

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – September 25, 2008**

Hearing Officer      Johanna Patri, AICP  
   Jeremy Tejrjian, AICP

Staff Present:        Veronica Corella Pearson, Planner  
   Scott Greeley, Planner  
   Loraine Jackson, Assistant Planner  
   Kristina Tierney, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.  
Adjourned at 9:17 A.M.  
Reconvened at 9:18 A.M.  
Adjourned at 9:29 A.M

September 25, 2008

**C1. COASTAL PERMIT (CP 08-11), AND DESIGN REVIEW (DR 08-10):  
PETER LAMBERT**

A proposal requesting Coastal Permit and Design Review approval for the demolition of an existing single-family residence and replacement with a new 1 bedroom, 1.5 bath single-family residence. The existing residence is 1,378 square feet in size with a 665 square foot, detached studio. The proposed residence would be 3,025 square feet in size with a 779 square foot 2-car garage. The proposed exterior materials for the new home are: wood siding, stone garage and retaining walls, copper and solar paneled roofing. The existing studio would also be renovated to include: 1) a new bathroom; 2) remove existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing below deck; 5) concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) breeze way connection to the proposed new residence. Also proposed is: 1) a new driveway; 2) new landscaping; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; 6) removal of 15 trees; and 7) new planters and hardscaping. The proposed trees for removal are all Monterey pine (*Pinus radiata*) and range in size from 7 inches to 36 inches in diameter. The subject property is located at **100 Sunset Way, Muir Beach**, and is further identified as **Assessor's Parcel 199-221-20**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated September 19, 2008, asking for a continuation to obtain a biological assessment to determine potential habitat value on the property as a special status species, and to determine the level of Environmental Review required for this project.

The Hearing Officer acknowledged receipt of an e-mail from the applicant to staff, requesting that the public hearing not be cancelled, and testimony be taken.

Staff stated that a new site plan has been submitted and the number of trees proposed for removal has been reduced.

The public testimony portion of the hearing was opened.

Joe Droshin, applicant, spoke, requesting that the assessment be a Condition of Approval rather than continue the hearing. The owner will do any mitigations requested for the butterfly assessment.

The public testimony portion of the hearing was closed.

The Hearing Officer continued the hearing for the following reasons:

- A biological assessment is needed now. In accordance with the provisions of CEQA, a project cannot be approved contingent on the outcome of future studies and mitigations;
- Because the biological assessment has not been prepared, the potential mitigations are not known at this time; and
- A staff report and resolution have not been prepared on which to base the findings and conditions.

The applicant questioned the Hearing Officer on the fire departments guidelines regarding the impact of trees that are close to the residences.

The Hearing Officer continued the item to a date uncertain and directed staff to renotice the project with a new hearing date.

# Marin County Community Development Agency

---

Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Robert and Diana Ekedahl  
Application (type and number): Coastal Permit (CP 09-6)  
Assessor's Parcel Number: 193-142-23  
Project Location: 47 Terrace Avenue, Bolinas  
For inquiries, please contact: Scott Greeley, Planner  
Decision Date: September 25, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the September 25, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-10.

Marin County Community Development Agency

---

Johanna Patri  
Hearing Officer

## **C2. COASTAL PERMIT (CP 09-6): ROBERT AND DIANA EKEDAHL**

A proposal requesting a Coastal Permit approval to install 12 drilled piers and grade beams on a residentially developed property in an attempt to stabilize the Bolinas bay-side bluff. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction. The subject property is located at **47 Terrace Ave, Bolinas**, and is further identified as **Assessor's Parcel 193-142-23**.

The Hearing Officer acknowledged receipt of a supplemental memorandum from staff dated September 25, 2008, regarding four additional Conditions of Approval submitted by Dave Nicholson, Department of Public Works staff. Staff summarized the comments and asked that they be incorporated into the Condition of Approval as Conditions #'s 7, 8, 9, and 10.

The public testimony portion of the hearing was opened.

The applicant, Stacy Ford, architect, was present and had no concerns regarding the Condition of Approval.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's recommendations and added the following Conditions to the resolution:

7. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
8. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or three feet when backfill area is sloped or has a surcharge.)
9. Submittal of an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15th and April 15th.
10. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner. No road closures are allowed without the expressed approval of the County of Marin Board of Supervisors.

The Hearing Officer concurred with staff's analysis and approved the Ekedahl Coastal Permit, 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. 08-147  
A RESOLUTION APPROVING THE EKEDAHL COASTAL PERMIT  
47 TERRACE AVE, BOLINAS  
ASSESSOR'S PARCEL 193-142-23

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS, Geo Engineering, Inc., on behalf of Robert and Diana Ekedahl, is seeking Coastal Permit approval to install 12 drilled piers and grade beams to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction. **The subject property is located at 47 Terrace Ave at Bolinas, and is further identified as Assessor's Parcel 193-142-23.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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 is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails minor physical improvements to shore up the Bolinas bay-side bluff and would not result in potentially significant impacts to the environment.
- IV. 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 22.56.1301 of the Marin County Code) as specified below.
  - A. Water Supply

The proposed project will have no impact upon the water supply because it is not expanding or impacting residential use.
  - B. Septic System Standards

The proposed project would have no impact upon local septic systems because it is not expanding or impacting residential use.
  - C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary because the removal necessary amounts to only what is needed to install the proposed beams.

#### D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. Given the nature of the project, which amounts to the installation of 12 drilled piers and grade beams to shore up the steep slopes to protect Terrace Avenue and no recognized historic structures in the area, no impact is expected, however a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

#### E. Coastal Access

The proposed project would have no negative impact upon coastal access because the project, upon completion would create no new physical impediments on the site.

#### F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community because it is not expanding, impacting, or impinging future residential use.

#### G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to streamside conservation policies of the Local Coastal Program.

#### H. Dune Protection

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue and would not disturb natural dunes.

#### I. Wildlife Habitat

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The proposed project area is at the top of a very steep slope looking down upon the beach. The only identified potential vulnerable species, according to the California Natural Diversity Database, prepared by the State Department of Fish and Game, is the Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*). The species, if it still exists, is known to make its home in pond habitats. Given the nature of the project, which is to stabilize the Bolinas bay-side bluff with 12 drilled piers and grade beams, which upon completion is to have no noticeable impact upon the site and the existing steepness of the slope and little likelihood of significant species being present, the project is not anticipated to have a substantial impact on wildlife habitat.

#### J. Protection of Native Plant Communities

Review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the property includes federally and state listed species. These species include the Coast Yellow Leptosiphon (*Leptosiphon croceus*) and the Robust Walker (*Pomatiopsis binneti*). Since the proposed project entails the installation of 12 drilled piers and grade beams on a significantly steep slope, which are to be buried and do not involve

substantial grading or vegetation removal, in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue, no long term impact on native plant communities is anticipated.

K. Shoreline Protection

The Local Coastal Program states that new structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies. Terrace Avenue is one of two access roads to additional residential communities in Bolinas. The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue, not the onsite residence. Terrace Avenue was built prior to the adoption of the Local Coastal Program. The proposed project will help to ensure continued stability of one of only two access roads and reduce potential erosion impacts caused by the storms which hit Bolinas in January 2006. According to the attached letter from GeoEngineering, Inc, dated August 30, 2008, Terrace Avenue is at serious risk of erosion, which could result in potentially serious emergency access issues to these outer portions of Bolinas in the event of a major storm or other event which would require evacuation of the community. The Department of Public Works also acknowledges that this project needs to be completed in order to serve and protect the broader community and have offered no other alternatives which could serve the same purpose. The project is therefore anticipated to provide additional shoreline protection, with minimal impact.

L. Geologic Hazards

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

M. Public Works Projects

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

N. Land Division Standards

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

O. Visual Resources

The proposed project entails the installation of 12 drilled piers and grade beams in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will not be visible upon completion of construction.

P. Recreation/Visitor Facilities

The project will have no impact upon recreation or visitor facilities because the proposed project is entirely upon private property and will not create barriers to accessing existing recreation/Visitor facilities.

## Q. Historic Resource Preservation

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

## SECTION II: CONDITIONS OF PROJECT APPROVAL

### Marin County Community Development Agency, Planning Division

1. The applicant is requesting Coastal Permit approval to install 12 drilled piers and grade beams on a residentially developed property in an attempt to stabilize the Bolinas bay-side bluff to support Terrace Avenue. The beams will be approximately 48 feet in length and 18 inches wide. The beams will not be visible upon completion of construction. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A.1," entitled, "Addition to the Ekedahl Residence," consisting of two sheets prepared by Robert Settgast, Engineer, received September 2, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
3. All construction activities shall comply with the following standards:
  - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
4. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.

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

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

7. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge).
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15th and April 15th.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner. No road closures are allowed without the expressed approval of the County of Marin Board of Supervisors.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before September 25, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **October 2, 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 25<sup>th</sup> day of September 2008.

---

JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
DZA Secretary

# Marin County Community Development Agency

Alex Hinds, Director

## NOTICE OF DECISION

Applicant's Name: Greg and Heidi Sheffer  
Application (type and number): Variance (VR 08-16), and Design Review Clearance (DC 08-96)  
Assessor's Parcel Number: 047-021-09  
Project Location: 319 Edgewood Avenue, Mill Valley  
For inquiries, please contact: Lorene Jackson  
Decision Date: September 25, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the September 25, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-19.

Marin County Community Development Agency

---

Jeremy Tejrjian, AICP  
Hearing Officer

**C3. VARIANCE (VR 08-16), AND DESIGN REVIEW CLEARANCE (DC 08-96):  
GREG AND HEIDI SHEFFER**

A proposal requesting approval to expand an existing 2,192 square foot single-family residence to 3,543 square feet. The existing home currently encroaches 11.5 feet into the required 25-foot front setback along the south driveway easement. A Variance is required for the following changes within that encroachment to 1) increase the existing maximum height from 17 feet to 23 feet and 2) further encroach into the front setback by 7 feet (28%) for a roofed entry landing. As proposed, the residence would result in a floor area ratio (FAR) of 31.8% on the 11,292 square foot parcel. The project qualifies for a Variance Exemption for the FAR (Sections 22.54.040) and requires Design Review Clearance. The proposed residence would attain a maximum height of approximately 30 feet above existing grade and maintain the following setbacks: 25 feet from the north front property line along Edgewood Avenue, 6.5 feet from the west side property line, 13.5 feet from the south front driveway easement, and 15 feet from the east side property line.. The subject property is located at **319 Edgewood Avenue, Mill Valley**, and is further identified as **Assessor's Parcel 047-021-09**.

In response to the Hearing Officer, staff stated that she had not received any additional correspondence since the issuance of the staff report. She noted some of the special circumstances that warranted the Variance including the irregular shaped lot, the steep topography, and the neighbors who all have front entryways, while the applicant must enter through the side. She further noted that no living space was added, just a front entry and sloped roof over the garage.

The applicant was present and available for comments.

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

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

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-148

A RESOLUTION APPROVING THE SHEFFER VARIANCE AND DESIGN REVIEW CLEARANCE  
319 EDGEWOOD AVENUE, WILL VALLEY  
ASSESSOR'S PARCEL 047-021-09

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Ann Bool, on behalf of the owners, Greg and Heidi Sheffer, is requesting a Variance and Design Review Clearance approval to expand an existing 2,192 square foot single-family residence to 3,543 square feet. The existing home currently encroaches 11.5 feet into the required 25-foot front setback along the south driveway easement. A Variance is required for the following changes within that encroachment to 1) increase the existing maximum height from 17 feet to 23 feet and 2) further encroach into the front setback by 7 feet (28%) for a roofed entry landing. As proposed, the residence would result in a floor area ratio (FAR) of 31.8% on the 11,292 square foot parcel. With Design review, the project qualifies for a Variance Exemption for the FAR (Sections 22.54.040). The proposed residence would attain a maximum height of approximately 30 feet above existing grade and maintain the following setbacks: 25 feet from the north front property line along Edgewood Avenue, 6.5 feet from the west side property line, 13.5 feet from the south front driveway easement, and 15 feet from the east side property line. The subject property is located at 319 Edgewood Avenues, Mill Valley, and is further identified as Assessor's Parcel 047-021-09.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing September 11, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because it entails an addition to an existing single-family residence that would not result in 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 (CWP) for the following reasons:
  - A. The proposed project would comply with the CWP SF6 Land Use Designation as a single family residence;
  - B. 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;
  - C. 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;
  - D. 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
  - E. 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 Tamalpais Area Community Plan because:
- A. The proposed project involves construction of additional living space to an existing single-family residence, which is a principally permitted use of the property, which is on standard size lot for the R-1 zoning district.
  - 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.
  - D. The subject property maintains adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - E. The proposed project will not exceed a maximum height of 30 feet above natural grade.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a **Variance** with modifications (Section 22.54.050 of the Marin County Code).
- A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

Because of special circumstances applicable to the physical characteristics of the property, particularly topography and two front yard setbacks, strict application of the development standards of the R-1 zoning district would deprive the subject property of privileges enjoyed by other properties in the vicinity with the identical zoning. The subject property is very steep, exceeding a 45 percent slope downhill from the building envelope of the existing house and proposed addition. The existing house is currently situated within the 25-foot front yard setback from a driveway easement shared with five neighbors.

The existing house and attached garage encroaches into the 25-foot front setback by up to 11.5 feet. This Variance will address the following changes within the front setback: 1) A proposed new roofed porch will encroach an additional 7 feet beyond the existing house, for a total encroachment of 14.5 feet into the front setback. 2) The proposed 1,351 square-foot two-story addition would be stepped back 11 feet over the garage and one foot over the existing first floor of the house. The maximum height within the front encroach would increased from 9 feet to 12.6 feet over the garage to accommodate a pitched roof that will help reduce the mass and bulk of the second-floor addition. The maximum height over the existing house would increase from 17 feet to 23 feet, but would be stepped back one foot on the second floor, again to reduce the mass and bulk of the existing and propose second floor. The increased height and space within the second floor encroachment reclaims more useable space in the master bedroom that had been constricted with tapered ceiling heights from the existing gambrel (barn style) roof line.

The five homes located along the shared driveway easement encroach into the 25-foot front setback; the two adjoining homes encroach with two-story structures. Therefore, strict application of the zoning ordinance setback would deprive the property owners of privileges enjoyed by neighboring properties.

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

The proposed addition would result in no detriment with respect to light, air, privacy, and views to surrounding properties. The proposed addition would be located along the front and northern side of the existing residence, and is similar in mass and location to surrounding structures. Also, the addition has been designed to architecturally improve the existing structure and be consistent with the surrounding community. Based on these factors, the proposed work would not result in adverse impacts to the public welfare or surrounding properties. The Tamalpais Design Review Board has reviewed and approved the additions within the setback and neighboring property owners have not raised objections to the increase mass and bulk of the proposed addition. Overall, the proposed project would meet the applicant's objectives without adversely impacting the character of the local community.

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

Review of planning records indicates two nearby properties, under the same zoning, have previously been granted Variance approval for setback encroachments. Consequently, approval of the proposed Variance would be consistent with previous County actions in the community.

Further, all homes located along the shared driveway easement encroach in 25-foot front setback; the two adjoining homes encroach with two-story structures. Therefore, granting a front yard setback Variance for the subject property would not constitute a special privilege that is inconsistent with the limitations placed on other properties in the vicinity.

**D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.**

The granting of this Variance would not allow or authorize a use or activity that is not otherwise expressly authorized by the governing R-1 zoning district regulations because it involves additions to a single-family residence, a permitted use.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review Clearance per Section 22.42.020.B7 of the Marin County Development Code can be made. The proposed project is minor and incidental to the existing single-family residential use on the property and within the intent and objectives for Design Review, based on the following findings:

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

- B. The proposed project will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and right-of-ways;
- C. The proposed project will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-ways;
- D. The proposed project will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);
- E. The proposed development will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or placement.
- F. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Sheffer Variance (VR 08-16) and Design Review Clearance (DC 08-96) 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 Sheffer Variance and Design Review Clearance are approved to expand an existing 2,192 square foot single-family residence to 3,543 square feet. The existing home currently encroaches 11.5 feet into the required 25-foot front setback along the south driveway easement. A Variance is required for the following changes within that encroachment to 1) increase the existing maximum height from 17 feet to 23 feet and 2) further encroach into the front setback by 7 feet (28%) for a roofed entry landing. As proposed, the residence would result in a floor area ratio (FAR) of 31.8% on the 11,292 square foot parcel. With Design Review, the project qualifies for a Variance Exemption for the FAR (Sections 22.54.040). The proposed residence would attain a maximum height of approximately 30 feet above existing grade and maintain the following setbacks: 25 feet from the north front property line along Edgewood Avenue, 6.5 feet from the west side property line, 13.5 feet from the south front driveway easement, and 15 feet from the east side property line. The subject property is located at 319 Edgewood Avenues, Mill Valley, and is further identified as Assessor's Parcel 047-021-09.
2. Plans submitted for a building permit shall substantially conform to the following plans on file in the Marin County Community Development Agency and identified as **Exhibit A2**, sheet A3 entitled "Existing Elevations", prepared by TAM Design and received March 31, 2008, **Exhibit E** consisting of 7 sheets (A1 to A7), entitled "Sheffer Residence", prepared by Ann Bool, received July 31, 2008, **Exhibit F** entitled "Plot Plan with Elevations", prepared by Jacobs Land Surveying, received August 5, 2008, and **Exhibit G** entitled "Sheffer Residence Proposed Materials" received April 16, 2008.

3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as Exhibit G, prepared by the applicant, received April 16, 2008, and on file with the Marin County Community Development Agency including:
  - a. Siding – Benjamin Moore Sea Pine AC-17
  - b. Roof – Dark Gray Composition Shingle
  - c. Trim – Benjamin Moore Swiss Coffee OC-45

Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.

4. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color.
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. Plan sheets A2 to A4 shall be revised to correctly show true north.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall hire a certified arborist to evaluate the health of the trees and expected impacts from the proposed project. A copy of the arborist report shall be submitted to the Community Development Agency. Any trimming of the oak trees shall be done in accordance with the arborist report. Additionally, the applicant shall construct a pier-and-grade-beam rather than perimeter foundation.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around trees and vegetation to be retained 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 site photographs confirming installation of the fencing to the Community Development Agency.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall confirm with the Community Development Agency the location and species of four replacement trees (2 for 1) to be planted on their property. Alternatively, the applicant can contribute \$500.00 per tree removed and not replaced to the County Tree Preservation Fund with the County of Marin Parks and Open Space Department and provide a receipt of such payment to the Planning Division.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a “Certified” or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the “Certified” or better rating.
12. 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.

13. 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.
14. 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.
15. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Sheffer Variance 08-16 and Design Review Clearance 08-96, 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.
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.
17. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines.

18. BEFORE FINAL INSPECTION, the applicant shall verify to the Community Development Agency that any replacement trees required in Condition 10 have been planted.

Department of Public Works – Land Use & Water Resources

19. If the applicant decides to repair the existing rock wall at driveway entrance, the new wall shall be relocated outside of driveway easement.

**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 25, 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 22.82.130 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 October 9, 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 25<sup>th</sup> 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: Robert and Carol Fisher  
Application (type and number): Coastal Permit (CP 08-45), and Design Review (DM 08-51)  
Assessor's Parcel Number: 119-240-50  
Project Location: 11030 A State Route 1, Point Reyes Station  
For inquiries, please contact: Kristina Tierney, Planner  
Decision Date: September 25, 2008

**DETERMINATION: Approved with Conditions**

Minutes of the September 25, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

---

Jeremy Tejrjian, AICP  
Hearing Officer

**H1. COASTAL PERMIT (CP 08-45), AND DESIGN REVIEW (DM 08-51):  
ROBERT AND CAROL FISHER**

A proposal 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. The subject property is located at **11030 A State Route 1, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-240-50**.

In response to the Hearing Officer, staff stated that the on-site sand filter septic system is in place, and is being monitored by our Environmental Health Services staff.

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

The Hearing Officer concurred with staff's analysis and approved the Fisher 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 08-149

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

\*\*\*\*\*

**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 1,1,36 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.

---

JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

---

Joyce Evans  
DZA Secretary