



**MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

**ALEX HINDS, DIRECTOR**

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR  
Fisher Coastal Permit and Design Review**

Item No:	H1.	Application Nos:	CP (08-45) and DM (08-51)
Applicants:	Carole and Robert Fisher	Owners:	Carole and Robert Fisher
Property Address:	11030 State Route One, Point Reyes Station	Assessor's Parcel Nos.:	119-240-50 & 119-235-09
Hearing Date:	September 25, 2008	Planner:	Kristina Tierney
	<b>RECOMMENDATION:</b>		<b>Approve with Conditions</b>
	<b>APPEAL PERIOD:</b>		<b>5 Working Days to the Planning Commission</b>
	<b>LAST DATE FOR ACTION:</b>		<b>October 2, 2008</b>

**PROJECT DESCRIPTION**

The applicants are requesting Coastal Permit and Design Review approvals proposing to convert 1,136 square feet of office space, located at the rear of the current veterinary clinic (Point Reyes Animal Hospital), to living space to serve the resident veterinarian. The proposed converted space will be used in conjunction with the veterinary clinic (2,336 square feet) now in operation. The resultant 4,032 square foot structure will maintain the pre-existing floor area ratio of 5% on the approximately 73,375 square foot (1.6 acre) parcel located on the east side of State Route One, south of the town of Point Reyes Station. The structure is sited: approximately 75 feet from the side (south) property line located approximately at the centerline of Lagunitas Creek; approximately 37 feet from the rear (east) property line; approximately 212 feet from the side (north) property line; and approximately 68 feet from the front (west) property line. The proposal includes the construction of a new on-site sandfilter sewage disposal system located approximately 50 feet north of the veterinary clinic structure to replace the existing septic system. The North Marin Water District provides water service to the property.

**GENERAL INFORMATION**

Countywide Plan:	C-RS (Coastal, Residential Commercial, 1 to 20 residential units per acre and 30% to 50% FAR, commercial development)
Zoning:	C-VCR:B-2 (Coastal, Village, Commercial, Residential District, 10,000 square feet minimum lot size)
Lot size:	73,375 square feet (1.6 acres)

- Adjacent Land Uses: State Route One and vacant land to the west, vacant land to the east, commercial land to the north, and Lagunitas Creek and residential to the south
- Vegetation: The creek banks consist of riparian vegetation including some willow trees and underbrush, i.e. blackberry thickets. The project site contains some introduced landscaping.
- Topography and Slope: The project site is flat, but the creek banks to Lagunitas Creek on the south side are steep.
- Environmental Hazards: The subject property is located within the 100-year flood plan (FEMA Panel 0208A) and within one mile of the delineated boundaries of the San Andreas Fault Zone as identified on the Alquist-Priolo Special Studies Zone Map. The site is in a Special Flood Hazard Zone A5 as well as in the Floodway. The base flood elevation is 15 feet National Geodetic Vertical Datum (NGVD). The project site, however, is at an elevation of 17.18 feet and the subject structure has finished floor elevations ranging from 17.46 feet to 18.90 feet NGVD (*Attachment 6*).

## **ENVIRONMENTAL REVIEW**

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails conversion and minor modifications of an existing small commercial structure (1,136 square feet) from an office to living space. The existing structure, approved by the County in 1975 prior to the adoption of the County and Coastal Act Stream Conservation Area (SCA) policies, is located approximately 50 feet from the top of the bank of Lagunitas Creek and is within the 100-foot SCA buffer zone now required by County and Coastal policies. No riparian vegetation along the creek bank has been disturbed or will be removed. The willow trees along the south side of the subject structure and adjacent to the creek bank, originally planted by the applicants, will remain in place. The project will not result in any potentially significant impacts on the creek or the surrounding environment and will not impact any identified natural resources.

## **PUBLIC NOTICE**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

## **PLAN CONSISTENCY**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program, the Point Reyes Station Community Plan and Titles 22 (Zoning) and 24 (Development Standards) of the Marin County Code. Please refer to the consistency findings contained in the attached resolution.

## **BACKGROUND**

The subject property, located on the east side of State Route One, south of Point Reyes Station, is Parcel One of the Genazzi Land Division, recorded in April 1969 (Book 3 PM Page 83) (*Attachment 7*) and consists of two Assessor's Parcel Tax Parcels: 119-240-50 and 119-235-09 (*Attachment 4 (a) and (b)*). The property's southern most boundary line is located approximately at the center line

of Lagunitas Creek and borders the northern boundary of "Lands of Ceresi" (Assessor's Parcel 166-161-13, formerly "Lands of Hobbs Shore") on the south as shown on the Record of Survey recorded December 1982 (Book 18 O.S. Page 12) in the Marin County Recorder's Office. The subject property is located within the 100-year flood plane (FEMA Panel 0208A), in Special Flood Hazard Zone A5 as well as in the Floodway. The base flood elevation is 15 feet National Geodetic Vertical Datum (NGVD) and the 100-foot year flood elevation is approximately 16 feet NGVD (*Attachment 6*). The project site elevation is at the 16.5-foot elevation, a minimum of at least 1.5 feet higher than the base flood elevation of 15 feet and 0.5 feet above the 100-year flood elevation. Therefore, the development on site would not result in any increase in flood levels during the occurrence of a base flood discharge. The subject structure has finished floor elevations ranging from 17.46 feet to 18.90 feet NGVD.

## **Permit History**

County records show that in 1971 the County approved a Design Review for the construction of a small (approximately 1,776 square feet) commercial building to serve as the facility for the Point Reyes Station Veterinary Clinic (previously the Marin Veterinary Clinic) on the subject property. The Design Review approval also included construction of approximately 560 square feet of floor area for an attached garage and large animal stalls appurtenant to the veterinary clinic.

In 1975, the County granted a Negative Declaration and approved a Design Review for the construction of a small, 1,440 square foot detached barn with stalls located east of the clinic building to be used in conjunction with the animal clinic. The interior of the barn contained stalls and the purpose of the barn was to provide a facility for the housing and treatment of large animals associated with the operation of the veterinary clinic.

County Assessor's records indicate that Building Permit #A11927 was issued for the construction of the clinic in 1971. The Assessor's records indicate that Building Permit #A17100 was issued for the construction of the barn with horse stalls in 1975. Assessor's records show that an 8-foot by 32-foot area between the clinic and the barn was a 256 square foot covered porch.

In 2002, in response to Code Enforcement action, the Fisher Coastal Permit (02-16) and Design Review (02-27) approvals permitted the conversion of a 1,440 square foot storage/barn structure previously permitted by the County for the care, housing, and treatment of large animals in conjunction with an existing veterinary clinic (Point Reyes Animal Hospital) to an office, lab, treatment, and storage space for the care of small animals. The approval also included the legalization of various improvements to the structure and the enclosure of a 256 square foot covered porch that connects the original storage/barn structure to the veterinary clinic structure constructed without benefit of County permits.

## **PROJECT ANALYSIS**

The current project submittal is in response to the need for onsite living space for the resident and visiting veterinarians. Currently, visiting veterinarians do not have ready access to living accommodations, making overnight stays (which are often needed to care for animals boarding at the clinic) difficult and expensive. In 2002, the applicant attempted to permit the existing office space as a residential second unit; however, at the time it was determined that because of limits to on-site percolation, an on-site sewage disposal system in compliance with Marin County Environmental Health Services regulations could not be constructed on site to serve the second dwelling unit. Therefore, the application was conditioned to convert the barn space to office/lab space/treatment space in conjunction with the existing veterinary clinic. Since that time, the newly constructed septic system has proved to have the capacity to serve a residential dwelling unit at the

property and as conditioned, the Environmental Health Services Department will require that the applicant obtain an individual sewage disposal Operating Permit and comply with all monitoring and maintenance provisions contained in the permit.

**Legal Non-Conforming Use**

The C-VCR:B-2 (Coastal Village Commercial Residential, 10,000 square feet minimum lot size), zoning district governs the subject property. Pursuant to Marin County Code (MCC) Section 22.57.123(6), a veterinary clinic on the subject property is a conditional use that requires Use Permit approval. In 1971 and 1975, when the County issued Design Review approvals and subsequent building permits for construction of the veterinary clinic and the appurtenant barn, the subject property was zoned M-1-H (Light Industrial with a Highway Frontage Combining District) which did not require Use Permit approval for a veterinary clinic operation. In April 1982, when the subject property was re-zoned by the County to C-VCR: B-2, its current zoning, Use Permit approval was required for veterinary hospitals and pet clinics located within the C-VCR zoning district. Therefore, under the current C-VCR zoning, the existing veterinary clinic operation is a legal non-conforming use. MCC Section 22.57.129 allows a legal non-conforming use that was lawfully established prior to the adoption of the C-VCR zoning district to be a conforming use, providing that the use existed at the time of the adoption of the C-VCR zoning district. However, the provisions of MCC Section 22.57.129 require that any expansion or enlargement of such pre-existing use, and/or the establishment and/or construction of any new structure or use subsequent to the adoption of the C-VCR zoning regulations shall conform to the governing zoning regulations.

The tables below delineate the use and floor area approved by the County prior to the C-VCR zoning designation and the proposed use and floor area.

**TABLE OF APPROVED USES AND FLOOR AREA**

<u>Use</u>	<u>Approved Floor Area Prior to C-VCR Zoning</u>
Veterinary Clinic Office Space	1,776 square feet of floor area
Garage/Stalls/Storage	560 square feet of floor area
Barns/Stalls	1,440 square feet of floor area
Covered Porch	256 square feet of floor area
<b>Total</b>	<b>4,032 square feet of floor area</b>

<u>Use</u>	<u>2002 Approved Floor Area</u>
Veterinary Clinic Office Space	2917 square feet of floor area
Storage	1115 square feet of floor area
<b>Total</b>	<b>4,032 square feet of floor area</b>

<b>Use</b>	<b>2008 Proposed Floor Area</b>
Veterinary Clinic Office Space	1,781 square feet of floor area
Residential Living Unit	1,136 square feet of floor area
Storage	1115 square feet of floor area
<b>Total</b>	<b>4,032 square feet of floor area</b>

Based on the review of County records, submitted plans, and site visits, Planning staff has determined that all of the existing and proposed floor area of the structures was constructed with County permits. Inasmuch as the current proposal is to modify portions of pre-existing County approved floor area associated with the veterinary clinic, staff has determined that these proposed modifications and uses and the associated improvements conform to the provisions of MCC Section 22.57.129 because there is no resultant expansion or enlargement of floor area over the pre-existing veterinary clinic facilities or use or construction of any new structures subsequent to the adoption of the governing C-VCR zoning regulations.

### ***C-VCR Zoning Performance Standards***

Marin County Code Section 22.57.125 requires all uses within the C-VCR zoning district to conform to specific performance standards. To assure compliance with the performance standards, recommended conditions of project approval require that: (1) all activities associated with the veterinary clinic shall be conducted entirely within the buildings and that no animals will be housed outside of the buildings without County approvals and permits; and (2) no activities shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration.

### ***Value of Riparian Systems and Protection of a 100-foot Stream Conservation Area (SCA) along Lagunitas Creek***

Lagunitas Creek, located along the southern portion of the subject property, is part of the creek system which feeds into Tomales Bay and supports runs of anadromous fish. Lagunitas Creek is a perennial water system, one of two of the largest creeks flowing into Tomales Bay and is a blue line creek as mapped by the U. S. Geological Survey (Inverness Quad). Therefore, the project site is subject to the Marin Countywide Plan Stream Conservation Area policies and the Marin County Local Coastal Plan, Unit II stream protection policies.

CWP Policies BIO-4.1 through 4.4 require the protection and preservation of riparian systems, streams, and their habitat areas because of their values for erosion control, water quality, fish and wildlife habitat areas, aesthetics, recreation and their contribution to the health of human communities. The policies designate a Stream Conservation Area (SCA) along all natural watercourses supporting riparian vegetation. The policies allow only specified development within the 100-foot SCA within the Coastal Recreation Corridor. Allowable uses in SCAs include existing, permitted or legal nonconforming structures or improvements, their repair and their retrofit within the existing footprint.

LCP, Unit II policies (LCP Natural Resource Policies 3 (c) and (d)) require buffer zones to protect streams from impacts of adjacent uses. The stream buffer shall include the area covered by riparian vegetation on both sides of the stream and the area 50 feet landward from the edge of the riparian vegetation, but in no case less than 100 feet in width as measured from the top of the stream banks. In addition, no construction, alteration of land forms or vegetation removal shall be permitted within the stream buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to identify and implement protection measures to water quality, riparian vegetation, and the rate and volume of stream flows. The LCP policies require that the design review process shall provide for restoration of disturbed areas by replacement landscaping with plant species naturally found on the site.

Through the County Design Review process, Planning staff has determined that no expansion of the footprint of the existing structure will result and no additions to the structure are proposed within the 100-foot SCA. Protection of riparian vegetation was required as a condition of approval in 2002. The project will not result in any removal of riparian vegetation or changes to the creek bank or bed. Therefore, the project conforms with the provisions of the CWP and LCP SCA policies.

## **CONCLUSION**

With the recommended conditions of approval imposed, Planning staff is able to make all the mandatory findings for Coastal Permit and Design Review approvals necessary to recommend approval of the proposed project. The project does not entail any additional floor area than what was approved by County permits in 1971, 1975, and 2002. The North Marin Water District provides water service to the subject parcel. Department of Public Works staff has approved the on-site parking and circulation areas. The Point Reyes Station Village Association has reviewed the proposed project and has provided no objections to the project.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Fisher Coastal Permit and Minor Design Review applications based on the findings and subject to the conditions contained in the attached Resolution.

- Attachments:
1. Proposed Resolution recommending approval of the Fisher Coastal Permit and Minor Design Review applications
  2. Environmental Review Document
  3. Assessor's Parcel Maps
    - a. Assessor's Parcel 119-235-09 "Lands of Fisher"
    - b. Assessor's Parcel 119-240-50 "Lands of Fisher"
  4. Project Plans
    - a. Site Plan
    - b. Floor Plan
  5. Elevation Diagram and Elevation Certificate, prepared by Stephen Flatland Land Surveying
  6. Parcel Map of Division of Harold Genazzi Property
  7. Department of Public Works, memorandum, 7/24/08
  8. Environmental Health Services, memorandum, 7/28/08
  9. Marin County Fire Department email, 5/19/08
  10. North Marin Water District, memorandum, 5/7/08
  11. Point Reyes Station Village Association, 5/8/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING  
THE FISHER COASTAL PERMIT AND MINOR DESIGN REVIEW APPLICATIONS  
11030 STATE ROUTE ONE, POINT REYES STATION  
ASSESSOR'S PARCELS 119-240-50 AND 119-235-09

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**SECTION I: FINDINGS**

- I. WHEREAS, Carole and Robert Fisher are requesting Coastal Permit and Minor Design Review approvals proposing to convert a 1,136 square feet of office, lab, and treatment space for the care of small animals into a residential living unit. The proposed converted space would be located at the rear of the current veterinary clinic and will support the existing operations of the veterinary clinic now in operation by providing housing to the resident and visiting veterinarians. The resultant 4,032 square foot structure will maintain the pre-existing floor area ratio of 5% on the approximately 73,375 square foot (1.6 acre) parcel located on the east side of State Route One, south of the town of Point Reyes Station. The structure is sited: approximately 75 feet from the side (south) property line located approximately at the centerline of Lagunitas Creek; approximately 37 feet from the rear (east) property line; approximately 212 feet from the side (north) property line; and approximately 68 feet from the front (west) property line. The project would be served by a existing on-site sand filter sewage disposal system located approximately 50 feet north of the veterinary clinic structure to replace the existing septic system. The North Marin Water District serves the property. Zoning of the property is C-VCR:B-2 (Coastal Zone, Village, Commercial Residential District, 10,000 square feet minimum lot size) **The subject property is located at 11030 State Route One, Point Reyes Station, and is further identified as Assessor's Parcels 119-240-50 and 119-235-09.**
- II. WHEREAS, the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 25, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project, as conditioned herein, is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 (c) of the CEQA Guidelines because it entails conversion and minor modifications of an existing small commercial structure (1,135 square feet) from office space to a residential living unit and will to be accessory to the veterinary clinic now in operation. The existing structure, approved by the County in 1975 prior to the adoption of the County and Coastal Act Stream Conservation Area (SCA) policies, is located approximately 50 feet from the top of the bank of Lagunitas Creek and within the 100-foot SCA buffer zone now required by County and Coastal policies. A County-approved sand filter on-site sewage disposal system serves the property and is located outside of the SCA and the existing leach fields, a portion of which is located with the 100-foot SCA, will be abandoned. No riparian vegetation along the creek bank has been disturbed or will be removed. The willow trees along the south side of the subject structure and adjacent to the creek bank, originally planted by the applicants, will remain in place. The project will not result in any potentially significant impacts on the creek or the surrounding environment and will not impact any identified natural resources.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as conditioned herein, is consistent with the goals and policies governing the Coastal Recreation Corridor of the Marin Countywide Plan for the reasons specified below.
- A. The small-scale residential proposal would be consistent with the C-RS (Coastal, Residential, Commercial) land use designation of the Countywide Plan .
  - B. The project would support employment opportunities in the Coastal Recreation Corridor and the Point Reyes Station community without adversely affecting agricultural areas, public open space, and surrounding neighborhoods.
  - C. The proposed project would be built in accordance with Marin County standards for geotechnical engineering and seismic safety.
  - D. The proposed project would not impact wetlands, sensitive habitat areas, or special status species of plants or animals.
  - E. The project would not generate significant air, water, or noise pollution; would not impact any identified archaeological sites; would not require tree removal; would not result in any significant soil disturbance; would not impact the visual qualities of the site; would be consistent with the scale of surrounding development; and would respect the surrounding natural environment.
  - F. The proposal would comply with governing development standards relating to, parking, grading, drainage, and utility improvements as verified by the Department of Public Works.
  - G. The project would not result in significant traffic generation or off-site circulation impacts that would degrade the level of any traffic service of any intersection in the project vicinity and would provide sufficient on-site parking in accordance with the requirements of the Marin County Department of Public Works.
  - H. The project would comply with all Stream Conservation Area (SCA) policies as the construction of the structure associated with the project was approved by the County in 1971 and 1975 prior to the adoption of the SCA policies and the project does not entail construction of any additional floor area or improvements within the 100-foot SCA. In addition, the riparian vegetation along the creek bank of Lagunitas Creek would be preserved for its habitat value and protection of the creek channel and water quality.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project, as conditioned herein, is consistent with the policies of the Local Coastal Program Unit II for the reasons specified below.
- A. The proposed project is consistent with local coastal policies of the Coastal Recreation Corridor, which is generally designated for small-scale mixed uses, including light industrial uses, within the coastal village areas where infrastructure and facilities are available.
  - B. The proposed project would result in development that is compatible with development in the coastal zone in general and the downtown area of Point Reyes



Station in particular without affecting public access, views, recreational opportunities, or natural resources.

- C. The proposed project would comply with applicable standards for development contained in the Local Coastal Program, Unit II including water, sewage disposal, and parking.
  - D. The proposed project would be consistent with the semi-rural, village character of the built environment of Point Reyes Station, which encourages a mix of residential, commercial, and light industrial facilities.
  - E. The design of the proposed project would be compatible with the scale (bulk, mass, and height) and appearance of the surrounding neighborhood and would be subordinate to the area's natural setting.
  - F. The project would not adversely affect creek and riparian habitats values along Lagunitas Creek nor result in impacts that would degrade environmentally sensitive habitat areas.
  - G. The project would not have significant adverse effect either individually or cumulatively on coastal resources, would not obstruct or significantly degrade views to and along the coast, and would not have an adverse affect on the scenic and visual qualities of surrounding coastal areas.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project, as conditioned herein, is consistent with the policies of the Point Reyes Station Community Plan because it provides a mix of residential and a low-intensity commercial use that serves the local community and is compatible with surrounding residential uses. As conditioned herein, the project would not jeopardize the ecological systems or aesthetic values of the creek banks or Lagunitas Creek.
- VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project conforms to the requirements and objectives of the Local Coastal Program, Unit II, and is consistent with the mandatory findings to approve a Coastal Permit pursuant to Marin County Code Section 22.56.130, as specified below.
- A. The North Marin Water District provides water service to the subject property and the proposal will not require additional water service. Upon inspection by the Marin County Building Safety and Inspection Division and through the building permit process, should the applicants be required to install a fire sprinkler system, it may be necessary for the applicants to make arrangements with the District to upgrade meter sizes to provide the required flows for the fire sprinkler system.
  - B. The Marin County Community Development Agency, Environmental Health Services Division has determined that the existing on-site sewage disposal system is adequate to serve the veterinary clinic operation provided that the applicant obtain and continuously maintain an individual sewage disposal Operating Permit from the Environmental Health Services Division and comply with all monitoring and maintenance provision specified therein.
  - C. No grading is associated with the proposed project.

- D. Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located within an area designated as having high archaeological sensitivity. However, the site is a disturbed site, having been originally developed in the 1970s and no grading is proposed. Project approval requires that if any archaeological resources are found during construction activities, a condition of approval will require that all work must stop until an analysis is completed and the archaeological resources are protected.
- E. The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible.
- F. The proposed project consists of the conversion of a portion of an existing structure from use as part of the pre-existing veterinary clinic providing services and treatments for small animals to use as a residential unit for the resident and visiting veterinarians..
- G. The southern portion of the property is within the creek bed of Lagunitas Creek, perennial water system and a blue line creek as mapped by the U. S. Geological survey (Inverness Quad) and subject to the Marin Countywide Plan Stream Conservation Area (SCA) policies and the Local Coastal Program, Unit II stream protection policies. All structures are pre-existing structures prior to the adoption of the County SCA policies. No new development or additional floor area is proposed or approved within the SCA.
- H. 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. The southern most portion of the subject property is located within Lagunitas Creek. The California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that Lagunitas Creek supports anadromous fish, including the special species: coho salmon and steelhead trout. The subject development has existed in its current position since 1971 and 1975 without harm to the creek environment. The riparian vegetation has been preserved and conditions of approval prohibit its removal. No development has occurred or will be allowed closer to the creek bank (50 feet) than already exists. Therefore, it is unlikely that the project will have any effect or impact the anadromous fish or their habitats within Lagunitas Creek.
- J. 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 the habitat area for any rare or endangered plant species. Project approval does not allow the removal of any riparian habitat vegetation.
- K. The project site is located approximately within one mile of the delineated boundaries of the San Andreas Fault Zone as identified on the Alquist-Priolo Special Studies Zone Map. The property would be subjected to strong ground shaking during a proximate seismic event. The proposed structure will require an approved building permit to ensure compliance with County seismic safety standards and construction will be inspected by Building Inspection staff to ensure compliance with the County building codes.

- M. The proposed project does not entail expansion of public roads, flood control projects, or utility services.
- N. No land division or property line adjustment is proposed as part of this project.
- O. The existing structure is compatible with the character of the surrounding environment and does not result in visual impacts. The minor exterior improvements consisting of new wood siding and new windows would not result in any visual or aesthetic impacts to surrounding areas or obstruction of public views.
- P. The proposed project would not impact recreation or visitor facilities within the Point Reyes Station community. The proposed project provide commercial and residential uses on the project site in conformance with the governing VCR (Village Commercial Residential) zoning regulations, which support a mixture of residential and commercial uses.
- Q. The project site is located within the historic preservation boundaries for Point Reyes Station as identified in the Marin County Historic Study for the Local Coastal Program. However, The existing structure, which is not identified on the Point Reyes Station Archaeological and Historical Resource Survey, prepared in 1976 by the North Marin County Water District, is not considered of historic significance architecturally as it was constructed after 1930 and does not embody a significant architectural style or method of construction.

VIII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Design Review pursuant to Marin County Code Section 22.82.040 because the project entails only interior improvements to an existing structure that incorporates height, mass, and bulk characteristics that are proportional to the project site. As conditioned herein all activities associated with the operation of the veterinary clinic facility would be located within the interior of the structure. The project would not result in adverse physical effects on the natural environment.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fisher Coastal Permit (CP 08-45) and Minor Design Review (DM 08-51) applications pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code subject to the conditions specified below. The approval permits the conversion of a 1,136 square feet of office, lab, treatment, and storage space for the care of small animals into a residential unit. The proposed converted space is located at the rear of the current veterinary clinic and shall be used strictly in conjunction with the veterinary clinic now in operation. The resultant 4,032 square foot structure shall maintain the pre-existing floor area ratio of 5% on the approximately 73,375 square foot (1.6 acre) parcel located on the east side of State Route One, south of the town of Point Reyes Station. The structure is sited: approximately 75 feet from the side (south) property line located approximately at the centerline of Lagunitas Creek; approximately 37 feet from the rear (east) property line; approximately 212 feet from the side (north) property line; and approximately 68 feet from the front (west) property line. **The subject property is located at 11030 State Route One, Point Reyes Station, and is further identified as Assessor's Parcels 119-240-50 and 119-235-09.**

Marin County Community Development Agency - Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Office Remodel," consisting of 2 sheets prepared by Rich Lincoln, dated 4/8/08 and received 7/21/08, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community

Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A-1" and shall supersede "Exhibit A."

- a. The Building plans must include a note and/or specification that the entry to the dining room is to be arched. A half wall would also be acceptable.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
  3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
  4. Exterior lighting shall be the minimum necessary for safety purposes, and shall be located and/or shielded so as not to cast glare on nearby properties.
  5. 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.
  6. All construction activities shall comply with the following standards:
    - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**.. No construction shall be permitted on Sundays and the following holidays (New

Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
7. 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.
8. 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 Fisher Coastal Permit and Minor Design Review, for which action is brought within the applicable statute of limitations.
9. 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.
10. 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.
11. 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.
12. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the special development restrictions relative to septic system performance monitoring.

Marin County Community Development Agency – Environmental Health Services Division

13. The applicant shall obtain and continuously maintain an individual sewage disposal Operating Permit from the Environmental Health Services Division for the onsite sewage

disposal system serving the building. The applicant shall comply with all monitoring and maintenance provisions specified therein.

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

14. BEFORE ISSUANCE OF A BUILDING PERMIT:

- a. The project is in a Special Flood Hazard Area, Zone A5, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0208A revised March 1, 1982). The County has determined the Base Flood Elevation (BFE) to be 15-feet NGVD-1929. Also, the property is within a FEMA designated Flood Way. Label Special Hazard Flood Area information on Site Plan and show the BFE on all elevation views of the proposed project.
- b. Either provide a FEMA Elevation Certificate showing the lowest floor is above the Base Flood Elevation or provide to DPW a real estate appraisal of the depreciated value of the structure (prior to any proposed improvements if unpermitted). The appraisal must show the cost of structures separately from the value of the land. Provide to DPW a verifiable cost estimate following FEMA technical guidance manual(s). Should the cost to value ratio exceed 50%, the lowest floor elevation for the entire structure shall be raised at or above the BFE. If the lowest floor elevation of the structure is below the BFE, a cost to value analysis is also required.
- c. If the lowest floor elevation of the structure is before the BFE, revise plans to indicate that all new construction below the BFE is constructed with materials resistant to flood damage. Construction of floor joists, floor insulation, hot water heaters and HVAC components below the BFE shall meet the requirements of FEMA Technical Bulletins 2-93 and 11-01. Electrical and sanitary utilities shall also meet FEMA Technical Bulletins.
- d. Clearly show detailed plans and dimensions of handicap parking space, access isle and signage.
- e. Indicate the path-of-travel from the access isle to the main entrance of the public portion of the building and provide sufficient information to verify that it will comply with CCR Title 24, 1127B.1. ADA parking and access isle slopes shall not exceed 2% in any direction. Also, the path-of-travel shall have a smooth, firm and slip resistant surface and shall not exceed a linear slope of 5% and a cross slope of 2%.
- f. Propane tanks shall be securely anchored to resist flotation or lateral movement.

Marin County Fire Department

15. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that a fire sprinkler system has been satisfactorily installed.
16. 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

17. The North Marin Water District currently provides potable domestic water service to the property. If fire sprinklers are required, replacement of the existing lateral and meter will be necessary in order to provide the flow required by the sprinkler system. The applicant shall contact the District to arrange for this upgrade. This response applies to domestic water service only and not water required by the Fire District for fire protection. The applicant should contact the appropriate Fire District to determine the fire protection requirements.

18. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service upgrade has been completed.

**VESTING:**

The applicant must vest this approval by: (1) obtaining a Building Permit or other construction permit, if required, for the approved work and substantially completing the improvements in accordance with the approved permits; and/or (2) commencing the allowed use on the property, in compliance with the conditions of approval; and/or (3) recording a Record of Survey and/or plat map with revised legal descriptions by September 25, 2010, 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 Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3of the Marin County Code.

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

**RIGHT TO APPEAL**

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 October 2, 2008.

**SECTION IV: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25<sup>th</sup> day of September 2008.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary