

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – August 28, 2008

Hearing Officer Johanna Patri, AICP
 Jeremy Tejirian, AICP

Staff Present: Scott Greeley, Planner and Johanna Patri, Senior Planner
 Jeremy Tejirian, Principal Planner
 Christine Gimmler, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:00 A.M.
Adjourned at 10:00 A.M.
Reconvened at 10:05 A.M.
Adjourned at 11:05 A.M

August 28, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Jim Peterson

Application (type and number): Coastal Permit (CP 08-51) and Design Review (DM 08-40)

Assessor's Parcel Number: 188-150-71

Project Location: 125 Horseshoe Hill Road, Bolinas

For inquiries, please contact: Scott Greeley, Planner

Decision Date: August 28, 2008

DETERMINATION: Approved with Conditions

Marin County Community Development Agency

Minutes of the August 28, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. COASTAL PERMIT (CP 08-51) and DESIGN REVIEW (DM 08-40): JIM PETERSON

A proposal requesting approval for a new 2,560 square foot barn. The barn is replacing an existing sixty (60) foot wide, fenced arena. The barn is to be used primarily as a stable for the owner's horses and storage of equipment. The 23 foot 6 inch tall barn would maintain the following approximate setbacks from corresponding property lines or road right of way edge: **front** (east) 300 feet, **side** (northeast) 250 feet, **side** (north) 410 feet, **rear** (west) 37 feet, and **side** (south) 112 feet. The proposed barn would be approximately 45 feet from an existing barn, 226 feet from the existing, on-site residence, 160 feet from a slough, and 200 feet from a seasonal pond. The subject property is located **125 Horseshoe Hill Road, Bolinas**, and is further identified as **Assessor's Parcel 188-150-71**.

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 in the audience and had no questions.

The Hearing Officer concurred with staff's analysis and approved the Peterson Coastal Permit and Design Review, based on the Findings and subject to the Conditions in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-142
A RESOLUTION APPROVING THE PETERSON COASTAL PERMIT AND DESIGN REVIEW
125 HORSESHOE HILL ROAD, BOLINAS
ASSESSOR'S PARCEL 188-150-71

SECTION I: FINDINGS

- I. WHEREAS, Jim Peterson, is seeking Coastal Permit and Design Review approvals to construct a new 2,560 square foot barn. The barn is replacing an existing sixty (60) foot wide, fenced riding arena. The barn is to be used primarily as a stable for the owner's horses and storage of equipment. The 23 foot 6 inch tall barn would be approximately 300 feet from the easterly front property line, 40 feet from the westerly rear property line, approximately 190 feet from the northeasterly side property line, 410 feet from the northerly side property line, and 112 feet from the southerly side property line. The proposed barn would be approximately 45 feet from an existing barn, 228 feet from the existing, on-site residence, and approximately 160 feet from a slough and 200 feet from a seasonal pond. **The subject property is located at 125 Horseshoe Hill Road at Bolinas, and is further identified as Assessor's Parcel 188-150-71.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing August 28, 2008, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails the construction of a new barn, which is incidental to the primary residence.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-AG3 (Coastal, Agriculture, 1 unit per 2-9 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);
 - C. The project has been designed to avoid hazards from 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-2.3, 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 Bolinas Fire Protection District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Quality Policy EQ-3.9);
 - F. No wetlands or stream conservation areas will be affected by the project (CWP Policies, Biological Resources BIO-3.1, BIO-4.1);
 - G. The project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1);
 - H. The project will preserve community character (CWP Policies, Community Design DES-1.2, DES-1.4, DES-4.c)
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The applicant has demonstrated adequate capacity of the water system by showing Environmental Health Services (EHS) past reports for two wells. Further, the applicant will be required to obtain a Domestic Water Permit from EHS prior to building permit approval.

B. Septic System Standards

The proposed barn would not cross or impact the existing onsite septic system. Additionally, following a requirement made by EHS, an inspection has been performed by Leon Lee of Septic Troubleshooters, who states that the existing septic system is working well.

C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. A standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The subject property is not located adjacent to the shoreline and therefore will not affect coastal access.

F. Housing

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

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to streamside conservation policies of the Marin Countywide Plan or Local Coastal Program. The project site does contain a slough and a pond, but the proposed project is separated by the existing driveway and is approximately 160 feet from the slough and 200 feet from the pond.

H. Dune Protection

The proposed project entails the construction of a barn and would not disturb natural dunes.

I. Wildlife Habitat

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

J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property includes federally and state listed species. These species include the Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*), the Coast Yellow Leptosiphon (*Leptosiphon croceus*), and the American Badger (*Taxidea taxus*). The proposed barn is located in an already disturbed area, replacing an existing riding arena. No impact on native plant communities is anticipated.

K. Shoreline Protection

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

L. Geologic Hazards

The project site is located within the Alquist-Priolo Special Study Zone and would be subjected to moderate ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area.

N. Land Division Standards

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

O. Visual Resources

The proposed project has been setback away from the road and towards the rear of the property. The project is not along a ridgeline and has also been conditioned to utilize landscaping to screen potential visual impacts to the neighbor at 85 Horseshoe Hill Road, the parcel immediately to the south of the subject property, due to the fact that their residence, set approximately 250 feet away faces towards the proposed barn. In addition, the barn has been conditioned to utilize coloring which is non-reflective and blends with the community and physical environment.

P. Recreation/Visitor Facilities

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

Q. Historic Resource Preservation

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

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the countywide plan and any applicable community plan and local coastal program;**

The project proposes construction of a barn to replace an existing riding arena. This use is minor and incidental to the existing residence on the property. The proposed project is consistent with the Agriculture 3 policies of the General Plan. Therefore, the project is consistent with this finding.

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

The proposed project is to replace a riding arena with a barn for the property's horses and maintenance equipment. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the project has been conditioned to have additional landscaping to screen the southerly neighbor's property. In addition, the project has been conditioned that the applicant must submit a color sample which will utilize darker, non-reflective colors than what has been submitted (see attachment "Exhibit B) in order to minimize glare and to blend with the community and physical environment. Therefore, the project is consistent with this finding.

- C. **It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project is to replace an existing riding arena with a barn. This should have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

The proposed project is to replace an existing riding arena with a barn. This should have no impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

No existing trees have been identified for removal with the proposed project. In addition, staff is recommending in the Conditions of Approval that the applicant plant additional trees and landscaping to help screen the barn from the road and the southerly neighboring property. Therefore, the project would be consistent with this finding.

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

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

The proposed project is to replace an existing riding arena with a barn. The barn is of a traditional design with a metal roof and metal siding, which attains a maximum height of 23 feet 6 inches on a 4.62-acre lot. The barn is of a traditional style and has been conditioned to utilize a traditional, darker color scheme which will be non-reflective when viewed from the road or neighboring properties. The barn is to be situated towards the rear of the lot and is several hundred feet from the nearest residence.

2. Drainage systems and appurtenant structures,

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

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

The proposed project would result in a minimal level of ground disturbance.

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

The proposed project is to replace an existing riding arena with a barn. This should have no impact on pedestrian, animal, or vehicular access.

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

The proposed project is to replace an existing riding arena with a new barn, which will attain a maximum height of 23 feet 6 inches. The lots in the surrounding community range from approximately 1-acre to over 11-acres. The nearest residences on adjacent properties are several hundred feet from the proposed barn and therefore there should be no impact to sun and light exposure, views, or privacy.

Therefore, the project would be consistent with this finding.

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

The proposed project is to replace an existing riding arena with a new barn, in an Agricultural-Residentially Planned zoning district. The materials and coloring will be conditioned to be non-reflective and of a color palette which complements the community and physical environment. Therefore, the project would be consistent with this finding.

SECTION II: 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.3," entitled, "Peterson Barn," consisting of three sheets prepared by Stacey N. Ford, Architect, dated January 28, 2008 and received February 26, 2008, with revisions with no specified date received April 22, 2008 and July 9, 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 must submit and receive staff approval for a landscaping plan which will provide screening to the southerly neighbor at 85 Horseshoe Hill Road, as well as the roadway.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised color sample for the roof and siding which includes a darker, less potentially reflective color than was submitted on February 26, 2008 with "Exhibit B.1".
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. All utility connections and extensions serving the project shall be installed underground.
6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
7. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
8. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
9. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Peterson Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
10. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

Marin County Public Works Department, Land Development Division

11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a drainage plan.

Marin County Community Development Agency, Environmental Health Services

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain a Domestic Water Permit from Environmental Health Services.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the residence requires a passing septic system inspection to be performed by a licensed sewage pumper or qualified septic system inspector.

Bolinas Fire Protection District

15. An automatic fire sprinkler system is required. Design approval and site inspection will be completed by the Building Department.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, a defensible space zone (minimum 30-100 feet) is required. The defensible space zone must be in place prior to framing. Trees shall not be planted in a location that, when mature, they will contact overhead power lines or impede access/egress. The applicant will need to schedule a site meeting with the Fire Department prior to construction.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before August 28, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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 **September 4, 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 28th day of August 2008.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Anna Francis
Application (type and number): Coastal Permit (CP 08-42) and Design Review (DM 08-40)
Assessor's Parcel Number: 119-101-08
Project Location: 35 McDonald Lane, Point Reyes Station
For inquiries, please contact: Jeremy Tejirian, Principal Planner
Decision Date: August 28, 2008

DETERMINATION: Approved with Conditions

Minutes of the August 28, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

H1. COASTAL PERMIT (CP 08-42) and DESIGN REVIEW (DM 08-40): ANNA FRANCIS

A proposal requesting approval to construct a residence with an attached garage and two barns on a property adjacent to State Route 1 in Point Reyes Station. The proposed two story 3,716 square foot residence and garage would reach a maximum height of 25 feet above natural grade and would be located more than 100 feet from all property lines at the end of a new driveway leading from McDonald Lane. The two barns would both be located several hundred feet southwest of the residence and would be located a minimum of 45 feet from the northwestern property line and more than 100 feet from all other property lines. The barns would reach an approximate height of 15 feet above natural grade. The barns would be approximately 2,368 square feet in size and 1,470 square feet in size, respectively. Two existing sheds on the property are proposed to remain in the current location, which is a minimum of 20 feet from the eastern side property line. A new septic system would be installed, with the leachfield located on the northeastern portion of the property. Driveways would be constructed leading from McDonald Lane to the proposed residence, barns and sheds. The subject property is located at **35 McDonald Lane, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-101-08**.

In response to the Hearing Officer, staff summarized his supplemental memorandum that included responses to the Deputy Zoning Administrator's questions, and e-mail correspondence from Anna Francis regarding:

- The applicant's request to allow a solid fence to provide privacy screening;
- Issues regarding policies in the County zoning code and what criteria is required to waive the requirement;
- Clustering and road requirements in the zoning code to reduce the overall grading and ground disturbance;
- Placement of the barns and rotating the livestock to reduce grading and visual impacts;
- Temporary fencing of the area of pasture above the leach field;
- Manure disposal; and
- Agriculture management plan that will be revised.

The public testimony portion of the hearing was opened.

Anna Francis, applicant, spoke regarding the placement of the barns.

Irving Schwartz, ILS Associates, spoke regarding the Condition of Approval 16 D, regarding the turnouts.

Berenice Davidson, Department of Public Works, stated that a general Condition of Approval complying with Title 24 will work.

Toby Long, architect, noted that he was available for any questions.

Members of the public speaking in favor of the project included: Wiebke Buxbaum, and Alfred Lizak.

Favorable elements of the project were noted by members of the public, including but not necessarily limited to the following:

- Proposed use of the property , including limited agriculture uses;
- The management plan necessary for the size of the property; and
- The applicant's stewardship of the large parcel.

The Hearing Officer discussed the possibility of a master plan for the property as there was potential for nine residential parcels. Staff pointed out that the master plan can be waived if only one residence is proposed on the 29 acre parcel.

Members of the public objecting to the project included: Susan Nelson, Anthony Ragona, and Heather Sundberg.

Detrimental elements of the project were noted by members of the public, including but not necessarily limited to the following:

- Not having the opportunity to review the plans for the project;
- Size and bulk of the barns;
- Extreme wind conditions that blow dirt and dust onto neighboring properties;
- Request to move the large barn uphill;
- Safety issues with the road;
- Request for landscaping of the road with a hedge row to minimise light pollution;
- Possible use of magnesium chloride to minimise the dust; and
- Request to move the road away from the fence by ten feet.

Anna Francis, applicant responded that the suggestion to move the road and plant shrubbery supports her request for a solid fence. She believes that moving the road would just increase its visibility.

Irving Schwartz, ILS Associates, stated that the barn siting was selected to minimize the grading, and the size fo the structure is appropriate for the size of the parcel.

The public testimony portion of the hearing was closed.

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

- The Francis property is zoned ARP and the owner of the property has the right to have agriculture strcutures and ranch roads;
- Some respect must be given to the other residential properties because this is a 29 acre property;
- There many not have been enough contact between the neighbors and the two adjacent owners.

The Hearing Officer continued the item to the hearing of September 11, 2008 to allow staff to:

- Meet with the owner and neighbor to see what compromises can be made on the project such as moving the ranch road away from the property line without grading or site disturbance;
- Consider moving the horses and the paddock away from the residential property line;
- Meet with the adjacent property owners to look at the view; and
- Consider a hedge row of vegetation using plant materials suggested in the Point Reyes Community plan.

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Gary Ball and Diane Vonk
Application (type and number): Coastal Permit (CP 08-1) and Variance (VR 08-14)
Assessor's Parcel Number: 100-123-15
Project Location: 4 Cliff Street, Dillon Beach
For inquiries, please contact: Christine Gimmler, Senior Planner
Decision Date: August 28, 2008

DETERMINATION: Approved with Conditions

Minutes of the August 28, 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

H2. COASTAL PERMIT (CP 08-1) AND VARIANCE (VR 08-14): GARY BALL AND DIANE VONK

A proposal for the reconstruction of an existing fire damaged cottage on a 2,100 square foot property in the village area of Dillon Beach. As proposed, the 1,490 square foot residence would be approximately 1 foot lower than the existing roof ridge height (with a maximum height of 19.5 feet above grade) and would continue to maintain the following pre-existing setbacks from corresponding property lines: 9-feet, 6-inches from the western front property line (along Cliff Street), 1-foot from the northern side property line, 0-feet, 3-inches from the southern side property line, and 2-feet, 1-inches from the eastern rear property line. Proposed exterior materials include grey-stained cedar shingles and grey composition roof shingles. Also proposed is a new septic system to serve the residence. The subject property is located at **4 Cliff Street, Dillon Beach**, and is further identified as **Assessor's Parcel 100-123-15**.

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

Rick Kadello, architect for the proposed project, explained that the proposed reconstruction is a result of fire damage to the existing cottage.

In response to the Hearing Officer, Rick Kadello explained the placement of the house on the property.

In response to the Hearing Officer, staff stated that she did not receive any correspondence from the Tomales Fire Departments.

The Hearing Officer noted for the architect that the Uniform Building Code had changed and that the one hour fire wall requirement is now required five feet from the property line. The change in the codes is a concern with a zero foot (3 inch) setback because the existing structure was built in 1922, which is not a strong case for to continue the setback. The house on the northern side has been reconstructed but the property on the other side, adjacent to the proposed zero setback, has not. Accordingly, the Hearing Officer approved the Ball/Vonk Coastal Permit and Variance with a condition that the southern side property line setback be increased to a minimum of three feet unless there are further restrictions from the fire department, or through the building code.

The Hearing Officer concurred with staff's analysis and approved the Ball/Vonk Coastal Permit and Variance, based on the Findings and subject to the Conditions in the Resolution with a 3-foot setback from the side (south) property line.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-142

A RESOLUTION APPROVING WITH CONDITIONS
THE BALL COASTAL PERMIT/VARIANCE

ASSESSOR'S PARCEL 100-123-15
4 CLIFF STREET, DILLON BEACH

SECTION I: FINDINGS

- I. WHEREAS the applicant is requesting Coastal permit and Variance approval for the reconstruction of an existing fire damaged cottage on a 2,100 square foot property in the village area of Dillon Beach. As proposed, the 1,490 square foot residence would be approximately 1 foot lower than the existing roof ridge height (with a maximum height of 19.5 feet above grade at the downhill elevation) and would continue to maintain the following pre-existing setbacks from corresponding property lines: 9-feet, 6-inches from the western front property line (along Cliff Street), 1-foot from the northern side property line, 0-feet, 3-inches from the southern side property line, and 2-feet, 1-inches from the eastern rear property line. Proposed exterior materials include grey-stained cedar shingles and grey composition roof shingles. Also proposed is a new septic system to serve the residence. The subject property is located at 4 Cliff Street, Dillon Beach, and is further identified as Assessor's Parcel 100-123-15.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on August 28, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails the construction of a single family residence on an infill lot in a residential neighborhood that will not result in significant adverse environmental impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and Dillon Beach Community Plan because it consists of the reconstruction of an existing single family residence on a developed lot which conforms to governing standards regarding building height and floor area ratio. In addition, Variance findings have been made to allow the proposed development to deviate from the setback requirements under the governing zoning district.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code,) as specified below.

A. Water Supply:

Water service to the subject property would be provided by the California Water Service Company (formerly the Coast Springs Water Company). Conditions of approval require that the applicant comply with all requirements of the water company prior to final inspection.

B. Septic System Standards:

The Marin County Environmental Health Services Division (EHS) has reviewed and approved plans for a septic system to serve the residence. Conditions of approval require that the applicant comply with all EHS requirements regarding construction and installation of the new system prior to occupancy of the residence.

C. Grading and Excavation:

The proposed residence has been designed to utilize the same footprint as the existing structure on the site. Therefore, excavation work associated with the new residence would be very limited and would be reviewed by Public Works Department, Land Use and Water Resources Division staff to ensure that it is the minimum grading necessary to accommodate the project.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. The proposed project is not likely to disturb cultural resources because grading would be limited. However, in the unlikely event that cultural resources are uncovered during site preparation, conditions of approval require that all work be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The subject property is a developed residential lot within the village area of Dillon Beach and is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit I, where public access is desirable or feasible. Furthermore, the site does not contain any tidelands or submerged lands subject to the Public Trust doctrine.

F. Housing:

The proposed reconstruction of a small single family residence would not alter the existing availability of housing stock in the Dillon Beach community.

G. Stream Conservation Protection:

The subject parcel does not contain any streams or watercourses subject to the streamside conservation policies of the Marin Countywide Plan.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property may be located in an area of sensitive wildlife resources. In addition, review of the California Natural Diversity Data Base maps, prepared by the State Department of Fish and Game, indicates that the subject property is located in a habitat area for sensitive animal species including the Bumblebee scarab beetle (*Lichnanthe ursina*) and the San Bruno elfin butterfly (*Callophrys mossi bayrens*). However, it is unlikely that any of these species occur on the project site given its small size, lack of suitable habitat, developed character, and proximity to human activity. Based on these factors, reconstruction of the existing residence would not alter or disturb potential wildlife habitat for any sensitive species.

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 and endangered plants. In addition, review of the Natural Diversity Data Base Maps on file with the Marin County Community Development Agency reveals that the subject property is not located in the habitat area for any rare or endangered plant species.

K. Shoreline Protection:

The subject property is not located along a shoreline and the project does not include construction of any shoreline protective works that would alter natural shoreline processes.

L. Geologic Hazards:

The subject property is not located within the delineated boundaries of the San Andreas Fault zone. Furthermore, the proposed single family residence will require an approved building permit and shall be inspected to ensure compliance with the Uniform Building Code. Pursuant to Marin County Code Section 22.56.130(L.1.a), a condition of project approval will require the property owner to execute and record a waiver of public liability holding the County, other governmental agencies, and the public harmless because of losses due to geologic hazards.

M. Public Works Projects:

No public works projects have been proposed in conjunction with this application.

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The proposed residence is not located in a significant public view corridor along the beach and the height and size of the structure is consistent with the previous residence that existed on the site and compatible with the character of existing development in the area. In accordance with Marin County Code Section 22.56.130(O), a recommended condition of approval requires that all new utility lines serving the project be placed underground.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

The project site is not located within any historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Variance (Section 65906 of the California Government Code, Section 22.86.025 of the Marin County Code,) as specified below.

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

The 2,100 square foot subject parcel was created in its current size and shape in 1911. Although the shape of the property is not unusual, the parcel is smaller than a majority of the other properties in the same block, and the available building envelope for residential development is restricted by various setback requirements associated with the on-site leachfield system and the pre-existing location of the existing residence, which the applicant is proposing to reconstruct. Together, the relatively small size of the parcel and the requirement to develop a code compliant septic system would be considered a special physical circumstance which limits the development potential of the property in comparison with other properties in the vicinity which are larger in size. Although not a characteristic of the lot itself, the pre-existing siting of the existing residence, which was constructed prior to the adoption of building setback requirements, is also a unique circumstance which impacts the development of the site. The existing residence maintains a setback of approximately 9.5 feet from the front property line, where a front setback of 10 feet is required by the governing zoning. To minimize the number of setback encroachments required, conditions of approval require that the plans be modified to ensure that the reconstructed residence maintains a minimum setback of 10 feet from the front property line, as required by the zoning. However, the strict application of the required side and rear setbacks would restrict the property owners ability to reconstruct the fire-damaged residence with substantially the same size and footprint as the existing residence.

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

The granting of the Variance would not be detrimental to the public welfare because the requested setback variances would not significantly impact the views, light, or privacy currently enjoyed by adjacent properties. The owner of the Paolini residence at 56 Beach Avenue, immediately east of the project site, has expressed concerns that the proposed project would adversely impact views from her kitchen and back patio. However, these concerns are more related to the height of the structure, which is well within the required limit, than the reduced setbacks which are the subject of this Variance. As noted previously, the applicant proposes to increase the finished floor elevation of the residence by 1-foot, 9-inches to accommodate a second bedroom below the main floor. However, the existing roof pitch would also be lowered, which would result in an overall maximum height reduction of approximately one foot (compared to the existing condition). As proposed, the highest

roof ridge of the residence would range in height from 15 feet above grade toward the rear property line, to a maximum of 19.5 feet above grade at the downhill front elevation. Therefore, the residence would be well within the 20 foot height limit required by the governing zoning. In addition, the plans submitted by the applicant indicate that the Paolini kitchen window sill height would range from 0.5 to 1.5 feet above the height of the roof over the nearest portion of the Ball residence. Therefore views from these windows out toward the ocean would be maintained. To minimize view impacts, the applicant reduced the main roof pitch from 3/12 to 2.5/12 (with a further reduction to 1.3/12 over the bedroom wing) and lowered the finished floor elevation of the house by 6 additional inches. The reduction or elimination of the setback encroachments which are the subject of this variance would not materially affect the extent to which the project impacts views from the Paolini residence. Based on these factors, findings can be made that the granting of the requested setback Variances would not result in adverse impacts to the public welfare or surrounding properties.

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

The granting of a Variance for the subject property would not constitute a grant of special privilege which is inconsistent with the limitations placed upon other nearby properties. Many of the existing homes in the Dillon Beach village area were constructed prior to adoption of the current zoning requirements, and therefore, are legal non-conforming with respect to yard setbacks. In addition, as described in the staff report, the County has granted a number of setback Variances on similarly zoned properties in the area. Consequently, approval of the proposed Variance would not be inconsistent with previous County actions in the community. Overall, the proposed Variance would allow for the reconstruction of a residence on the footprint of the existing home on the property, and would not result in development which is inconsistent with the location, size, height, or floor area of other residences in the vicinity under identical zoning.

4. The granting of a variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of a Variance for construction of a single-family residence would authorize a use or activity which is principally permitted under the governing C-R-1:B-D zoning district.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Ball Coastal Permit and Variance subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Except as modified by these conditions, the Ball Coastal Permit 08-1 and Variance 08-14 is approved for the reconstruction of an existing fire damaged cottage on the 2,100 square foot subject property. As approved, the 1,490 square foot residence will be approximately 1 foot lower than the existing roof ridge height (with a maximum height of 19.5 feet above grade at the downhill elevation) and shall maintain the following setbacks from corresponding property lines: 10 feet from the western front property line (along Cliff Street), 1-foot from the northern side property line, 3 feet from the southern side property line, and 2-feet, 1-inches from the eastern rear property line. Approved exterior materials include grey-stained cedar shingles and grey composition roof shingles. Also approved is the installation of a new septic system to

serve the residence. The subject property is located at 4 Cliff Street, Dillon Beach, and is further identified as Assessor's Parcel 100-123-15.

2. Plans submitted for a Building Permit shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Cottage Reconstruction for the Gary Ball family," prepared by Kadello & Larsen Architects, submitted June 8, 2008, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be revised to show a minimum front setback of 10 feet to the western property line (along Cliff Street).
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 Design Review conditions of approval as notes.
5. 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.
6. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front, side and rear property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the front, side and rear property lines based on the approved setbacks as shown on the Building Permit plans.
7. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.

9. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
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 (description of project being approved), 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.
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 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.
13. 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: New Home Green Building Residential Design Guidelines.

14. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property 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 reasonably safety hazards to people and property.
15. 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

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - A. A registered Civil Engineer or Architect shall design the site retaining walls, drainage, and grading plans. Plans must have the engineer's or architect's signature and stamp.
 - B. A separate Building Permit is required for site retaining walls with a height of more than 4' (or 3' when back fill area is sloped or has a surcharge). Submit structural calculations signed and stamped by the design engineer.
 - C. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
 - D. An encroachment permit shall be required for construction within the right-of-way and is subject to final review and approval by the Road Commissioner.
 - E. Note on the plans that the Design Engineer shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final inspection. Certification letters shall contain the address, assessor's parcel number and building permit number as required by the Building and Safety Division.

Environmental Health Services

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with all requirements of Environmental Health Services staff related to the approved Sewage Disposal Permit #08-04.

California Water Service Company

18. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the California Water Service Company related to water service to the approved residence.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Ball Coastal Permit/Variance approval by securing a Building Permit for the construction of the approved work and substantially completing the approved work by August 28, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Community Development Director approves it. An extension of up to four years may be granted for cause pursuant to Marin County Code Section 22.56.050 provided the applicant has made application and paid appropriate fees.

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, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on September 5, 2008.

SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of August, 2008.

JOHANNA PATRI, 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: Beverly Biondi

Application (type and number): Coastal Permit (CP 07-34), and Design Review (DR 07-45)

Assessor's Parcel Number: 199-251-58

Project Location: 9 Charlotte's Way, Muir Beach

For inquiries, please contact: Neal E. Osborne, Planner

Decision Date: August 28, 2008

DETERMINATION: Approved with Conditions

Minutes of the August 28, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-38.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

H3. COASTAL PERMIT (CP 07-34) AND DESIGN REVIEW (DR 07-45): BEVERLY BIONDI

A proposal requesting approval to construct a 1,355 square foot one-bedroom residence on a 10,000 square foot lot. The proposed residence would have a height of 24.5 feet as measured from finished exterior grade. The residence would have the following setbacks from corresponding property lines and access easement: 12 feet front easement (west), 3 feet side (north), 40 feet side (south), and 49 feet rear (east). The residence would be finished with hardiplank exterior siding and dark-colored shingle roofing. The Marin County Fire Department approved the Vegetation Management Plan with the removal of seven pine trees, the use of fire-safe hardiplank siding, fire sprinklers, and Class A roofing. An existing, unpermitted residence would be demolished prior to construction of the proposed new residence. The subject property is located at **9 Charlotte's Way, Muir Beach**, and is further identified as **Assessor's Parcel 199-251-58**.

In response to the Hearing Officer, staff summarized his supplemental memorandum dated August 28, 2008, including a letter from Robin Collier that referenced his previous comments included as Attachment 13 of the staff report, regarding guest parking along the frontage of his property within Charlotte's Way, visual impacts, cut slope below the leach field and the large size of the residence.

The Hearing Officer discussed the legal status of the road right-of-way and guest parking with staff and requested clarification of the statement on page 3 of Collier's letter, "the offer of dedication ends at the beginning of the subject property."

Berenice Davidson, Department of Public Works, spoke regarding the road and the parking. She noted that Charlottes Way was offered for dedication to the public, and is therefore available for parking. Parking in the right-of-way is public, and cannot be exclusively reserved for a particular property. Therefore, a Condition of Approval can be added to remove the note "guest parking" from the plans. The tandem parking spaces will fit in the legal easement on Collins property and was approved by the Department of Public Works.

The public testimony portion of the hearing was opened.

Members of the public speaking in favor of the project included: Kathy Johnston, Sharon Mullin, Ted Marshall, Leighton Hills, Muir Beach Community Services District, Bill Kirsch, and Grant Barbour.

Members of the public objecting to the project included: Frank Schoenfeld, Robin Collier, Steven Shaffer, Larry Yamamoto, and Judith Yamaoto.

Detrimental elements of the project were noted by members of the public, including but not necessarily limited to the following:

- Cutting into a steep slope for a turnout required by the fire department;
- Applicant's guest parking on Charlottes Way;
- Visual impacts;
- Septic plans do not show the cut slope downhill of the septic tanks;
- Runoff may create another landslide on a very steep hill; and
- The 3-foot setback from the side property line would not comply with the zoning standard of 20 feet.

The public testimony portion of the hearing was closed.

Staff responded to questions from the DZA to clarify several issues including, but not necessarily limited to the following:

- The private road maintenance agreement in Condition of Approval 7 is a suggestion and not mandatory;
- Condition of Approval 7 addresses the issue regarding details for the turnout and the plans must be in conformance with Best Management Practices, subject to review and approval of the Department Public Works, fire, and planning;

Dave Nicholson, Department of Public Works, stated that Marin County Code requires turnouts with 60- foot length, and the proposed are 85 foot length could be reduced to minimize construction impacts.

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

- A Design Review code requirement states that if a property is less than half the minimum lot size and is vacant, the standard property line setbacks can be waived and Design Review is required. The site will be vacant when the cottage is torn down and the code requirement allows the waiver of setbacks with Design Review approval;
- No comments were received from our Environmental Health Department regarding the septic plans, in response to Collier's August 6, 2008 letter;
- At the applicant's expense, turnouts will be constructed on the road access to the new house and they may require retaining walls and drainage improvements;
- The road will be safer after the improvements are completed;
- Tree removal will be minimal;
- The house is modest and would conform with single family residential design guidelines;
- Access is consistent with County Codes and is sufficient to provide access along Charlottes Way;
- Modify the Condition of Approval regarding the length of the turnouts to include a statement that, if possible, the length of the turnouts could be reduced to 60 feet rather than 85 feet, if determined acceptable to the fire department;
- The Condition of Approval requiring an in-lieu fee of \$500 per tree removed is not required in the Coastal zone and shall be eliminated;
- Expand the summary findings for Design Review in the resolution to better reflect some of the issues and analysis in the staff report; and
- There is no impending Code Enforcement case at this time and the timing of demolition requirements will be at our discretion

The Deputy Zoning Administrator approved the project with the following modifications to the project due to a concern about unprotected soil during the winter rainy season:

- Modify Condition of Approval 3;
- To allow the existing residents on the property until after the April 15th end of the rainy season;
- The existing cottage must be removed and demolition completed by May 15, 2009; and
- Delete Condition of Approval 5 and replace with a new Condition of Approval 5 that requires deletion of the note on the plans for 2 guest parking spaces in Charlotte's Way fronting Colliers property.

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

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-143-

A RESOLUTION APPROVING THE BIONDI COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 199-251-58

9 CHARLOTTE'S WAY, MUIR BEACH

SECTION 1: FINDINGS

- I. WHEREAS, the applicant is proposing to construct a 1,355 square foot one-bedroom residence on a 10,000 square foot lot. The proposed residence would have a height of 24.5 feet as measured from finished exterior grade. The residence would have the following setbacks from corresponding property lines and access easement: 12 feet front easement (west), 3 feet side (north), 40 feet side (south), and 49 feet rear (east). The residence would be finished with Hardiplank exterior siding and dark-colored shingle roofing. The Marin County Fire Department approved the Vegetation Management Plan with the removal of seven pine trees, the use of fire-safe Hardiplank siding, fire sprinklers, and Class A roofing. The applicant also proposes to provide three vehicular turnouts along Charlotte's Way, a 1,130-foot long private access and utilities easement that serves 5 existing residences and is improved as a substandard common driveway with 9-foot to 12-foot widths. An existing, unpermitted residence would be demolished prior to construction of the proposed new residence. The subject property is located at 9 Charlotte's Way, Muir Beach, and is further identified as Assessor's Parcel 199-251-58.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on August 28, 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) of the CEQA Guidelines because it entails the construction of a single-family residence and septic system that would not result in significant grading or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
 - B. The proposed project would result in the construction of additions and improvements to an existing single-family residence, a principally permitted use under the governing CSF-3 general plan designation;
 - C. The proposed project would result in development which conforms to the governing standards related to building height, size and location;

- D. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
 - E. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Muir Beach Community Plan because:
- A. The proposed project involves construction of additions and various improvements to an existing single-family residence, which is a principally permitted use on the property.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Ahab Drive, and building design, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:
The Muir Beach Community Services District will be able to serve water to the subject property and has reviewed and recommended approval of the proposed project.
 - B. Septic System Standards:
Marin County Environmental Health Services regulates individual sewage disposal systems in the area of the subject property. Marin County Environmental Health Services has reviewed and recommended approval of the proposed project.
 - C. Grading and Excavation:
The subject property is 50% slope to 140%+ slope and minor excavation for utility lines, foundation footings, piers, the septic system, and retaining walls would result in less than 150 cubic yards of excavation and fill. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements of Best Management Practices.

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, the minor excavation proposed would not likely disturb cultural resources because most of the site has previously been developed. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than ¼-mile inland of the Pacific Ocean at an elevation of approximately 470 feet above sea level and would not impede coastal access.

F. Housing:

The proposed project would result in the removal of an unpermitted residential building that provides housing opportunities for people of low or moderate income, but the construction of a 1,355 square foot residence would replace the illegal residence with an up-to-code residence and would not affect the availability of housing stock within the Muir Beach community.

G. Stream Conservation Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or 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 Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located adjacent to the habitat area for the federally listed endangered Monarch Butterfly (Danaus plexippus). However, the project will have minimal impact to the habitat value of the known habitat area because it involves the construction a single-family residence within the existing developed area of Muir Beach more than ½-mile from known nesting trees.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare,

threatened, or endangered plant species. In addition, the relatively small-scale project on previously disturbed property would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse affects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located within 3-miles of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property or in the region.

M. Public Works Projects:

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

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The project would be located in the upper portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive gray, charcoal, and white trim colors. The lighting of the exterior would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is not governed by VCR (Village Commercial Residential) zoning regulations, that would allow for a mixture of residential and commercial uses, and the project would have not affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The existing residence on the subject property was constructed within the last 30 to 40 years and is not historically significant.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.82.040I) of the Marin County Code) as described below.

- A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood.

The removal of the existing unauthorized residence and construction of a new single-family residence would result in structures with articulated forms, heights, and bulk proportionately appropriate to the site, and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. The project would be located in the upper portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive gray, charcoal, and white trim colors. The lighting of the exterior would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.

- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way.

Construction of a new single-family residence would conform to permitted uses in the C-RA:B4 zoning district that governs the subject property and would be situated solely on the subject property. The project would be located in the upper portion of the property and would not result in adverse visual effects.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way.

The project would be located in the upper portion of the property and would not result in adverse effects to future investments in the vicinity. To comply with the standards in Marin County Code for the substandard 1,130-foot long Charlotte's Way common driveway widths that range from 9 feet to 12 feet, the Department of Public Works and the Marin County Fire Department staff requested the applicant to provide turnouts along Charlotte's Way to allow oncoming vehicles to safely pass each other in compliance with MCC 24.04.275. To comply with this requirement, the applicant proposes three turnouts on Charlotte's Way at 220 feet, 620 feet, and 840 feet from the end of Ahab Drive. The turnouts would be 85 feet long including transition areas, and the road and turnout widths would be 18 feet. Also, the entrance to Charlotte's Way has already been regraded and paved with concrete to provide a better transition from Ahab Drive with a slope of approximately 16%. Planning staff inspected the stakes installed to identify the locations of the turnouts, and measured the dimension of the turnouts to be less than 18 feet wide in some locations due to the location trees and exposed cut slopes. Condition of Approval 7 requires the applicant to submit detailed plans of the turnouts for review and approval from the Fire Department, DPW, and Planning staff, that indicate any necessary retaining walls (likely to be no more than 3 feet tall but with a surcharge) and drainage improvements in conformance with Best Management Practices, before Issuance of a Building Permit. Staff also recommends that the applicant discuss a Private Road Maintenance Agreement with the other

property owners that have access from Charlotte's Way, and other property owners in the vicinity that are affected by the stability and maintenance of Charlotte's Way. During site inspection of the existing drainage culverts (3) under Charlotte's Way, placement of additional clean rock rip rap downslope of the outfalls will be necessary for energy dissipation and erosion prevention.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources.

The proposed single-family residence would minimize tree removal and conform to the Vegetation Management Plan approved by the Fire Department that specifies the removal of 7 trees. The relatively small 1,355 square foot residence would minimize the demand for natural resources for construction and during its use as a single-family residence with one bedroom. The project would locate on the upper portion of the site near the access road to minimize grading and vertical expansion down the steep hillside. This design concept would minimize visual impacts with a two-story residence located horizontally on the hill and screened by existing mature pine trees. However, seven large pine trees will be removed to accommodate the project and provide a defensible space pursuant to the Marin County Fire Department's approval of a Vegetation Management Plan. This amount of tree removal would represent approximately 39% of the trees on the site with 11 trees to be saved (5 pines, 2 redwood, 1 cypress, and 2 eucalyptus trees). The applicant proposes no replacement trees to maintain a defensible space and conform to the Vegetation Management Plan. Planting replacement trees on site is infeasible due to the number of existing trees and the space requirements for the new septic system.

- E. The proposed development will comply with applicable design and location characteristics listed in Chapter 22.16 (Planned District Development Standards).

The design and location of the residence in the front yard and side yard areas would be close to Charlotte's Way and minimize the need for grading, driveway improvements, or other site disturbance in conformance with the Planned District design and location characteristics.

- F. The proposed development will minimize or eliminate adverse physical or visual effects that might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:

- 1. The area, heights, mass, materials, and scale of the structure will match the existing structure.

The project would minimize potential adverse visual impacts because it would be constructed of building materials painted gray, charcoal gray roof shingles, and white trim and window frames that blend into and compliment the surrounding natural and built environments. The project would comply with the 25-foot height standard for a residence in the Coastal Zone of Muir Beach with a maximum height of 24.5 feet above grade. The height of the residence would not block any public views of the Pacific Ocean or other significant viewsheds in and around Muir Beach. Staff recommends Condition of

Approval 12, before Framing Inspection, for a Surveyor to submit a height verification letter.

2. Drainage systems and appurtenant structures will not be modified substantially.

The proposed single-family residence would minimize drainage alterations with two dispersion plumes downslope of the residence, and with improved drainage at the new turnouts along Charlotte's Way. The proposal for site drainage is to collect rainwater runoff from impermeable surfaces such as the roof and direct it to a 2-foot wide, 3-foot deep, and 20-lineal foot dissipater with perforated pipe in crushed rock. The dissipater is proposed downslope of the northern side of the residence and approximately 12 feet upslope of the steepest portion of the site where the slope exceeds 140%. Because the septic system would locate within the central and lower portions of the site, this location was selected for the dissipater. However, due to the steep slope and high potential for erosion, staff recommends splitting the dissipater into two separate areas to reduce the amount of runoff upslope of the steepest portion of the site. It may be feasible to locate a small dissipater downslope of the southern side of the residence and the septic system tightlines. Condition of Approval 6 requires the applicant's geotechnical and septic engineer to evaluate the feasibility of two separate dissipaters to minimize the amount of runoff onto the steepest portions of the site and away from the septic system leachlines. The feasibility study shall be submitted to DPW, EHS, and Planning staff for review and approval. If determined feasible by DPW and Planning staff, the applicant shall submit revised plans with the two dissipaters to DPW, EHS, and Planning staff for review and approval, before issuance of a Building Permit.

3. Cut and fill, or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads) will not be required.

The proposed single-family residence would minimize grading and excavation, and other adverse physical effects on the natural environment. The subject property is 50% slope to 140%+ slope and minor excavation for utility lines, foundation footings, piers, the septic system, and retaining walls would result in less than 150 cubic yards of excavation and fill. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements of Best Management Practices.

4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft will not be adversely affected.

The proposed single-family residence would include improvement to Charlotte's Way, a 40-foot wide private access easement offered to the County but rejected, for three turnouts to improve vehicular access and safe vehicular circulation. Small retaining walls and drainage culverts would improve drainage and stability of the access road. Due to very steep downslope of the subject property, the guest parking is proposed in tandem

within the Charlotte's Way access easement along the frontage of the adjacent property to the northwest. The adjacent property owner expressed objection to the location of the proposed guest parking spaces in front of his vacant property, because they may interfere with future driveway improvements when the site is developed in the future. The Department of Public Works staff reviewed the guest parking proposal and recommend approval as proposed because it would not interfere with traffic circulation and existing development. Planning staff inspected the site and determined that due to concave topography and a small swale with wetland plant species, the future development of a driveway in this location would not be feasible and therefore the guest parking spaces would not interfere with future development. A better location for access to the adjacent property would be down a small ridge spur approximately 140 feet to the northwest of the proposed guest parking spaces. This ridge spur driveway location would provide conformance with the 100-foot buffer required from wetlands in the Coastal Zone pursuant to MCC Section 22.56.130.G.5.d and is likely to be stable geologic material to support development on a steep slope.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

The design of the proposed improvements, as modified by conditions of approval, would be compatible with other residential buildings in the vicinity, would respect the surrounding natural environment, and would not adversely affect views from other properties in the vicinity. The residence would not impact the existing light or privacy of surrounding residences because it would not exceed a height of 24.5 feet above existing grade

- G. The project design includes features that foster energy and natural resource conservation while maintaining the character of the community.

The 1,355 square foot, two-story, single-family residence would be of compact design with efficient use of understory space on a steep hill. The residence shall comply with the energy efficiency standards in the California Energy Code (Title 24) as reviewed during the Building Permit review and approval process. The design of the project shall comply with the Green Building standards with a rating of Gold based on 118 points indicated on the New Green Building Residential Design Guidelines.

- H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

Construction of a new single-family residence would conform to permitted uses in the CSF3 Countywide Plan land use designation and the C-RA:B4 zoning district that governs the subject property and would be situated solely on the subject property. The project would be located in the upper portion of the property and would not result in adverse visual effects or detrimental effects to the public interest, health, safety, and welfare of the County.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

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

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I, 22.82.040I, this Coastal Permit and Design Review approval permits the construction of a 1,355 square foot one-bedroom residence on a 10,000 square foot lot. The approval permits a residence with a maximum height of 24.5 feet as measured from finished exterior grade. The approval permits the residence with the following setbacks from corresponding property lines and access easement: 12 feet front easement (west), 3 feet side (north), 40 feet side (south), and 49 feet rear (east). The approval permits Hardiplank exterior siding and dark-colored shingle roofing pursuant to the Marin County Fire Department approved Vegetation Management Plan that includes the removal of seven pine trees, fire sprinklers, and Class A roofing. The approval permits the construction of three vehicular turnouts along Charlotte's Way that comply with the 60-foot minimum length standard in Marin County Code as approved by the Marin County Fire Department, Public Works, and Planning Division staff. The subject property is located at 9 Charlotte's Way, Muir Beach, and is further identified as Assessor's Parcel 199-251-58.
2. Except as modified herein, plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "A New Residence for Beverly Biondi" consisting of six sheets prepared by William W. Kirsch Architect and Questa Engineering Corporation, date stamped May 27, 2008; and Exhibit B, "Sample Board".
3. BEFORE APRIL 15, 2009 AND BEFORE ISSUANCE OF A BUILDING PERMIT FOR THE NEW RESIDENCE, the applicant shall obtain a Demolition Permit from the CDA Building and Safety Division, and any other required permits, such as a hazardous materials containment permit (J Number) from the Bay Area Air Quality Management District for the deconstruction, removal, and recycling/reuse of the existing unpermitted residence. BEFORE MAY 15, 2009, the applicant shall remove the existing residence from the site, stabilize any disturbed soil areas with jute netting, and straw rolls and blankets, or other Best Management Practices as approved by the Department of Public Works (DPW), and submit photographs to the Planning Division to verify removal of the structure and stabilization of the soil.
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 and Design Review Conditions of Approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to delete the note "guest parking spaces" for the 2 parking spaces in Charlotte's Way fronting the adjacent Collier property.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall have a geotechnical and septic engineer evaluate the feasibility of two separate stormwater dissipaters to minimize the amount of runoff onto the steepest portions of the site and away from the septic system leachlines. The feasibility study shall be submitted to DPW, Environmental Health Services (EHS), and Planning staff for review and approval. If determined feasible by DPW, EHS, and Planning staff, the applicant shall submit revised plans with the two separate dissipaters to DPW, EHS, and Planning staff for review and approval.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit detailed plans of the three proposed turnouts of 60-foot maximum length including two 10-foot transitions along Charlotte's Way for review and approval from the Fire Department, DPW, and Planning staff, that indicate any necessary retaining walls (likely to be no more than 3 feet tall but with a surcharge) and drainage improvements in conformance with Best Management Practices. The applicant should discuss entering into a formal Private Road Maintenance Agreement with the other property owners that have access from Charlotte's Way, and other property owners in the vicinity that are affected by the stability and maintenance of Charlotte's Way. Potential maintenance includes the placement of additional clean rock rip rap downslope of the three existing drainage culvert outfalls for energy dissipation and erosion prevention.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by landslides, earthquakes, and other geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
9. 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 to be saved in the vicinity of any area of trenching, excavation, grading, construction, materials storage, soil stockpiling, materials storage, or other construction activity. The construction fence is intended to protect existing trees during construction and shall remain in place until all construction activity is complete. The applicant shall submit a copy of the plan of temporary fence design and location, and site photographs confirming installation of the fence to the Community Development Agency, Planning Division.
10. 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: New 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.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front (southwest) property line and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building locations and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building locations in relationship to property lines.
12. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the buildings conform to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
13. 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: New Green Building Residential Design Guidelines.

14. Before issuance of a Building Permit, these Conditions of Approval shall be recorded against the title of the property.
15. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be the minimum lumen intensity for safety purposes only, downward directed, and hooded.
16. 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.
17. All soil disturbed by development of the project shall be reseeded with native, non-pyrophytic, groundcover or adequately stabilized with approved Best Management Practices prevent soil erosion.
18. 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.
19. No trees, except those approved for removal with this project, 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.
20. Any new utilities proposed to serve the approved project shall be underground.
21. 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.
22. 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.

23. 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 a Coastal Permit and Design Review for a 1,355 square foot one-bedroom residence, for which action is brought within the applicable statute of limitations.

24. 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

25. All Improvements shall conform to Title 24 of the Marin County code or as approved by DPW and the Fire Department.

26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:

a. The plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter. Due to the submitted Stability Report being 3 years old, the letter shall also address that no geotechnical changes have occurred since the report of Salem Howes Associates, dated February 13, 2004.

b. A registered Engineer shall design all new site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.

c. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped, or has a surcharge).

d. Submit an Erosion and Siltation Control Plan.

e. Due to the severity of the terrain, the proposed main structure drainage diversion around the leach field shall be approved and verified by the Marin County Environmental Health Services Department.

Marin County Environmental Health Services

27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall satisfy requirements of Chapter 18.06 in County of Marin Code to obtain an on-site sewage disposal construction permit from Environmental Health Services that is adequate for the proposed project.

Community Development Agency – Green Building Program

28. The applicants should attempt to maintain the natural drainage patterns on the site and utilize native, drought tolerant, and fire-resistant landscaping for erosion prevention due to the project's location on a steep hillside in the ecologically sensitive coastal zone. Plants native to northern coastal California should constitute a significant portion of the landscaping palette.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must resubmit a signed copy of the New Green Building Design Guidelines Checklist marking each item with the point value claimed. Additionally, each item claimed on the Checklist should be indicated on the design plans where appropriate and applicable.

Marin County Fire Department

30. Fire Department access is acceptable as proposed. The applicant shall provide an emergency vehicle clear zone such that vegetation adjacent to driveways and access roads shall be cleared to a minimum of 15 feet vertically (no exceptions) and 10 feet horizontally (no exceptions – first 5 feet). Note that if a gate is contemplated, Fire Department approval for gates on the access road and/or driveway is required. If the gate is locked in any fashion, a MCFD Knox rapid entry system is mandatory.
31. A defensible space zone (minimum of 30 feet to 100 feet) and vegetation management plan is required. At a minimum, the vegetation management plan must contain a site plan showing the existing vegetation (including existing trees) and those proposed to be added and/or removed, the proposed structures with their defensible space zone delineated, plant types, and spacing. The vegetation management plan must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list. Please see the Marin County Fire Department Prevention Bureau Defensible Space Standard, which may be downloaded from our web site (www.marincountyfire.org).
32. BEFORE FRAMING, the defensible space must be in place. Annual maintenance is required! Trees shall not be planted in a location that, when mature, said trees will contact overhead power lines. No pyrophytic plants shall be planted within 30 feet of the structure.
33. During the fire season, firewood must be stored inside a fully enclosed structure, or stored a minimum of 30 feet away from any building.
34. The LPG tank location must be approved by the Fire Department. Seismic bracing, seismic shutoff device or excess flow device per Marin County Building and Safety Division standards is required and must be maintained. The minimum defensible space requirement must be maintained – no combustible materials within 15 feet of any part of the tank.
35. Residential Sprinkler System (design approval and site inspection by the Marin County Building and Safety Division). As part of the sprinkler system installation, a spare sprinkler head cabinet containing two spare sprinkler heads, and the applicable sprinkler head wrench will be required prior to final approval of the sprinkler system.
36. Class “A” roofing design approval and site inspection by the Marin County Building and Safety Division.
37. Smoke detectors shall be installed in accordance with the Uniform Building Code.

38. BEFORE FOUNDATION INSPECTION, the Fire Department shall determine that defensible space is provided. Fire Department holds will be placed on the Building Permit for this project. The defensible space must be in-place prior to releasing the Fire Department foundation inspection hold. The Marin County Building and Safety Division will not inspect the foundation before the fire department has released the hold. The final hold will be lifted when all Fire Department requirements are met, including payment of all required fees. Please allow lead-time to schedule your Fire Department inspections to prevent any delay in your project.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Biondi Coastal Permit and Design Review approval by obtaining a Demolition Permit to deconstruct and remove the existing residence before May 15, 2009, and obtaining a Building Permit and substantially completing all of the approved construction work before August 28, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

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

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of August, 2008.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary