

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – September 11, 2008

Hearing Officer Jeremy Tejirian, AICP
 Benjamin Berto
 Johanna Patri, AICP

Staff Present: Loraine Jackson, Assistant Planner
 Vivian Lo, Planning Aide
 Jeremy Tejirian, Principal Planner
 Christine Gimmler, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:07 A.M.
Adjourned at 9:11 A.M.
Reconvened at 9:13 A.M.
Adjourned at 9:16 A.M.
Reconvened at 9:19 A.M.
Adjourned at 11:19 A.M

September 11, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Dean and Kathleen Hart
Application (type and number): Coastal Permit (CP 08-48) and Use Permit (UP 08-27)
Assessor's Parcel Number: 193-133-35
Project Location: 14 Terrace Avenue, Bolinas
For inquiries, please contact: Loraine Jackson, Assistant Planner
Decision Date: September 11, 2008

DETERMINATION: Approved with Conditions

Minutes of the September 11, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-20.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**C1. COASTAL PERMIT (CP 08-48), AND USE PERMIT (UP 08-27):
DEAN AND KATHLEEN HART**

A proposal to demolish a 245-square foot detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The proposed garage would be accessory to an existing 1,400 square foot single-family residence with a 23% floor area ratio. The proposed garage would attain a maximum height of about 14.5 feet and would maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet is proposed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure is proposed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank is proposed on the north side property line and 1 foot from the front property line. A Use Permit is required to allow the garage and propane tank to project into the required 25-foot front yard setback and 10-foot side yard setback. The subject property is located at **14 Terrace Avenue, Bolinas** and is further identified as **Assessor's Parcel 193-133-35**.

In response to the Hearing Officer, staff stated after speaking to Michel Jeremias, Department of Public Works, plans will be resubmitted with the current Conditions of Approval and no part of the garage will encroach into the roadway.

The public testimony portion of the hearing was opened.

Dean Hart, applicant, stated that the existing retaining wall is on the front property line. The surveyed plans submitted by the applicant, show it one foot off of the property line.

The Hearing Officer stated that the retaining wall would conform substantially as long as it is not over the property line.

The public testimony portion of the hearing was closed

The Hearing Officer concurred with staff's analysis and approved the Hart Coastal Permit and Use Permit, 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 08-144

A RESOLUTION APPROVING THE HART
COASTAL PERMIT AND USE PERMIT
14 TERRACE AVENUE, BOLINAS
ASSESSOR'S PARCEL 193-133-35

SECTION I: FINDINGS

- I. WHEREAS the applicant, Peacock Designs, on behalf of the owners, Dean and Kathleen Hart, is requesting Use Permit and Coastal Permit approval to demolish a 245 square foot existing, detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The proposed garage would be accessory to an existing 1,400 square foot single-family residence with a 23% floor area ratio. The proposed one-story garage would attain a maximum height of about 14.5 feet and would maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet is proposed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure is proposed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank is proposed on the north side property line and 1 foot from the front property line. The subject property is located at 14 Terrace Avenue, Bolinas, and is further identified as Assessor's Parcel 193-133-35.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing August 11, 2005, 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 because reconstruction and negligible expansion of a detached garage would not result in any potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The proposed project would comply with the C-SF5 (Coastal, Residential Single-Family Planned) general plan land use designation because the structure is an accessory to the single family use of the property;
 - B. The proposed 14.5 foot high, 336 square foot garage would result in development which conforms to the governing standards related to building height and size;
 - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - D. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;

- E. The proposed project would not cause foreseeable 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 Bolinas Community Plan because:
- A. The project would involve the construction of an accessory structure on a developed property, which is a permitted use.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - C. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit I, as follows:

A. Water Supply:

The Bolinas Public Utilities District serves the subject property and has reviewed and did not present opposition to the project. The Bolinas Public Utilities District is requiring an application for an Expanded Water Use Permit whenever modifications are made to a service (i.e. any developed property connected to the BCPUD water system) prior to the issuance of a building permit.

B. Septic System Standards:

The Bolinas Public Utilities District serves the subject property and has reviewed and did not present opposition to the project.

C. Grading and Excavation:

The proposed project would require minor excavation and would be limited to the minimum amount necessary to accommodate the garage structure. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

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 site is already developed and minimal grading is proposed. Project approval requires that in the event archaeological resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The subject property is not located between the sea and the first public road or adjacent to a coastal area that is identified by the Local Coastal Program, Unit I, as an area where public access is desirable or feasible. The subject property is not encumbered by easements providing the public with access to the beach. During a field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine

F. Housing:

The proposed accessory structure would not affect existing housing stock or affordable housing opportunities in Bolinas.

G. Stream Conservation Protection:

The project site is not sited near a blue line stream identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Bolinas Quadrangle of the U.S. Geological Survey Map.

H. Dune Protection:

The portion of the project site proposed for development is not located near dunes or in a dune protection area identified by the Local Coastal Program.

I. Wildlife Habitat:

The California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located near the habitat areas for the Ricksecker's waterscavenger beetle (*Hydrochara rickeri*), for which suitable habitat is in coastal bluff scrub or coastal prairie. The proposed project would not entail modifications to coastal bluff scrub or coastal prairie, and therefore would not adversely affect Ricksecker's waterscavenger beetle habitat.

J. Protection of Native Plant Communities:

Staff review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of the rare coast yellow leptosiphon (*Leptosiphon croceus*). The project is located in a residentially developed lot where suitable habitats for these rare plant species are unlikely to occur.

K. Shoreline Protection:

The subject property is not adjacent to a shoreline bluff top area (approximately 315 linear feet to the south) and the proposed project does not entail shoreline protective works.

L. Geologic Hazards:

The project site is located in close proximity to the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency, Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of 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.

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 or lot line adjustment is proposed as part of this project.

O. Visual Resources:

The design of the garage would be consistent with the architectural style of the existing residence, and would not exceed a height of 14.5 feet above existing grade. The garage would be finished with unobtrusive colors consisting of cedar shingle siding and an asphalt shingle roof to match the existing house. No new exterior lighting is proposed. In accord with Marin County Code §22.56.130(O), a condition of approval requires that all new utility lines serving the project site be placed underground. Finally, the design of the garage would not adversely affect the visual quality of the area because it would be compatible with the surrounding natural environment and the character of the local community.

P. Recreation/Visitor Facilities:

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

Q. Historic Resource Preservation:

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

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory finding to approve a Use Permit pursuant to Section 22.88.020I(3) of Marin County Code for the reasons listed below.

The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

1. The proposed detached garage would be compatible with surrounding residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.

2. The proposed project would not impact any sensitive coastal habitat areas, and would not result in other adverse environmental or visual impacts.
3. The Bolinas Community Public Utilities District has indicated that adequate water and sanitary sewer service is available to serve existing uses.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Hart Coastal Permit (CP 08-48) and Use Permit (UP 08-27) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 and 22.48 (Coastal Permit and Use Permit) of the Marin County Code, the Hart Coastal Permit and Use Permit is approved to demolish a 245 square foot existing, detached garage in the side and front yard setbacks, and replace it with a 336-square foot detached garage with the same setback variance distances. The garage will be accessory to an existing 1,400 square foot single-family residence. The one-story, 14.5-foot high structure will result in a 23 percent floor area ratio and will maintain the following minimum setbacks: 1.8 feet from the south side property line and 0 feet from the east front property line, with the roof encroaching approximately 9 inches into the Terrace Avenue right-of-way. A stepped concrete retaining wall/foundation with a maximum height of about 8 feet will be constructed on the north, south, and west sides of the garage. A new concrete pad and grape stake enclosure will be constructed for the existing propane tank in the northeast corner of the lot, approximately 9 inches from the north side and 1.5 feet from the east front property lines. A new 4.5-foot tall retaining wall around the concrete pad for the propane tank will also be constructed on the north side property line and 1 foot from the front property line. The subject property is located at 14 Terrace Avenue, Bolinas, and is further identified as Assessor's Parcel 193-133-35.
2. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit B," consisting of 3 sheets entitled, "Hart Residence," prepared by Peacock Design, received July 22, 2008, and on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit revised plans for review and approval by the Community Development Agency staff whereby no portion of the project extends beyond the property lines, including eaves and roof overhangs. Once approved, the plans shall be incorporated into the approved project file as "Exhibit C" and shall supersede "Exhibit B"
4. Exterior building colors and materials shall be in substantial conformance with the colors and materials of the existing residence. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color. Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.
5. All utility connections and extensions serving the project shall be installed underground.
6. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
7. 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.

8. 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 and side 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. 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.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
10. 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.
11. All construction activities shall comply with the following standards:
 - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
12. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Hart Coastal Permit 08-48 and Use Permit 08-27, 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.

13. 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 & Water Resources

14. All facilities shall be located, constructed, operated, and maintained in the time, place and manner that causes the least interference with the public's use of the public right-of-way as determined by and approved by the Road Commissioner/Director of Public Works.
15. Note on the plans that the Design Engineer/Architect 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.
16. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. DPW has granted the request for an exception to Marin County Code Section 24.04.250, which requires a minimum driveway length of twenty feet shall be provided from the front of the garage to the edge of pavement. The proposed garage is replacing an exiting garage at the same location limiting the amount of grading on steep site and interference with the existing residence.
 - b. If needed to meet condition 3 above, applicant may submit a written request for an exception under MCC §24.15 to allow an interior garage depth of 19 feet. Plans shall be revised accordingly.
 - c. The plans shall be reviewed and approved by 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.
 - d. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
 - e. A separate Building Permit is required for each site/driveway retaining wall with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
 - f. Provide engineer calculations for the site retaining wall.
 - g. Indicate on the site plans or within the plan-view a cross reference to all retaining wall cross sections in the structural plans.
 - h. Provide more detail on the drainage plan for the project. No direct discharge onto Terrace Avenue is allowed with the exception of retaining wall back drains.
 - i. An Erosion and Siltation Control Plan shall be submitted if grading or any site disturbance occurs between October 15 and April 15.
 - j. An encroachment permit shall be required for work within the road right-of-way.

Bolinas Community Public Utility District

17. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an application for an Expanded Water Use Permit whenever modifications are made to a service (i.e. any developed property connected to the BCPUD water system).

Bolinas Fire Protection District

18. Address sign: Post address sign where visible from roadway. Sign to be of 3" minimum letters with 3/8" stroke and with a background of contrasting color.
19. Class A Roof: Provide Class A roof per Marin County Code.
20. LPG Tank: LPG tank to be secured to concrete foundation by other methods to withstand failure of cylinder and associated plumbing which may cause propane release during a seismic event or land movement.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing all approved work by **September 11, 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 Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I and 22.82.130 of the Marin County Code. This permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on September 18, 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 11th day of September 2008.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Sandy Fields

Application (type and number): Coastal Permit (CP 04-17), Extension (EX 08-32)
and Minor Design Review (DC 04-29), Extension (EX 08-33)

Assessor's Parcel Number: 119-081-18

Project Location: 76 Overlook Road, Point Reyes Station

For inquiries, please contact: Vivian Lo, Planning Aide

Decision Date: September 11, 2008

DETERMINATION: Approved with Conditions

Minutes of the September 11, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-25.

Marin County Community Development Agency

Benjamin Berto
Hearing Officer

C2. COASTAL PERMIT (CP 04-17), EXTENSION (EX 08-32) AND MINOR DESIGN REVIEW (DC 04-29), EXTENSION (EX 08-33): SANDY FIELDS

A proposal to vest for the construction of a 1,342 square foot addition to an existing 762 square foot single-family residence and to construct a 672 square foot detached garage. The proposed residence would meet the following minimum setbacks to corresponding property lines: 12 feet from the north (rear) property line, 45 feet from the south (front) property line, 10 feet from the east (right side) property line, and approximately 275 feet from the west (left side) property line. The proposed garage would meet the following minimum setbacks to corresponding property lines: 57 feet from the north (rear) property line, 8 feet from the south (front) property line, 42 feet from the east (right side) property line, and 312 feet from the west (left side) property line. In addition, the applicant (with consent from the neighboring property owners) is proposing removal of 16 eucalyptus trees located along the common property line between the subject property and Assessor's Parcel 119-081-28 (70 Overlook Road). The subject property is located at **76 Overlook Road, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-081-18**. No modifications to the August 31, 2006 approved plans were submitted with this application.

In response to the Hearing Officer, staff summarized her supplemental memorandum dated September 11, 2008 that included Conditions of Approval from the 2006 staff report that were inadvertently left out. These items are:

- Condition of Approval 7 (e): All landscaping shall be installed prior to inspection;
- Condition of Approval 8: Temporary construction fencing around the dripline shall be installed;
- Condition of Approval 9: The applicant shall remove all topped or dead trees, except for the blue gum;
- Condition of Approval 10: The owner shall sign a hold harmless agreement from the County; and
- Condition of Approval 12: The owner shall submit written approval allowing for the encroachment of the shed onto the neighboring GGNRA property.

The public testimony portion of the hearing was opened.

Stacy Ford, architect, had no concerns.

The public testimony portion of the hearing was closed.

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

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

A RESOLUTION APPROVING THE SANDY FIELDS
COASTAL PERMIT AND MINOR DESIGN REVIEW EXTENSIONS

ASSESSOR'S PARCEL NO. 119-181-18

76 OVERLOOK ROAD, POINT REYES STATION

SECTION I: FINDINGS

- I. WHEREAS the applicant, Stacey Ford, on behalf of the owner, Sandy Fields, has submitted a request for a two year extension of her approved Coastal Permit and Minor Design Review application for the construction of a 1,362 square foot addition to an existing 762 square foot single-family residence and to construct a 672 square foot detached, two-car garage. The approved residence would meet the following minimum setbacks to corresponding property lines: 12 feet from the north (rear) property line, 45 feet from the south (front) property line, 10 feet from the east (right side) property line, and approximately 275 feet from the west (left side) property line. The approved garage would meet the following minimum setbacks to corresponding property lines: 57 feet from the north (rear) property line, 8 feet from the south (front) property line, 42 feet from the east (right side) property line, and 312 feet from the west (left side) property line. In addition, the applicant (with consent from the neighboring property owner) was authorized to remove 16 eucalyptus trees located on the common property line between the subject property and Assessor's Parcel 119-081-28 (70 Overlook Road). The subject property is located at 76 Overlook Road, Point Reyes Stations, and is further identified as Assessor's Parcel 119-181-18; and
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 11, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the extension; and
- III. WHEREAS the Marin County Deputy Zoning Administrator found that the approved project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1; and
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the extension is consistent with the Marin Countywide Plan because the project would:
 - A. Provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
 - B. Contribute to the diversity of housing stock for Point Reyes Station residents;
 - C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;

- D. Result in development which conforms to the governing standards related to building height;
 - E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services;
 - F. Minimize soil disturbance and maximize of natural vegetation to the extent feasible; and
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the extension is consistent with the mandatory findings to a Coastal Permit (Section 22.56.130 of the Marin County Code) because the following findings continue to apply:

A. Water Supply:

The North Marin Water District has reviewed the proposed addition and detached two-car garage and indicated that water will be provided to the property in conformance with District regulations. (Please refer to Section II, Conditions of Project Approval, North Marin Water District.)

B. Septic System Standards:

The Marin County Department of Environmental Health Services (EHS) has reviewed the proposed single-family residence and detached two-car garage and determined that the application is acceptable as presented with compliance of conditions of project approval. (Please refer to Section II, Conditions of Project Approval, Environmental Health Services.)

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary to accommodate the proposed addition and detached two-car garage. Conditions of project approval require that construction activities conform with the Department of Public Works erosion and sediment control requirements established in Section 23.08 of the Marin County Code.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located within an area of high archeological sensitivity. Therefore, a condition of project approval requires that, 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.

E. Coastal Access:

While the subject property is located between Tomales Bay and the first public road, the site is not located adjacent to a coastal area identified by the Local Coastal Program Unit II, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing:

The proposed project would not result in the removal of a residential building which provides housing opportunities for people of low or moderate income, and would not affect the availability of housing stock within the Point Reyes Station community.

G. Stream Conservation Protection:

This finding is not applicable because the project is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the project site is not located in an area of sensitive wildlife resources. Review of the California Natural diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in a habitat area for the Great Egret and Great Blue Heron (*Ardea Herodias*) which are classified as endangered animal species by State and Federal Governments. However, the site has already been disturbed by development. In addition, staff contacted Point Reyes Bird Observatory staff and Audubon staff and determined that no roosting sites have been recorded on or in the immediate vicinity of the subject property. Therefore, the probability that the additional improvements and tree removal would threaten the habitat areas for these bird species is minimal.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area containing rare and endangered 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 an area of any rare or endangered plant species as classified by State or Federal Governments.

K. Shoreline Protection:

This finding is not applicable because the project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

This finding is not applicable because the subject property is not located in an area of geologic hazards as indicated on Geologic Hazards map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo special Studies Zone Map.

M. Public Works Projects:

This finding is not applicable because the proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject property is a legal lot of record and no land division or property line adjustment is proposed as a part of this project.

O. Visual Resources:

The project consists of an addition to an existing single-family residence and construction of a detached two-car garage which are of a height, scale, and design that is compatible with the established character of the surrounding community. The approved structures comply with the heights allowed within the governing C-ARP-1.0 zoning district and would be screened from view with existing trees and proposed landscaping.

P. Recreation/ Visitor Facilities:

This finding is not applicable because 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 require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

This finding is not applicable because the subject property is not located within the historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local coastal Program.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves a two year extension of the Fields Coastal Permit and Minor Design Review subject to the same conditions as originally identified in the Resolution approving the project, as enumerated below.

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Addition to fields Residence," consisting of 1 sheet prepared by Stacey N. Ford, received on November 10, 2003, with revisions on May 14, 2004, June 8, 2004, October 21, 2005, and July 12, 2006 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials shall substantially conform to the materials listed as notes on Sheet A1 of "Exhibit A: on file with the Marin County Community Development Agency including:

Roofing:	Class 'A' composition shingles
Siding:	Painted horizontal siding
Trim:	Painted wood

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit exterior color samples for review and final approval by CDA staff. Colors shall consist of subdued, earthtone colors that are compatible with the surrounding natural environment.
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 Field Coastal Permit and Minor Design Review conditions of approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the North Marin Water District indicating that the landscaping required by Condition 6, below, complies with all conditions of the District's Water Conservation Ordinance.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a letter from the North Marin Water District indicating that the project complies with District Regulation 17 – Mandatory Water Conservation Measures.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape plan for review and final approval by the Director. The landscape plan shall include the following information:
 - a. Schedule of plantings, including number of each species of proposed plantings by scientific and common names;
 - b. Clear indication of the location of each planting and the height at maturity;
 - c. Container size at time of planting; and
 - d. Method and general location of irrigation necessary to establish new landscaping.
 - e. All landscape shall be installed prior to final inspection.

The goal of the required landscape plan shall be to provide visual screening along the westerly elevation of the addition that is suitable within the constrained area between the building and the existing fence.

8. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
9. All topped and/or dead trees on the property, with the exception of the blue gum eucalyptus in the north corner of the property, shall be removed prior to the issuance of a building permit, and appropriate measures taken to avoid stump resprouting. Five 15-gallon Sargent cypress trees shall be planted along the northeast property line, and a number of the same species and size that are acceptable to staff shall be planted on the north (rear) property line.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the Fields Coastal Permit and Minor Design Review or for any damage to life or property resulting from the retention of the three Monterey cypress snags (located along the north (rear) property boundary) and the five bluegum eucalyptus (located along the east (right side) property boundary). The County will promptly notify the applicant/owner of any claim against the County and cooperate fully in the defense.
11. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan, as indicated in Conditions 6, above. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.

12. BEFORE FINAL INSPECTION, the applicant shall submit written approval (license, easement, etc.) allowing for the encroachment of the shed onto the neighboring GGNRA property. Alternatively, the applicant shall remove the encroachment.
13. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS APPROVAL, this Notice of Decision shall be recorded against the title to the property to alert potential owners about the limitations on use of the addition and detached garage.
14. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
15. 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.
16. 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.
17. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
18. 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.

Marin County Community Development Agency – Environmental Health Services Division

19. BEFORE ISSUANCE OF A BUILDING PERMIT, Building Permit plans shall be revised to show the location of all plumbing lines (sewage and water).
20. BEFORE ISSUANCE OF A BUILDING PERMIT, Building Permit plans shall be revised to show the “office” with one or more of the following features: (1) a large, arched doorway without a door , which opens onto the entryway or a main activity area; (2) use of a half wall or railing along at least one side of the room; and/or (3) a conversation pit which interrupts the floor area.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, EHS will require a complete monitoring and maintenance inspection by a qualified individual.

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

22. An erosion and siltation control plan shall be submitted for work occurring between October 15 and April 15.

Marin County Fire Department

23. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

North Marin Water District

24. BEFORE FINAL INSPECTION, if fire sprinklers are required, replacement of the ¾-inch lateral with a 1-inch lateral and the 5/8-inch meter with a 1-inch meter will be required to provide the flow required by the sprinkler system.
25. The project must conform to District Regulation 17 – Mandatory Water Conservation Measures.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Fields Coastal Permit and Minor Design Review Extension approvals by September 11, 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 Agency Director approves it. An extension of up to two years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on September 18, 2008.

SECTION IV: VOTE

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of September 2008.

BEN BERTO
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA 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, AICP
Decision Date: September 11, 2008

DETERMINATION: Approved with Conditions

Minutes of the September 11, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-19.

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**.

The Hearing Officer acknowledged receipt of staff's supplemental memorandum dated September 9, 2008 with attachments prepared by the applicant. Staff summarized the contents of his supplemental memorandum, including comments from the neighbors.

Staff reported that, after making a site visit to discuss the design and layout of the project, a consensus could not be reached amongst the applicant and the two adjacent neighbors. Staff made the following recommendations:

- Use of paving materials that would reduce the dust on the road will be installed;
- Location of the driveway can be moved down toward the sheds, away from the Ragona property without substantial impacts; and
- Create a landscaping plan that shows shrubs planted along the Ragona property line and the edge of the driveway.

Staff noted that although the views from the neighbors should be preserved as much as possible, the Coastal Act demonstrates that the highest priority for preserving views is from public viewpoints.

The Hearing Officer noted that she was in receipt of a color drawing from the applicant showing the realignment of the driveway and the landscaped area. She also noted:

- Having made a visit to the Ragona property;
- Receiving an e-mail from Mr. Ragona written by the applicant to Mr. Ragona stating that she was proposing to put a few small storage sheds for tools on the property until the barn was built;
- Mr. Ragona stated he was unaware that the sheds were to be permanent horse stalls;
- While the sheds do not require a Building Permit, they can require Design Review within the governing zoning and, therefore, should be part of the current application;
- The sheds are not considered agriculture structures;
- The only buildings excluded from Design Review are agriculture buildings located 300 feet or more from the property line.

The public testimony portion of the hearing was opened.

Members of the public speaking in favor of the project included: Anna Francis, Toby Long, Irving Schwartz, Laura Marcoux, Susan Lincoln, and John Hope.

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

- Poly pavement will be used to keep down the dust;
- The horse sheds are well sited and out of view; and
- The resiting of the driveway to the barn is good.

Members of the public expressing objections to the project included: Anthony Ragona, Ismael Gutierrez, Pat Daly, Susan Nelson, and Heather Sundberg.

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

- Location of the farm road;
- Location of the larger barn that will block views;
- Small sheds near the property line;
- Construction of a solid fence along the Ragona property line;
- Effect on the guests at Windsong Cottage, a B and B;
- Impact of number of potential trips on the farm road;
- Dust produced on windy days;
- Flies from the horses; and
- Potential light pollution from traffic on the farm road.

Irving Schwartz stated that the grading involved for the relocation of the driveway requested by the neighbor, would be three times greater and would require a retaining wall.

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 house will be seen from Route 1, but the barns will not be visible;
- Two Bed and Breakfasts already exist near the property and visitor serving facilities are important in the Coastal Zone;
- Department of Public Works standards do not apply to farm roads;
- Horses are a permitted use and cannot be regulated once the project is developed;
- Had the horse sheds come in for Design Review before their construction, they may not have been approved in their current location;
- The property owners involved are reasonable, and a compromise should be feasible;
- A balance between the best use of the land, retaining open space, location of the barns, and sensitivity for the views of Tomales Bay from the Ragona's property needs to be considered.

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

- The dust issue can be addressed by using different materials that don't cause as much dust;
- The ability to see the structures by the neighbors is not considered an impact;

- The overall character the project site will be in keeping with the overall feel of the rural area in Point Reyes Station.

Further discussion followed between the Hearing Officer and all parties involved issues including, but not necessarily limited to, the following:

- The dust control material for the ranch road;
- Traffic impacts from vehicles and horses;
- Relationship of the horse paddock to the proximity of adjacent residential properties, both with B and Bs;
- Siting of the road and barn with a possible "L" configuration;
- Consideration for the placement of the barns to take in to account the drainage issues; and
- Possibility of a lower shed roof.

At 10:14 A.M. the hearing officer asked staff to continue negotiations between the applicant and the neighboring property owners outside the chambers while she took on the next hearing item.

The hearing reconvened at 11:19 A.M. and staff stated that a compromise had been offered by the applicant.

Toby Long, architect, demonstrated the changes on the site plan. The road will be moved westerly, 150 feet from Windsong cottage. The barns will be relocated 150 from the southwest.

Francis noted that she has been trying to preserve the open space grazing area. The fire department will not need access to the sheds.

The Hearing Officer would like the Conditions of Approval to reflect that the revised siting of the farm road and barns is approximate to allow minor adjustments. Staff stated that the plan should be accurate by using the contour lines.

The public testimony portion of the hearing was reopened.

Anthony Ragona, owner of Windsong cottage, objected to the temporary sheds and solid fence.

Anna Francis responded that the sheds should be allowed to stay because they could not be salvaged, and she has agreed to move the barns.

The Hearing Officer found that it was a reasonable request. She approved the fence to be solid for the first four feet and 50% open on the top two feet. She directed staff to revise the Resolution to include the Master Plan Waiver findings that were presented at the last hearing.

The Hearing Officer concurred with staff's analysis and approved the Francis 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 08-146

A RESOLUTION APPROVING WITH CONDITIONS

THE FRANCIS COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 119-101-08

35 MCDONALD LANE, POINT REYES STATION

SECTION I: FINDINGS

- I. WHEREAS, the owner, Anna Francis, is proposing to construct a residence with an attached garage and two barns on a vacant 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 set back 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 their 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.
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on August 28 and September 11, 2008 to consider the merits of the project, and hear testimony regarding 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 because it would not result in substantial grading, tree removal, or other adverse effects to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the reasons listed below.
 - G. The project would comply with the C-AG3 (Coastal, Agricultural, Residential, 1 unit per 1 to 9 acres).
 - H. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.

- I. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works (Title 24 of the Marin County Code).
 - J. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
 - K. The project would be compatible with the rural residential and agricultural character of the local community.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Point Reyes Station Community Plan for the reasons listed below.
- A. The project would involve the construction of a detached accessory structure on the property, which is a principally permitted use under the governing zoning district.
 - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - D. The project would be served by the existing roadway network.
 - E. The project would not impact any streams or waterways.
 - F. The project would be served by the North Marin Water District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff.
 - G. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. 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 22.56.130 of Marin County Code) as specified below.
- A. Water Supply:

The proposed project would not adversely affect the ability of the North Marin Water District to continue to provide adequate water to the subject or surrounding properties. Therefore, the project is consistent with this finding.
 - B. Septic System Standards:

The proposed development would be served by a proposed septic system, which has been reviewed and approved by the Environmental Health Services Division's staff. Therefore, the project is consistent with this finding.

C. Grading and Excavation:

The proposed project would not entail substantial grading outside of the footprint of the proposed residence. Therefore, the project is consistent with this finding.

D. Archaeological Resources:

The applicant submitted a cultural resources evaluation prepared by Archaeological Resources Service, which indicates that there are no archaeological resources evident on site. Therefore, the project would not result in adverse effects to cultural resources and the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not governed by the C-VCR zoning district and would not result in the demolition of any housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map of the Local Coastal Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

According to the Natural Diversity Database and the Local Coastal Plan's Natural Resources maps there are no special status species of wildlife evident on the site. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

According to the Natural Diversity Database and the Local Coastal Plan's Natural Resources maps there are no special status species of wildlife evident on the site. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

The geotechnical report prepared for the project indicates that the site is suitable for the proposed project. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources:

The site is visually prominent from the surrounding area, including State Route 1 and the Golden Gate National Recreation Area across State Route 1 from the property. The proposed project would entail building a new residence with a traditional architectural style and new barns as well as establishing a limited agricultural operation that would include haying and cattle pasturing. The property would present a view of a ranch with a traditional residence with agricultural outbuildings, where cattle and horses are grazing on the lower portion of the property and haying is occurring on the upper portion of the property. This view would reinforce the rural agricultural character of the area. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a vacant private property and would have no effect on visitor or recreation facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation:

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Plan. Therefore, the project is consistent with this finding.

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

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

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed in section IV above. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed in the mandatory findings for Coastal Permit approval in section V above.

The project would be consistent with the Marin County Single-family Residential Guidelines, with the exception of Design Guideline C-1.5, which discusses fences and retaining walls. This Design Guideline encourages reducing the mass and bulk of retaining walls by stepping the walls in increments and providing appropriate landscaping. A retaining wall adjacent to the residence would exceed a height of 10 feet. A condition of project approval requires that this retaining wall be broken into two separate retaining walls which would not individually exceed a height of 6 feet above grade. Further, in order to maintain the rural appearance of the site, a condition of approval requires that perimeter fencing on the site shall not be solid and shall be designed to compliment that agricultural character of the property. 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 design of the project would feature simple building forms that are consistent with traditional development patterns in the area. The residence and each of the accessory structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. The individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. Further, a condition of project approval requires that the driveways not exceed a width of 12 feet, except where turnouts are required for emergency vehicle access to minimize alterations to the natural terrain on the site. 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 project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring properties to avoid adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is 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 project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. The proposed development would not encroach into any rights-of-way, conservation easements or public lands. Therefore, the project is consistent with this finding.

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

The proposed landscaping plan includes a wire mesh fence surrounding the area of the residence and plants near the residence and the driveway from McDonald Lane to the residence. Therefore, the project is 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 project would result in minimal adverse physical and visual impacts because it would be constructed with building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structure with articulations in the building facades, such as porches. Therefore, the project is consistent with this finding.

2. Drainage systems and appurtenant structures,

The proposed project retains a large portion of the property downslope of the proposed buildings as area that is undeveloped, providing adequate area for water to infiltrate into the soil. Therefore, the project is consistent with this finding.

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

As modified by the conditions of project approval, the siting and design of the improvements would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as rolling land forms and native vegetation such as the existing conifers on the upper portion of the site. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. The development would avoid creating large graded terraces for building pads. Terracing would be minimal and would be performed by creating a series of small incremental steps, rather than a wide bench. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. Therefore, the project is consistent with this finding.

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

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access and parking standards. Therefore, the project is consistent with this finding.

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

The development would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Therefore, the project is 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 would minimize potential adverse physical and visual impacts because it would be constructed of building materials with colors that compliment the surrounding natural environment and would be consistent with the surrounding community character. Further, proposed project would comply with the Marin County Green Building standards.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project meets the criteria for Master Plan Waiver (Section 22.57.026I of the Marin County Code) because the project entails the construction of a single family residence and a limited agricultural operation. No additional conditions of approval are required to “secure substantially the objectives of the regulations the regulations of provision for which the waiver is granted.”

SECTION II: CONDITIONS OF PROJECT APPROVAL

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

Marin County Community Development Agency

1. This Coastal Permit and Design Review authorizes the construction of a residence with an attached garage and two barns on a vacant property adjacent to State Route 1 in Point Reyes Station. The approved two story 3,716 square foot residence and garage shall reach a maximum height of 25 feet above natural grade and shall be located more than 100 feet from all property lines at the end of a new driveway leading from McDonald Lane. The two barns shall both be located several hundred feet southwest of the residence and shall be set back a minimum of 45 feet from the northwestern property line and more than 100 feet from all other property lines. The barns shall reach an approximate height of 15 feet above natural grade. The barns shall 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 their current location, which is a minimum of 20 feet from the eastern side property line. A new septic system shall be installed, with the leachfield located on the northeastern portion of the property. Driveways would be constructed leading from McDonald Lane to the approved residence, barns and sheds. The driveways shall not exceed a width of 12 feet, except where turnouts are necessary for emergency vehicles. The subject property is located at 35 McDonald Lane, Point Reyes Station, and is further identified as Assessor's Parcel 119-101-08.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as “Exhibit A,” entitled, “Anna Francis Residence,” consisting of 25 sheets prepared by Toby Long Architects, ILS Associates, and W.W. Kirsch and Associates with final revisions submitted on June 16, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein and the modified site plan showing the realignment of the farm driveway submitted by the owner on September 9, 2008.
3. The applicant shall modify the project to reduce the maximum height of the retaining walls to six feet, by terracing the retaining walls adjacent to the residence.

4. Perimeter fencing shall not be solid, except for the area along the southern side property line from the entry gate to approximately the 150 foot contour where a six foot high fence with the lower four feet can be solid and the upper two feet shall be at least 50 percent open. All fences shall be designed to compliment the rural agricultural character of the property.
5. The farm driveway leading from the main driveway to the barns shall be treated with materials that will not result in significant dust. Specifically, the driveway should be surfaced with grasscrete pavers or polypavement, which are LEED certified materials that minimize dust and will maintain the rural agricultural character of the property.
6. The proposed farm driveway shall be modified so that it crosses the property in northwesterly direction above the 200 foot contour line until it reaches a point at least 150 feet from "Windsong Cottage", the bed and breakfast cottage on the adjacent Ragona property. Then the farm driveway will descend in a westerly direction to the barns. The barns shall be relocated down hill to be between the 150 foot and 160 foot contour lines, maintaining the same setback from the northern property line as shown in the project plans. No vehicular access shall be provided to the sheds. The designs for the farm driveway shall minimize ground disturbance and retaining walls to the maximum extent practical.
7. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by the applicant, submitted February 25, 2008, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
8. 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.
9. The owner shall submit a revised Agricultural Production and Stewardship Plan, which indicates that collected manure will be composted on the site. The owner shall implement the Agricultural Production and Stewardship Plan, submitted on June 16, 2008, identified as "Exhibit C" and on file with the Marin County Planning Division, as modified by this condition.
10. 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.

11. 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.
12. 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.
13. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of (description of project being approved), for which action is brought within the applicable statute of limitations.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
15. 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.
16. 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

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

- A. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.
- B. Provide a detailed geotechnical report.
- C. The plans shall be reviewed and approved by 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.
- D. Revise plans to show turnouts that are required on driveways over 150-feet in length or if sight distance problems exist unless the driveway is at least 16-feet in width [MCC § 24.04.275]. The turnouts shall be no less than 18-feet wide (full driveway width) and 60-feet long, including transition.
- E. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- F. A separate Building Permit is required for each site/driveway retaining wall with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
- G. Provide a drainage plan for all proposed structures that shows drainage away from the foundations and subsequent site drainage management.
- H. Note on the plans that the Design Engineer/Architect 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.

Marin County Fire Department

18. BEFORE FINAL INSPECTION, the applicant shall submit verification from the Marin County Fire Department that the department's requirements have been satisfied.

North Marin Water District

19. BEFORE FINAL INSPECTION, the applicant shall submit verification from the water district that the district's requirements have been satisfied.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Francis Coastal Permit and Design Review (CP 08-42, DR 08-40) approval by September 11, 2010, by obtaining a Building Permit and substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.0501 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on September 18, 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 11th day of September, 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: Sutton
Application (type and number): Coastal Permit (CP 06-31), and Use Permit (UP 09-8),
Assessor's Parcel Number: 195-162-45, and -46
Project Location: 3715 Shoreline Highway, Stinson Beach
For inquiries, please contact: Christine Gimmler, Senior Planner
Decision Date: September 11, 2008

DETERMINATION: Approved with Conditions

Minutes of the September 11, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-30.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

9:25 A.M. H2. A. **NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT:
SUTTON COASTAL PERMIT (CP 06-31) AND USE PERMIT (UP 09-8)
AND DESIGN REVIEW (DR 09-14)**
B. **SUTTON COASTAL PERMIT (CP 06-31) AND USE PERMIT (UP 09-8)
AND DESIGN REVIEW (DR 09-14)**

CG

A proposal requesting approval to demolish an existing 1,896 square foot residence that straddles Eskoot Creek (formerly Elwood's Bar and Restaurant) and construct a new 1,649 square foot residence, a new 748 square foot residence and an associated septic system on the subject property at the corner of Shoreline Highway and Calle del Arroyo in Stinson Beach. As part of the project, all four historic lots comprising Assessor's Parcels 195-162-45 and -46 (formerly 195-162-39) would be merged into one building site. Eskoot Creek is a blue line stream that traverses the northern half of the parcel. Due to the property's size and shape, almost the entire parcel is located within the designated 100-foot wide stream conservation area for this creek. The new residences, and septic system are proposed to be constructed on the southern half of the 14,369 square foot site, with a minimum setback of 50 feet to the top of the creek bank. A riparian planting plan is also proposed along the creek. The proposed 1,649 square foot residence would attain a maximum height of 23 feet, 6-inches above grade and the proposed 748 square foot residence would attain a maximum height of 16 feet, 9 inches above grade. Proposed development would maintain the following setbacks from corresponding property lines: Zero feet from the east front property line along Calle del Onda (at the carport), 6 feet from the southern side property line, 14 feet from the western rear property line along Calle del Resaca, and 2 feet from the nearest portion of the northern side property line (along Calle del Arroyo). The property address is **3715 Shoreline Highway, Stinson Beach, California 94937**, and is further identified as Assessor's Parcels **195-162-45 and -46 (formerly 195-162-39)**.

In response to the Hearing Officer, staff summarized the contents of her supplemental memorandum dated September 9, 2008. According to correspondence from the Stinson Beach Water District, the approved septic system would accommodate two residences. DZA Attachment #1 clarifies that two residences were considered at the Stinson Beach Water District meeting of October 2007. The water district has asked to review the final drainage plan for the property. The two residences require two on-site parking spaces each, therefore one space needs to be added. Staff noted that the parking area adjacent to the smaller residence could be widened to accommodate the additional parking space required, subject to review and approval of the Department of Public Works. She noted that given the character of the site, it would be reasonable to allow property line fencing within 50 feet of the creek banks and to change the address to #2 Calle Del Onda. Staff concluded by recommending that the project be continued to the October 16, 2008 hearing to ensure that adequate public notice is provided, including notification that Design Review findings are required for the project.

The Hearing Officer noted that she had made a site visit to the Zell and Livak properties.

The public testimony portion of the hearing was opened.

Jamie Sutton, applicant, spoke regarding concessions he made to address the concerns of the neighbors including: replacing peak roofs with shed roofs; lowering the ceiling heights; eliminating a second floor deck; removing a PG&E pole; and reducing the size of the lower deck. He submitted a revised drainage plan to the Stinson Beach Water District. Berms are proposed to direct the flood

waters that come across the property into a grass swale to the creek. Structures are designed to allow unimpeded water flow across the site. Utilities to the residences would be undergrounded.

The public testimony portion of the hearing was opened.

Scott Tye, representing the Stinson Beach Village Association and the Stinson Beach Surfriders Foundation, Michael Mitchell, Jim Zell, and Bruce Wachtell spoke regarding concerns with:

- Countywide Plan policies related to drainage and flood control;
- Parking on a non-permeable surface that may harm the creek;
- Inadequate time to review the resubmitted drainage plan;
- The extent of development within the Stream Conservation Area (SCA);
- Adequacy of the drainage plan;
- Loss of privacy and views;
- Construction of a second residence in a flood plain;
- The inappropriateness of the governing zoning;
- Use of commercial setbacks for a residential project; and
- Use of 30 year old FEMA maps to determine the likelihood of flooding.

Richard Souza, consultant with the Stinson Beach Water District, spoke asking for more time to review the drainage plan. The District's next meeting to review the plan is September 15th or September 22nd. He would like to see the water meter moved ten feet from the septic field, and noted that the plans revised by Questa Engineering have not been stamped as of this date.

The Department of Public Works is requiring a drainage plan to be submitted.

The public testimony portion of the hearing was closed.

Jamie Sutton concurs that there have been many compromises and noted that only two structures are proposed on the property. He noted that this hearing was continued from the hearing four weeks ago as noted in the minutes.

The Hearing Officer directed the applicant to provide seven copies of the revised drainage plan to the County for distribution to the various agencies. She noted that the Water District should verify square footage of the proposed residences based on its own standards.

The Hearing Officer will review any improvement within the 50-foot Stream Conservation Area (SCA) in accordance with the policies of the Countywide Plan, BIO-4.1 and will consider Design Review findings prepared by staff to ensure that the project is compatible with the surrounding community, and does not adversely impact the views and privacy of adjacent properties. She requested that the applicant install mesh netting on the story poles to represent the extent of the second story.

The Hearing Officer continued the item to the hearing of October 16, 2008, and noted that new notices will be provided. The applicant was directed to submit a drainage plan by Friday, September 12, 2008.