval of the Raiser Resources, LLC Coastal Permit and Design Review*
 2. *CEQA Exemption*
 3. *Location Map*
 4. *Assessor's Parcel Map*
 5. *Project Plans*
 6. *CSW ST2 "Project Description" Letter, dated 4/16/08*
 7. *Marin County Department of Public Works Memo, received 5/28/08*
 8. *Marin County Environmental Health Services (Water) Memo, dated 5/27/08*
 9. *Marin County Environmental Health Services (Sewage) Memo, dated 5/15/08*
 10. *California Department of Transportation Memo, dated 5/20/2008*
 11. *Marin Agricultural Land Trust Memo, dated 5/7/08*
 12. *East Shore Planning Group Memo, received 5/15/08*
 13. *North Marin Water District Memo, dated 6/18/08*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-____

A RESOLUTION APPROVING THE RAISER RESOURCES, LLC COASTAL PERMIT AND DESIGN REVIEW

24800 HIGHWAY ONE, MARSHALL
ASSESSOR'S PARCEL 104-040-30

SECTION I: FINDINGS

- I. WHEREAS, Donald Bacon, on behalf of owners Raiser Resources, LLC, is seeking Coastal Permit and Design Review approvals to construct a new driveway off Highway One (i.e. State Route One). The proposed driveway is approximately 459 linear feet and would consist of asphaltic concrete and concrete surfacing. The site is already served by an existing driveway. The new driveway will have an expanded line of sight in both directions along Highway One. The new driveway will include retaining walls which, in places, would reach a height of 10-feet. **The subject property is located at 24800 Highway One, Marshall, and is further identified as Assessor's Parcel 104-040-30.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing July 17, 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 15301, Class 1 of the CEQA Guidelines because it entails the creation of a new driveway to more safely access the property and avoids historic and scenic resources.

- 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-AG1 (Coastal, Agricultural and Conservation, 1 unit per 31-60 acres) 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 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

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

B. Septic System Standards

The proposed driveway would not cross or impact the existing onsite septic system.

C. Grading and Excavation

The project, as conditioned, will keep the grading to the minimum amount necessary to improve both safety and access coming to and from the existing residence on the property.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that portions of the subject property are considered to be in areas of moderate and high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because the proposed driveway does not come across these areas. 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 not located adjacent to the shoreline and therefore will not affect coastal access.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Marshall 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 creation of a driveway and would not disturb natural dunes.

I. Wildlife Habitat

The project entails the creation of a new driveway and would not result in the removal of significant vegetation. The project site is disturbed by existing residential development and there is no evidence that the project would affect wildlife habitats. In addition, a condition of approval will require new native landscaping to screen the new driveway and should, if necessary act as replacement habitat.

J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property, does include federally and state listed species along the northern and northwestern portions of the 588-acre property. These species include the Woolly-headed Gilia (*Gilia capitata*, subspecies *Tomentosa*), the Tidewater Goby (*Eucyclogobius Newberryi*), Northwestern Pond Turtle (*Actinemys Marmorata Marmorata*), Dune Gilia (*Gilia capitata* subspecies *Chamissonis*), Yellow Larkspur (*Delphinium Luteum*), and Raiche's Red Ribbons (*Clarkia Concinna*, subspecies *Raichei*). The proposed driveway will come off Highway One from the southern boundary of the property, approximately ½ miles away from the nearest identified species.

K. Shoreline Protection

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

L. Geologic Hazards

The project site is located within 1-mile of the San Andreas Fault Zone and would be subjected to light to moderate 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 requires an encroachment permit from the California Department of Transportation. It will not affect any existing or proposed local 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 has been conditioned to utilize materials stone or brick at the entryway and on the retaining wall face which will not appear to contrast strongly with the natural landscape from Highway One. In addition, the project has been conditioned to break up the wall to reduce its height and to utilize landscaping near and along the length of the driveway to minimize any visual impact the driveway and retaining walls might otherwise have from Highway One.

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 per Section 22.82.040I of the Marin County Zoning 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. **It is consistent with the countywide plan and any applicable community plan and local coastal program;**

The project proposed driveway and retaining walls are minor and incidental to the existing residence on the property. The residence is consistent with the Agricultural and Conservation 1 policies of the General Plan. Therefore, the project is consistent with this finding.

B. **It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The proposed project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should fully satisfy the functional requirements to access the property and also increase overall safety. In order to avoid creating an unsightly impact or disharmony with the surrounding community, a condition would require breaking up the proposed retaining walls so that they don't exceed six feet in height, utilizing stone or brick to blend with the natural environment on the wall face and the first 40 feet off Highway One, and installing native landscaping. Therefore, the project is consistent with this finding.

C. **It 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 project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

D. **It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project is to replace an existing driveway with another, in a location that has an increased line of sight off Highway One. This should have no impact on further

investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;

No existing trees have been identified for removal with the proposed project. The proposed route for the new driveway is largely barren ground, grasslands, and local vegetation. Further, staff is recommending in the Conditions of Approval that the applicant plant additional trees and landscaping to help screen the proposed driveway and retaining walls. Therefore, the project would be consistent with this finding.

F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The applicant is proposing to construct retaining walls which, in places reach a maximum height of 10 feet. To reduce any potential impact this might have, a condition of approval would require breaking up the walls so that they do not exceed six feet in height, utilizing stone or brick which blend with the natural environment on the wall face, and installing native landscaping.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The proposed project would result in a modest level of ground disturbance, though staff does not feel that it is substantial and the overall increase in safety accessing the site is highly beneficial and is likely in the optimal location for accessing this property from Highway One.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The proposed project requires an encroachment permit from the California Department of Transportation.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project, located on a 588 acres property, is to construct a new driveway and retaining walls, which in some places, reach a maximum height of ten feet. These improvements are at the southern edge of the property extending up 459 linear feet, from Highway One, to a residence. The nearest residences on adjacent

properties are several thousand feet from the proposed driveway and retaining walls and there should be no impact to sun and light exposure, views, or privacy.

Therefore, the project would be consistent with this finding.

- G. **It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.**

The applicant is proposing to construct a new driveway and retaining walls to access an existing residence. This finding does not apply to this project.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Raiser Resources, LLC Coastal Permit (CP 08-47) and Design Review (DM 08-53) for construction of a new driveway off Highway One (i.e. State Route One). The approved driveway is approximately 459 linear feet and would consist of asphaltic concrete and concrete surfacing. The new driveway will include retaining walls which, shall be revised to not exceed a maximum height of 6 feet. The subject property is located at 24800 Highway One, Marshall, and is further identified as Assessor's Parcel 104-040-33.

SECTION III: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Plans submitted for building permits shall substantially conform to plans identified as "Residential Driveway Improvement Plans for Lands of Raiser Resources, LLC Marshall, California", prepared by CSW ST2: CSW/Stuber-Stroeh Engineering Group, Inc. received April 18, 2008, marked as "Exhibit A.1", consisting of four sheets, and on file in the Marin County Community Development Agency, Planning Division, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval by the Director, stone, brick, or other earth toned material to be used on the face of all retaining walls. The walls shall be designed so that no portion exceeds a maximum height of six feet.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must submit and receive staff approval for a landscaping plan which includes 15 gallon and 24-inch box native tree and vegetation plantings which will run near and along the driveway and the proposed retaining walls.
4. 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide staff with a clearance letter from CALTRANS stating that all requirements have been satisfied.

6. BEFORE FINAL INSPECTION, 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.
7. BEFORE FINAL INSPECTION, the applicant shall provide staff with a letter from MALT which states post-construction erosion control measures as identified on the submitted plans have been adequately implemented.
8. BEFORE FINAL INSPECTION, the applicant shall remove the existing driveway (from State Route One to its connection with the northern driveway) and restore the area to a natural appearance, including reseeding all disturbed areas with a native grass mix.
9. All utility connections and extensions serving the project shall be installed underground.
10. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
11. 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 4th, 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.
12. 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.
13. 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 Raiser Resources, LLC Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
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.

Marin County Public Works Department, Land Development Division

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit structural calculations for the retaining wall which will be signed and stamped by the design engineer.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit retaining wall and foundation design criteria provided by the soils engineer.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide and show on the plans a minimum of a 9-inch aggregate base for the driveway, per recommendation by the soils engineer.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify and show on the plans the type of v-ditch to be used.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify the Street address and zip code of Civil Engineer and address the typo on Sheet G1: "San Mateo, not San Mateio".

California Department of Transportation (CALTRANS)

20. Driveway access on State Route One (i.e. Highway One) must be constructed per CALTRANS design standards. Upon completion of the new driveway, the existing driveway must be properly closed.
21. Any work or traffic control within the State Right of Way (ROW) requires an encroachment permit that is issued by CALTRANS.
22. If there is an inadvertent archaeological or burial discovery during construction activities, in compliance with CEQQ, PRC 5024.5 and the Department's Standard Environmental Reference (SER) Chapter 2 (at <http://ser.dot.ca.gov>), all construction within 50 feet of the find must cease.

The CALTRANS Cultural Resource Studies office, District 4, must be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.

23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to CALTRANS plans which accurately illustrate the State Route One ROW width along this property which is 60 feet (30 feet from the center line).
24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to CALTRANS corrected plans of the proposed driveway and retaining walls which show the corner sight distances to confirm a clear line of sight in both directions and cross sections of the retaining wall and State Route One showing the minimum and maximum distances from the existing edge of travel way to the face of the wall.

Marin County Community Development Agency, Environmental Health Services

25. Required setbacks from on-site sewage disposal systems shall be maintained. 5 feet (minimum) is required from paved surfaces. 25 feet (minimum) is required from cuts below the septic system.

SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before July 17, 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 22.56.120I 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 24, 2008.**

SECTION V: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 17th day of July 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary