

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – July 31, 2008

Hearing Officer Johanna Patri, AICP

Staff Present: Vivian Lo, Planning Aide
 Scott Greeley, Planner
 Veronica Corella Pearson, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.
Adjourned at 10:01 A.M.

July 31, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Michael Miller

Application (type and number): Use Permit (UP 08-28), Second Unit Permit (SU 08-28),
and Design Review Clearance (DC 08-45)

Assessor's Parcel Number: 157-530-07

Project Location: 55 Carible Isle, Novato

For inquiries, please contact: Vivian Lo, Planning Aide

Decision Date: July 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the July 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-12.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. USE PERMIT (UP 08-28): MICHAEL MILLER

Hearing requesting approval to convert an existing 400 square feet detached accessory structure, located at the western end of the property, into a legal second unit. The Use Permit is to allow the height of the structure to be 17 feet, 2 inches from grade, where a maximum of 15 feet is permitted under the governing zoning district. As built, the detached second unit attains a height of approx. 17 feet 2 inches from grade and maintains the following setbacks: 10 feet min. from rear property line (west); 17 feet min. from north and south side property lines; and 100 feet minimum from front property line (east). The subject property is located at **55 Caribe Isle, Novato**, and is further identified as **Assessor's Parcel 157-530-07**.

The Hearing Officer modified the project description to read:

The applicant is seeking Use Permit approval to legalize the as-built height of the accessory structure which is 17 feet 2 inches from grade where a maximum of 15 feet is permitted under the governing zoning district. The detached structure maintains the following setbacks from corresponding property lines: 10 feet minimum from the rear property line (west), 17 feet minimum from north and south property lines and 100 feet minimum from front property lines (east). The structure has been in place since 2004 and is located at 55 Caribe Isle, Novato, and is further identified as Assessor's Parcel 157-530-07.

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

The applicant was present, understood the Conditions of Approval and had no questions.

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

The Hearing Officer concurred with staff's analysis and approved the Miller Use Permit, based on the Findings and subject to the Conditions in the Resolution with the following modification:

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the Miller Use Permit approval ***within 60 days of the date of approval by applying for a Building Permit.*** ~~July 31, 2009 with the issuance of a Building Permit.~~ The applicant shall complete all improvements in accordance with the conditions of approval, ***and Building Permit application and call for a final inspection within 30 days of the date of issuance of said Building Permit,*** 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 Director approval.

The Building Permit approval expires if the building or work authorized is not ***commenced in accordance with the Conditions of Approval.*** ~~within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit.~~ Please be advised that if your Building Permit lapses after the vesting date stipulated in the Use Permit approval (and no extensions have been granted), the Building Permit and

Use Permit approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Use Permit and Design Review at least 10 days before the expiration of the Use Permit and Design Review approval.

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 #08-135

**A RESOLUTION APPROVING
THE MILLER USE PERMIT 08-28
55 CARIBE ISLE, NOVATO**

ASSESSOR'S PARCEL 157-530-07

SECTION I: FINDINGS

- I. WHEREAS, Ralph Alexander, on behalf of the owners, Michael and Susan Miller, submitted an application for Use Permit to convert an existing 400 square foot, 17 feet, 2 inches tall, detached accessory structure into a legal second unit. Use Permit approval is required because the detached accessory structure has an as built height of 17 feet, 2 inches where 15 feet would be allowed. The subject property is located at 55 Caribe Isle, Novato, and is further identified as Assessor's Parcel 157-530-07.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 31, 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(a) because the conversion of the detached accessory structure to a legal second unit would not result in significant adverse environmental effects.
- 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 SF4 (Single-family, 20,000 square foot to <1 acre minimum lot area, 1-2 units/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;

- E. Minimize soil disturbance and maximize the preservation of natural vegetation; and
- F. Provide consistency with the land use designation of SF4, Single-family residential, 1 unit to 2 units per acre.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a **Use Permit** per Section 22.48.040 of the Marin County Code can be made for the following reasons:

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

The 400 square foot detached second unit would be subordinate to an existing residence and is a permitted use in the BFC-RSP-1.6 zoning district pursuant to Marin County Code Section 22.10.030, Table 2-3. The proposed improvements conform to the BFC-RSP-1.6 zoning district standards and with Marin County Code Section 22.20.090.2.c, Setback Requirements and Exceptions because the applicant is applying for a Use Permit for the detached accessory structure located within a required setback.

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

Please see Section IV above.

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

Please see Section III above.

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

The design, location, and size of the proposed site improvements are compatible with the single-family residential land use of the neighborhood.

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

The proposed improvements would not impair the architectural integrity and character of the BFC-RSP-1.6 zoning district.

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

The project proposes minor interior improvements, accessory to the single-family residence. Including the findings described above in Section V, A through E, granting of the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Miller Use Permit (UP 08-28) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) of the Marin County Code, the Miller Use Permit is approved for the over height of a 400 square foot detached accessory structure. The detached accessory structure will maintain a height of 17 feet, 2 inches above grade and maintains the following setbacks from corresponding property lines: 10 feet minimum from rear property line (west); 17 feet minimum from north and south side property lines; and 100 feet minimum from front property line (east). The subject property is located at 55 Caribe Isle, Novato, and is further identified as Assessor's Parcel 157-530-07.

A separate Second Unit Permit and Design Review Clearance applications are filed to convert the detached accessory structure to a legal second unit. They are not part of this Use Permit application.

2. Except as modified herein, the required Building Permit and site improvements shall substantially conform to plans on file with the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Miller Residence," consisting of six sheets, received December 4, 2007; Exhibit A-1, "Miller Residence, site plan," received March 17, 2008, prepared by Ralph J. Alexander & Associated; Exhibit A-2, "Play Pavilion-Miller Res," consisting one sheet, prepared by Harney Construction, received March 17, 2008; and Exhibit A-3, "Section A-A," consisting one sheet, received June 2, 2008, prepared by Ralph J. Alexander & Associates.
3. The detached accessory structure shall not contain cooking facilities, and shall not be rented as a separate dwelling, unless a Second Unit Permit is first obtained from the County of Marin Community Development Agency.
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 FINAL INSPECTION AND VESTING THE APPROVAL, the Notice of Decision shall be recorded on the title of the subject property.
6. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
7. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the

archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

8. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
9. Utility connections and extensions for electric and telecommunication lines serving the development shall be undergrounded from the nearest overhead pole from the property or from the existing residence, where feasible as determined by the Community Development Agency staff.
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 an approval of this Permit, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
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. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Use and Water Resources Division

12. Prior to Issuance of BUILDING PERMIT, the applicant shall submit or complete the items under the Second Unit Permit application.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the Miller Use Permit approval within 60 days of the date of approval by applying for a Building Permit. The applicant shall complete all improvements in accordance with the conditions of approval, and Building Permit application and call for a final inspection within 30 days of the date of issuance of said Building Permit, 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 Director approval.

The Building Permit approval expires if the building or work authorized is not commenced in accordance with the Conditions of Approval. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Use Permit approval (and no extensions have been granted), the Building Permit and Use Permit approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Use Permit and Design Review at least 10 days before the expiration of the Use Permit and Design Review approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit for a detached accessory structure within the rear yard area and over 15 feet tall shall be valid upon timely vesting of the approval and will remain valid indefinitely, unless the conditions of approval are violated in which case the Use Permit may be revoked.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on August 14, 2008.

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 31st day of July, 2008.

Johanna Parti, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Pamela Whitehead
Application (type and number): Coastal Permit (CP 06-3) Extension (EX 08-22)
Assessor's Parcel Number: 190-041-32
Project Location: 271 Poplar Avenue, Bolinas
For inquiries, please contact: Scott Greeley, Planner
Decision Date: July 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the July 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-30.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C2. COASTAL PERMIT (CP 06-3) EXTENSION (EX 08-22): PAMELA WHITEHEAD

Hearing requesting an extension to vest a previously approved project for the construction of a new approximately 2,059 square-foot single-family-residence. The subject property is 26,000 square feet in size and the proposed residence that would be constructed on this lot would have a maximum height of 22 feet and would contain one story. Exterior surfaces of the residence would be finished with horizontal beveled wood siding that is stained brown. A new on-site private septic system would serve the proposed residence. The Bolinas Community Public Utilities District would supply water for the residence. The structure would be located approximately 37 feet from the northwestern (front) property line (that fronts along Poplar Road), 16 feet from the northeastern (side) property line (that fronts along Locust Drive), 71 feet from the southeastern (rear) property line, and 110 feet from the southwestern (side) property line. A new 12-foot wide gravel driveway connecting to Locust Drive would provide secondary emergency access to the site. The subject property is located at **271 Poplar Ave, Bolinas**, and is further identified as **Assessor's Parcel 190-041-32**.

The Hearing Officer noted that the project once had an address of 465 Locust Drive, but is now officially 271 Poplar Avenue.

In response to the Hearing Officer, staff summarized additional comment letters from Nicole Young, and Andrea Pruitt, neighbors, regarding concerns with access off of Poplar Drive, potential impacts on the watershed and traffic generation.

The public testimony portion of the hearing was opened.

Pamela Whitehead, applicant, spoke regarding how her address was changed from 465 Locust Drive to 271 Poplar Avenue. All her Building Permits were taken out with the address on Poplar, and grading has occurred to allow surveyors to mark the property. She asked to proceed with construction so that her contractors can beat the October building deadlines.

Christine Lee, neighbor, spoke regarding concerns with the location of the driveways and a time frame for building because of the excessive dust.

The Hearing Officer noted that after reviewing the administrative record, she had questions on:

- The July 13, 2006 staff report states the owner has agreed to remove the proposed driveway that connects to Poplar from the proposal and access to the property would be from 465 Locust drive;
- The July 13, 2006 Resolution Conditions of Approval state the Building Permit plans will show that there is no driveway off of Poplar;
- Building Plans show the Poplar address; and
- No new plans were submitted showing access from Locust;

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, staff stated that the original approval plans show the address and access were determined by where the front yard was located. The 465 Locust address proposed a 16 ½ foot setback which would have required a Variance. The proposed location of the house was setback far enough from Poplar to require no Variance. The Conditions of Approval should be changed to reflect the Deputy Zoning Administrator July 13, 2006 Notice of Decision and Resolution #06-152 that was signed by the Deputy Zoning Administrator and what was approved on the building plans.

The Hearing Officer concurred that the Notice of Decision and Resolution 06-152 states that the address for the proposed residence shall be 271 Poplar Road. The Hearing Officer approved the Whitehead Coastal Permit CP 06-03, Extension EX 08-22, in accordance with the Deputy Zoning Administrator July 13, 2006 Notice of Decision and Resolution 06-152 Conditions of Approval. The address will be 271 Poplar Road, Bolinas.

The Hearing Officer directed staff to prepare a modified Resolution, with corrected dates, add the standard Building Permit clause, add filing of an appeal with a fee of \$600 must be submitted to the Community Development Agency no later than 4:00 P.M. on August 7, 2008, extend the vesting period to July 31, 2012.

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. 08-136

A RESOLUTION APPROVING THE PAMELA WHITEHEAD COASTAL PERMIT EXTENSION
271 Poplar Road, BOLINAS
ASSESSOR'S PARCEL 190-041-32

SECTION I: FINDINGS

- I. WHEREAS, the owner/applicant Pamela Whitehead, is requesting a four-year Coastal Permit extension to vest the Whitehead Coastal Permit (CP 06-03) conditional approval granted by the Deputy Zoning Administrator in July 2006 for the construction of a one story, three bedroom, 2,059 square-foot single-family-residence, with a maximum height of 22 feet. The structure would be finished with horizontal beveled wood siding that would be stained brown. The proposed residence would be served by a new private on-site septic system. The Bolinas Community Public Utilities District would supply water for the residence. The structure would be located approximately 37 feet from the northwestern (front) property line (that fronts along Poplar Road), 16 feet from the northeastern (side) property line (that fronts along Locust Drive), 71 feet from the southeastern (rear) property line, and 110 feet from the southwestern (side) property line. A new 12-foot wide driveway connecting to Locust Drive would provide access to the site. The subject property is identified as Assessor's Parcel 190-041-32. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the proposed residence shall be **271 Poplar Road, Bolinas.**
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly-noticed public hearing July 31, 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 found that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(a) of the CEQA Guidelines because it entails the construction of a new a new single-family residence on a residentially zoned parcel with no potentially significant impacts on the environment.
- IV. WHEREAS, the Deputy Zoning Administrator finds that the requested Extension (EX 08-22) to vest the Whitehead Coastal Permit (CP 06-03) for the construction of a one story, three bedroom, 2,059 square-foot single-family-residence, with a maximum height of 22 feet does not propose any changes to the 2006 Deputy Zoning Administrator conditional approvals (DZA Resolution 06-152.) No new environmental impacts have been identified. No substantial changes or new information with respect to the environment or circumstances have been identified.

V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project continues to be 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 Bolinas Community Public Utilities District (BCPUD) would provide water for the proposed residence, and has presented staff with documentation verifying the availability of this water.

B. Septic System Standards

The Marin County Environmental Health Services Division has reviewed and conditionally approved a septic permit (permit # 03-85A) for the proposed project.

C. Grading and Excavation

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundations of the proposed residence and drainage improvements. All grading and excavation work will be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and the project is not likely to disturb cultural resources. Conditions of project approval would require that in the event cultural resources are discovered during site preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures to meet Local Coastal Program requirements.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access.

F. Housing

The proposed project includes construction of a new single-family residence in a residential zone and would not result in the demolition or conversion of housing affordable to households of lower or moderate income.

G. Stream and Wetland Resource Protection

This project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program.

H. Dune Protection

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

I. Wildlife Habitat

The project site is not located in an area identified as containing sensitive wildlife habitat.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. Additionally, a review of the NDDDB, prepared by the California Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare plant species. Therefore, no significant or adverse impacts to native plant communities would result from the project.

K. Shoreline Protection

Marin County Code Section 22.56.130(K) restricts development within a certain distance of the bluff of Bolinas Mesa. The zoning code does not allow development nearer to the bluff than would be safe, based on an assumed retreat rate and the 40 year life of an average residence. A geotechnical investigation is required to determine the setback in areas where the development is located within 150 feet of a bluff top or where the site is in a slope stability zone of 3 or 4. However, the subject property does not meet either of these criteria. The subject property is located over 1,400-feet inland from the nearest bluff face, and the proposed development would not occur within Bluff Erosion Zones 3 or 4 as identified by the Gridded Mesa Plan.

L. Geologic Hazards

The project site is located well over one mile from the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of previous project approval, the applicant executed and recorded 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

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

N. Land Division Standards

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

O. Visual Resources

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

P. Recreation/Visitor Facilities

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

Q. Historic Resource Preservation

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

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. The Whitehead Coastal Permit Extension (EX 08-22) authorizes an extension to vest the Whitehead Coastal Permit (CP 06-03) conditional approval granted by the Deputy Zoning Administrator in July 2006 for the construction of a new approximately 2,059 square-foot single-family-residence to be located at 465 Locust Drive in Bolinas. The subject property is 26,000 square feet in size and the proposed residence that would be constructed on this lot would have a maximum height of 22 feet and would contain one story. Exterior surfaces of the residence would be finished with horizontal beveled wood siding that is stained brown. A new on-site private septic system would serve the proposed residence. The Bolinas Community Public Utilities District would supply water for the residence. The structure would be located approximately 37 feet from the northwestern (front) property line (that fronts along Poplar Road), 16 feet from the northeastern (side) property line (that fronts along Locust Drive), 71 feet from the southeastern (rear) property line, and 110 feet from the southwestern (side) property line. A new 12-foot wide driveway connecting to Locust Drive would provide access to the site. The subject property is identified as Assessor's Parcel 190-041-32. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the proposed residence shall be **271 Poplar Road, Bolinas**.
2. Plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Whitehead Residence, 271 Poplar Road, Bolinas, CA" prepared by Lawrence Doyle and Kayvan Nikfar, consisting of 7 sheets, and stamped "Received January 12, 2006". The applicant shall have the option to replace the horizontal wood siding with vertical board and batten wood siding. Additionally, the applicant shall have the option of replacing the shingle roofing with corrugated metal roofing.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit one complete set of revised plans to the Director for review and approval, and incorporated as Exhibit A-1, that indicate the following modifications:
 - a. Revised plans showing that the secondary driveway connecting to Locust Drive is reduced in length so that it extends no farther than 20 feet into the property.
 - b. Prior to issuance of a building permit, the applicant shall submit a sample of the corrugated metal roofing material for review and approval by the Director. The material shall have a non-reflective, dull finish.

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 Coastal Permit Conditions of Approval as notes.
5. Exterior lighting shall be permitted for safety purposes only, must consist of energy efficient, low lumen output, and low wattage fixtures, and must be directed downward and hooded to prevent glare for neighboring properties.
6. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
7. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
8. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
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 utility connections and extensions serving the project shall be installed underground. Modifications to this condition may be considered by the Community Development Director at the written request of the applicant.
11. All roofing, siding, flashing, metal work and trim shall be an appropriately subdued, nonreflective color.
12. No trees, except those shown on the site plan as proposed for removal, shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property.
13. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All

future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.

14. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
15. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Whitehead Coastal Permit, for which action is brought within the applicable statute of limitations.

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

16. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.
17. A recorded Notice and Acknowledgment will be required for all structures within the right-of-way. Specifically, the fence along Poplar Road noted in the site plan.
18. The applicant shall obtain all necessary permits from other agencies.
19. The turf block parking area shall be banded with concrete or other method to prevent degradation of the edge of surface.
20. It is recommended that the applicant refer to the Bay Area Stormwater Management Agencies Association "Start at the Source, Design Guidance Manual for Stormwater Quality Protection" and incorporate design elements into the development where feasible.
21. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of work.

Marin County Environmental Health Services

22. Applicant shall install septic system in accord with conditions of permit. Permit # 03-85A, issued 10/14/03, and expires 10/14/06.

Bolinas Community Public Utilities District

23. Maximum quarterly water usage may not exceed 3,750 cubic feet.

Bolinas Fire Protection District

24. Street address to be posted where readily visible from Poplar Road. Sign to be of three-inch minimum letters with 3/8" stroke and with background of contrasting color.
25. Fire Sprinklers: Design approval and site inspection completed by building department
26. Provide smoke detectors per UBC/UFC.
27. Class A roof per Marin County requirements.
28. Provide main electrical disconnect accessible to Fire Department.

29. Schedule site meeting prior to construction and complete required fuel modification prior to commencement of framing. Provide defensible space around all structures per P.R.C. 4290 and 4291. All defensible space must be maintained.

30. Construction and inspections per UBC and Marin County codes.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Whitehead Coastal Permit (06-03) approval by securing a building permit and other permits for all of the approved work and by substantially completing the improvements in accordance with the secured permits by **July 31, 2012**, or all rights granted in this approval shall lapse.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a **\$600.00** filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **August 7, 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 31st day of July 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: James and Carol Matney

Application (type and number): Variance (VR 08-9)

Assessor's Parcel Number: 058-091-10

Project Location: 13 Teaberry Lane, Tiburon

For inquiries, please contact: Scott Greeley, Planner

Decision Date: July 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the July 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C3. VARIANCE (VR 08-9): JAMES AND CAROL MATNEY

Hearing requesting a proposal to construct a 288 square-foot addition on two levels to an existing 2,424 square-foot single-family residence in Tiburon. The proposed floor area ratio of the residence would be 15.9 percent on the 17,022 square foot lot and would attain a maximum height of 27 feet. A Variance is required because the proposed additions will maintain a minimum setback of 14 feet from the front property line, where 30 feet is required by the R-1:B-4 zoning district. The residence with the proposed addition would maintain the following approximate setbacks from the nearest corresponding property lines: (1) 14 feet from the westerly front property line; (2) 31 feet from the easterly rear property line; (3) 27 feet from the northerly side property line; and (4) 61 feet from the southerly side property line. The subject property is located at **13 Teaberry Lane, Tiburon**, and is further identified as **Assessor's Parcel 058-091-10**.

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

The applicant was not present at today's hearing.

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

The Hearing Officer acted to approve the recommended resolution with the following modification:

- **SECTION IV: VESTING AND APPEAL RIGHTS**, add: "The Building Permit approval expires with the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration."

The Hearing Officer concurred with staff's analysis and approved the Matney Variance, based on the Findings and subject to the Conditions in the Resolution.

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-137

A RESOLUTION APPROVING THE MATNEY VARIANCE
13 TEABERRY LANE, TIBURON
ASSESSOR'S PARCEL 058-091-10

SECTION I: FINDINGS

- I. WHEREAS, Don Gross, on behalf of owners James and Carol Matney is seeking Variance approval to construct a 288 square-foot addition on two levels to an existing 2,424 square-foot single-family residence in Tiburon. The proposed floor area ratio of the residence would be 15.9 percent on the 17,022 square foot lot and the additions would attain a maximum height of 27 feet. A Variance is required because the proposed additions will maintain a minimum setback of 14 feet from the front property line, where 30 feet is required by the R-1:B-4 zoning district. The residence with the proposed addition would maintain the following approximate setbacks from the nearest corresponding property lines: (1) 14 feet from the westerly front property line; (2) 31 feet from the easterly rear property line; (3) 27 feet from the northerly side property line; and (4) 61 feet from the southerly side property line. **The subject property is located at 13 Teaberry Lane, Tiburon, and is further identified as Assessor's Parcel 058-091-10.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing July 31, 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 an addition of 288 square feet on two levels of an existing residence and should not result in a potentially significant impact 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 SF3 (Single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3, NO-2.1, NO-2.4);
 - C. The project has been designed to avoid hazards from earthquake, erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Environmental Hazards Policies EH-2.1, EH-2.3, EH-3.1, EH-4.1, Community Design Policies DES-4.1, DES-5.1);

- D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (Environmental Quality Policies EQ-2.19, EQ-2.20, Environmental Hazards Policy EH-8.6);
 - E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Tiburon Fire Protection District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. The Marin Municipal Water District has sufficient water to service the proposed project. (Environmental Quality Policy EQ-3.9);
 - F. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (Energy and Green Building Policies *EN-1.b*, *EN-1.c*);
 - G. No wetlands or stream conservation areas will be affected by the project (Biological Resources BIO-3.1, BIO-4.1);
 - H. The project will not result in impacts to special-status species (Biological Resources, BIO-1.1, BIO-2.1);
- V. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Variance per Section 22.54.050 of the Marin County Development Code can be made.

- A. **There are special circumstances applicable to the property (e.g. location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;**

As noted in the "Project Analysis" section of the Staff Report, the lot is a 17,022 square foot parcel (0.39-acres), whereas the minimum lot size for the zoning district is 43,560 square feet (1.0-acres). Additionally, the property is subject to steep slopes and a 20 foot access easement runs through the westerly front and northerly side yards. Variances were granted in 1961 and 2003 on this site allowing encroachment into the front setback due to these constraints. The proposed addition would not encroach further into the front setback than was permitted in 1961. Therefore, the project is consistent with this finding.

- B. **That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel;**

The applicant is proposing a 288 square foot addition on the main and upper floors of the residence, as well as 114 square feet of new upper floor decking. The property is zoned R-1:B-4, which is a single family residential zoning district. Therefore, the project is consistent with this finding.

- C. **That granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located;**

As noted above in Section V, subsection B, the addition is residentially based and complies with the standard permitted uses allowed in the R-1:B-4 zoning district. In addition, based on site visits, staff has found that other homes in the community also have a similar frontage to the street. Therefore, the project is consistent with this finding.

- D. **That granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located;**

With exception to the front yard setback, the proposed addition would comply with all development standards applicable to the governing zoning district. The residence would be of comparable height, size, and scale with other residences in the community. The addition would also be subject to review and compliance with the most current Uniform Building Code. Therefore, the project would be consistent with this finding.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Matney Variance (VR 08-9) for construction of a 288 square-foot addition on two levels to an existing 2,424 square-foot single-family residence in Tiburon. The approved floor area ratio of the residence would be 15.9 percent on the 17,022 square foot lot and the additions are approved to attain a maximum height of 27 feet. The residence with the proposed addition would maintain the following approximate setbacks from the nearest corresponding property lines: (1) 14 feet from the westerly front property line; (2) 31 feet from the easterly rear property line; (3) 27 feet from the northerly side property line; and (4) 61 feet from the southerly side property line. The subject property is located at 13 Teaberry Lane, Tiburon, and is further identified as Assessor's Parcel 058-091-10.

SECTION III: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A.2," entitled, "MATNEY RESIDENCE 13 Teaberry Lane Tiburon CA 94920," consisting of five sheets prepared by Don Gross Design Associates, dated December 5, 2007 and received December 28, 2007, with revisions with no specified date received February 25, 2008 with revised Sheet 3 inserted on April 18, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. 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.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front yard, the distance of the building from the nearest property line at the closest point.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
7. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
9. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**.. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

- 10. 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.

- 11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Matney Variance, for which action is brought within the applicable statute of limitations.

- 12. 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.

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

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide an erosion and sediment control plan for the site. This plan shall include a 24-hour contact number.

- 14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan. Drainage shall include an area and downspout drainage management plan. Direct discharge of collected water should be dissipated on the subject property.

Tiburon Fire Protection District

- 15. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Chief that in accordance with NFPA Standard 13-D, an automatic sprinkler system has been installed throughout the residence, as well as the proposed addition. The sprinkler system must be monitored by an alarm company using a UL listed monitoring station.

SECTION IV: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Variance approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before July 31, 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 22.56.050 of the Marin County Code.

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

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 **August 14, 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 31st day of July 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Sophie Ziegler

Application (type and number): Use Permit (UP 09-3)

Assessor's Parcel Number: 121-160-31

Project Location: 2200 Nicasio Valley Road, Nicasio

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: July 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the July 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C4. USE PERMIT (09-3): SOPHIE ZIEGLER

Hearing requesting approval to construct a new tennis court with fencing that would be 10 feet in height. The tennis court would be over 100 feet from any property line. The subject property is located at **2200 Nicasio Valley Road, Nicasio**, and is further identified as **Assessor's Parcel 121-160-31**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. However, staff noted that the Assessor's Parcel Number was incorrectly noticed on the agenda, and has been corrected to reflect "121-160-31", and typographical errors in the resolution have been corrected.

The applicant was present and had no questions.

The Hearing Officer acted to approve the recommended resolution with the following modification:

- **SECTION III: VESTING AND APPEAL RIGHTS**, add: "NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit or other construction permit if required for the approved work and substantially completing the improvements **by July 31, 2010**."

The Hearing Officer concurred with staff's analysis and approved the Ziegler Use Permit, based on the Findings and subject to the Conditions in the Resolution, as modified.

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-138

A RESOLUTION CONDITIONALLY APPROVING THE ZIEGLER USE PERMIT (UP 09-3)
2200 NICASIO VALLEY ROAD, NICASIO
ASSESSOR'S PARCEL 121-160-31

SECTION I: FINDINGS

- I. WHEREAS the applicant, Schwartz and Architecture, has applied on behalf of the owner, Sophie Ziegler, for Use Permit approval to allow construction of a new 126 foot by 60 foot tennis court with chain link fencing which will have a height of 10 feet. The tennis court will be located 110 feet from the front (south) property line, and over 200 feet away from all other property lines. Also proposed is external path lighting which would be downcast and low wattage. The subject property is located at 2200 Nicasio Valley Road, Nicasio and is further identified as Assessor's Parcel 121-160-31.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 31, 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 15303, Class 3 because construction of the tennis court will not result in significant negative 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 is consistent with *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
 - B. The project complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
 - C. The project will not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
 - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4*).
 - E. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*).

- F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
- G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
- H. The project design and improvements ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
- I. The project has been designed ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
- J. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
- K. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Nicasio Community Plan because the project would:

- A. Minimize adverse physical and visual effects of the project by adequately screening it from off-site locations;
- B. Provide for development which is in harmony with the natural and built environment;
- C. Preserve agricultural land and protect the natural beauty of the area.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a **Use Permit** per Section 22.48.040 of the Marin County Code can be made for the following reasons:

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

The proposed improvements conform to the ARP-60 zoning district standards and with Marin County Code Section 22.32.130.D which allows tennis courts with a Use Permit.

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

Please see Section IV and V above.

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

Please see Section III above.

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

The tennis court has been sited and designed to be screened from all neighboring properties utilizing evergreen trees as vegetative screening. A tennis court is a compatible with the single-family residential land use of the neighboring properties.

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

The tennis court is sufficiently screened and will not result in incompatibility with the ARP-60 (Agricultural, Residential Planned, Maximum density 1 unit/60 acres) zoning district since it will not be visible to neighboring properties or to the public.

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

The project is located entirely on the subject property, and will not be sited in a location which would result in adverse impact to public health or welfare.

SECTION II: CONDITIONS OF PROJECT APPROVAL

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

Community Development Agency – Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) of the Marin County Code, the Ziegler Use Permit is approved for the construction of a new 126 foot by 60 foot tennis court, with chain link fencing which will have a height of 10 feet. The tennis court will be located 110 feet from the front (south) property line, and over 200 feet away from all other property lines. Also proposed is external path lighting which would be downcast and low wattage. The subject property is located at 2200 Nicasio Valley Road, Nicasio and is further identified as Assessor's Parcel 121-160-31.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled "2200 Nicasio Valley Road," consisting of 6 sheets prepared by Schwartz and Architecture, and received March 31, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. Landscape plans shall show all replacement trees being native trees of Marin County.
 - b. The only approved exterior lighting for the tennis court is along the walkway to the tennis court and at the court entrance.
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. All exterior lighting shall be low wattage, downcast and shielded.
5. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met.
7. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
8. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
9. The applicant shall retain the services of a licensed arborist, botanist, or forester to periodically monitor the construction activities and to submit a report confirming that the project has complied with all of the best management practices and other requirements of the tree assessment BEFORE FINAL INSPECTION.
10. All site development construction practices shall be in accord with the recommended guidelines and inspection schedule contained in the tree assessment stated on sheet L-1.1C of the plans. The applicant shall comply with all recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.
11. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional; verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
12. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of

13. the permit may be required to implement measures to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
14. All construction activities shall comply with the following standards:
- a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
15. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be under grounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
16. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this Use Permit, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
17. 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.

18. PRIOR TO ISSUANCE OF A BUILDING PERMIT the applicant shall provide a Stormwater Control Plan (SPC) that meets those criteria contained in the MCSTOPP Guidance for Applicants, Stormwater Quality Manual for Development Projects in Marin County. The SPC shall include a Stormwater Pollution Prevention Plan that includes construction measures, permanent post construction measures (SPC) and an operation and maintenance plan to maintain the stormwater facilities in perpetuity. Prior to final inspection and once the improvements have been completed, the property owner shall sign the O&M plan as the responsible party.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by: obtaining a Building Permit or other construction permit, if required, for the approved work and substantially completing the improvements by July 31, 2010, in accordance with the approved permits. 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. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

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

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 **August 14, 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 31st day of July, 2008.

JOHANNA PATRI, AICP
MARIN COUNTY ACTING DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Dorothy Friberg

Application (type and number): Use Permit (UP 07-31) and Sign Review (SP 09-1)

Assessor's Parcel Number: 034-071-08

Project Location: 1050 Redwood Highway, Mill Valley

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: July 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the July 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-5.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C5. USE PERMIT (UP 07-31) AND SIGN REVIEW (SP 09-1): DOROTHY FRIBERG

A proposal to establish a business offering psychic services that will be available by appointment during the hours of 11 am to 8 pm and will employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" in goudy old-style western font with lettering ¾ foot tall by ½ foot wide. The sign will be internally illuminated with off-white background and green lettering. The subject property is located at **1050 Redwood Highway, Mill Valley**, and is further identified as **Assessor's Parcel 034-071-08**.

The Hearing Officer added the following to the project description, ""Mounted on, and perpendicular to the building."

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. However, she noted that the Use Permit number listed on the staff report was incorrect and would read "UP 07-6."

The public testimony portion of the hearing was opened.

Pamela Whitehead, neighbor, spoke regarding concerns with the sale of the property because the new owner was not noticed. The Hearing Officer gave her a copy of the staff report to give to the new owner to provide full disclosure.

The public testimony portion of the hearing was closed.

The Hearing Officer made the following changes to the recommended resolution:

- FINDING VI, add: "The project complies with the maximum number of signs allowed on the premises. The sign will be located on and parallel to the front wall of the commercial building, The height and installation of the sign complies with the sign permit standards.
- Condition of Approval 1, add: "The existing sign is mounted on and perpendicular to the building. All other temporary signs and fixed lighting shall be removed."
- **SECTION III: VESTING AND APPEAL RIGHTS**, add: "NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by commencing the allowed use on the property in compliance with the Conditions of Approval by July 31, 2010."

The Hearing Officer concurred with staff's analysis and approved the Friberg Use Permit and Sign Permit, based on the Findings and subject to the Conditions in the Resolution as modified.

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-139

A RESOLUTION APPROVING THE FRIBERG USE PERMIT (UP 07-6) AND
SIGN PERMIT (SP 09-1)
1050 REDWOOD HIGHWAY, MILL VALLEY
ASSESSOR'S PARCEL 034-071-08

SECTION I: FINDINGS

- II. WHEREAS Steve Adams, on behalf of the owner, Dorothy Friberg, is proposing approval to establish a business offering psychic services that will be available by appointment during the hours of 11 am to 8 pm and will employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering $\frac{3}{4}$ foot tall by $\frac{1}{2}$ foot wide. The sign would be internally illuminated and would have a 1/8 inch aluminum cabinet, finished in off-white, with push through lettering in vinyl green. Also proposed for approval is an existing entry sign that is 6 square feet in size which reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted on and perpendicular to the building. The subject property is located at 1050 Redwood Highway, Mill Valley, and is further identified as Assessor's Parcel 034-071-08.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 31, 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, pursuant to Section 15311, Class 11 because there will be no site disturbance except for the placement of a sign which will not result in any negative 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 does not entail work which will trigger the *CWP* natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources and special-status species (*CWP Policies BIO-1.1 and BIO-1.3 through 1., BIO-2.1, and BIO-2.2.*).
 - B. The project will not impact ecotones, natural transitions between habitat types and private open space e, or any corridors for wildlife movement (*CWP Policies BIO-2.3 and BIO-2.4.*).
 - C. No wetlands or stream conservation areas will be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1.*).
 - D. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4.*).

- E. The project avoids hazardous geological areas and will not trigger a Building Permit which requires conformance to the County earthquake standards (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
 - F. The project does not propose work which require compliance with CWP fire protection policies (*CWP Policy EH-4.1, EH-4.2, EH-4.c through EH-4.f, EH-4.,h and EH-4.n*).
 - G. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (*CWP Policy DES-1.2*).
 - H. The project does not propose exterior lighting (*CWP Policy DES-1.h*).
 - I. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).
 - J. The project does not entail work which requires compliance with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with the conditions of approval, the Mandatory Findings for a **Use Permit** per Section 22.48.040 of the Marin County Code can be made for the following reasons:

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

The proposed improvements conform to the RMPC-7 (Residential, Commerical Multiple Planned, 7 units/acre) zoning district standards which allows for personal services as a conditional use. The site was developed in 1940 under a Use Permit for a contractors and real estate office, and since then other uses have been reviewed under a Use Permit, therefore allowing for a Use Permit for the change in use to a psychic reader.

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

Please see Section IV above.

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

Please see Section III above.

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

The proposed psychic services will not impact the existing character of the neighborhood or prevent future land uses in the vicinity since it entails a diminutive amount of public traffic and proposes a sign which meets all the requirements for granting a Sign Permit.

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

The proposed use would not result in any changes to the exterior of the building except for the installation of a sign which meets the requirements for granting a Sign Permit under 22.28.010.4.a.

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

The project proposes no work that would impact development on the site or result in health hazards to the public. The proposed Use Permit will not result in a change in a intensity of use from that of previous tenants and therefore requires no Use Permit from the Building Department and the space will continue to be used as an office with no exterior modification which require a Building Permit and conformance to Title 24.

Therefore, the proposed project will not result in work which allows the County to request improvements to improve access to the property for ADA compliance.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, in accordance with Section 22.28.060 of the Marin County Code the Sign Permit can receive ministerial approval since it is for a business on the ground floor and proposes two signs which will not exceed the aggregate of one square foot for each linear foot of the wall and is less than the maximum size of 50 square feet. The project complies with the maximum number of signs allowed on the premises. The sign will be located on and parallel to the front wall of the commercial building. The height and installation of the sign complies with the sign permit standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Friberg Use Permit and Sign Permit subject to the following conditions:

Community Development Agency – Planning Division

1. Pursuant to Chapter 22.48 (Use Permits) and 22.28.070 of the Marin County Code, the Friberg Use Permit and Sign Permit is approved for a business offering psychic services that would be available by appointment during the hours of 11 am to 8 pm and employ one employee. The business will be located at the front (west) side of the office building. The new sign would be 3 feet tall by 14.5 feet wide, and read "Fortune Teller" with lettering $\frac{3}{4}$ foot tall by $\frac{1}{2}$ foot wide. The sign would be internally illuminated and would have a $\frac{1}{8}$ inch aluminum cabinet, finished in off-white, with push through lettering in vinyl green. Also approved is an existing entry sign that is 6 square feet in size which reads "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted on and perpendicular to the building. All other temporary signs and fixed lighting shall be removed. The subject property is located at 1050 Redwood Highway, Mill Valley and is further identified as Assessor's Parcel 034-071-08.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled "1050 Frontage Road, Mill Valley" Residence," consisting of 4 sheets prepared and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
 - a. The entry sign reading "Madame Diane, Psychic Reading, Palm Reading, and Tarrot Cards," mounted perpendicular to the front elevation of the building shall be reattached to be mounted parallel to the front of the building.
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 applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this Use Permit, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
5. 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.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by commencing the allowed use on the property, in compliance with the conditions of approval by July 31, 2008. 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. Upon vesting of this approval, this Use Permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

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 **August 14, 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 31st day of July, 2008.

JOHANNA PATRI, AICP
MARIN COUNTY ACTING DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary