



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR			
LAMBERT COASTAL PERMIT AND DESIGN REVIEW			
Item No:	C1	Application No:	CP 08-4 and DR 08-6
Applicant:	Joe Drosihn Architecture	Owner:	Peter Lambert
Property Address:	100 Sunset Way, Muir Beach	Assessor's Parcel:	199-221-20 (Formerly 199-221-04 and -08)
Hearing Date:	February 26, 2009	Planner:	Veronica Corella-Pearson
	RECOMMENDATION:		Approved with Conditions
	APPEAL PERIOD:		5 working days to the Planning Commission
	LAST DATE FOR ACTION:		April 5, 2009

PROJECT DESCRIPTION:

The applicant, Joe Drosihn Architecture, on behalf of the owner Peter Lambert, is 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 2,801 square feet in size with an attached 945 square foot 2-car garage on the 19,558 square foot lot. The project would result in a total floor area of 3,944 square feet and a Floor Area Ratio (FAR) of 20%. The residence would have a maximum height of approximately 24.5 feet. The proposed exterior materials for the new home are: wood siding, stone sided garage and retaining walls, metal and solar paneled roofing. Also proposed is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*). The project incorporates wheelchair accessibility features which are necessary to accommodate the owner's needs. Design Review approval is required since the project does not meet the minimum lot size based on slope (Marin County Interim Code Section 22.73.010).

The existing studio would also be remodeled and include the following work: 1) installation of a bathroom; 2) removal of existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing the area below the deck; 5) a concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) a breeze way connection to the proposed new residence.

GENERAL INFORMATION:

Countywide Plan: C-RA-B2 (Coastal, Residential Agricultural, Minimum lot area 10,000 sq.ft)
 Zoning: C-SF5 (Coastal, Single-family Residential, 2-4 units/acre)
 Lot size: 19,558 square feet

Adjacent Land Uses: Residential
Vegetation: Monterey pine, Monterey cypress, and non-native plants
Topography and Slope: Moderate to steeply sloping lot
Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a single family residence on a developed lot, which will be located within the footprint of the existing residence and will not result in adverse impacts to sensitive species (see Attachments 18 and 19).

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property. Two letters have been received in support of the project from 90 and 109 Sunset Way.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Muir Beach Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

BACKGROUND

In August of 2007, Peter Lambert applied for Merger approval to combine former Assessor's Parcel Numbers 199-211-04 and -08. In September of 2007 the merger was approved and Assessor's Records has updated their maps to reflect the new Assessor's Parcel Number as 199-221-20. The owner has also recorded an Amendment and Modification of Easement Agreement with the owners of APN 199-221-05 (see Attachment 9) to allow for the following work to occur on the land preserved in the Open Space Easement agreement dated November 27, 2006: 1) planting and maintaining vegetation; 2) installation of a septic system for APN 199-22-20; and 3) for the construction of patios, terraces and other similar structures in conjunction with the proposed project.

EXISTING CONDITIONS:

The project site is developed with a 3 bedroom, 1,378 square foot house, 665 square foot studio and a failing septic system. There is no parking available on site, and the driveway is steeply graded and does not meet the Department of Public Works requirements. The site is vegetated with nonnative French broom, English ivy, and other nonnative grasses. There are a number of Monterey pines and Monterey Cypress which range in size from 7 inches to 36 inches in diameter. In 2006 eight Monterey pines that were heavily infected with Pine pitch canker were removed, and 13 trees were pruned in an effort to eradicate infected stems. The treated trees were reevaluated by an arborist in 2008 and it was found that the disease had progressed to a more advanced state and it was recommended that all formerly treated trees be removed.

Neighborhood Character

The project site is located on Sunset Way, where many of the adjacent homes range in size from approximately 1,225 square feet to 2,866 square feet in size, with a Floor Area Ratio (FAR)

between 8% to 29%. The proposed project would have a total floor area of 3,994, with a FAR of 20%. The total floor area is greater than the average in the community, yet this area calculation includes elevators, stairs and landing, and a large garage, which have all been designed to allow for safe entry, exit and movement with a wheelchair.

The community has an eclectic mix of home sizes and designs (see Attachment 17), and many of the homes are prominent on the landscape. These homes may not have a calculated floor area as great as the proposed project, yet they are elevated on piers and lack articulation and stepbacks, therefore creating a large amount of understory space, and unbroken walls which adds significantly to the visual mass and bulk.

PROJECT ANALYSIS:

Site Analysis and Building Design

The proposed project would remove an existing derelict house and would replace it with a new residence which would be placed within the footprint of the existing residence and expand southeast towards the front property line. The project would excavate the southeast corner of the property to accommodate the new garage and driveway. Due to the steepness of the lot, the garage is located in the front yard setback, but conforms to section 22.72.055 of the Marin County Interim Code which allows for encroachments when the elevation at the front property line is five feet or more above the elevation of the established street.

The existing residence is two storied with a large unusable understory. The proposed new residence would step up the hill and be more compatible with the topography of the site. The residence incorporates a living roof on the garage and natural rock from the Napa Quarry. The design of the residence is broken into smaller components and incorporate stepbacks to reduce effective visual bulk. The architectural design of the garage and residence incorporates articulations and height changes which minimize mass and bulk, add variety to the building elevations, and serve to reduce the roof mass. In addition, there are no unbroken vertical walls on the structure that exceed a height of 13 feet. The roof of the garage and bedroom level would be used as deck space for the upper levels and the slopes of the roof are oriented in the same direction as the natural slope. Therefore, the project would minimize adverse visual effects related to design and building massing.

The project incorporates a number of green design features, such as solar panel roofing and a living roof on the garage, and would meet the highest Green Building Rating of "Platinum." The residence has been designed to accommodate the wheelchair accessibility needs of the owner by incorporating two elevators, additional area in the garage and stair landings, and a bridge between the residence and studio. The applicant has provided a landscape plan that incorporates a large number of California native plants which aid in preserving privacy and blend the structures into the existing environment, while providing habitat for wildlife, which is discussed in Biological Resources.

Biological Resources

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB, 2008a; CNDDDB, 2008b) and U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species. A list of special status species that occur in the Point Bonita USGS quadrangle was compiled and it was determined that the required habitat for all potential species, with the exception of the Monarch butterfly (*Danaus plexippus*), would most likely not occur on the project site. Monarch butterflies have historically used Monterey pines in Muir Beach for wintertime roosting, and most specifically have been

reported in aggregated clusters in the Terwilliger Grove and the Community Center on Seascapes Drive, from 1978-1998. Since 1992 and 1998 no Monarchs have been reported at the Community Center or Terwilliger Grove respectively.

The applicant is proposing to remove 2 Monterey pine trees that are 36 inches and 26 inches in diameter. An arborist report has been provided which states that the trees are infected with Pine pitch canker. A site visit was conducted by an ecologist on October 28th and November 18th of 2008 to determine if the project would adversely impact Monarch habitat. It was found that due to local geography, the pines on the subject parcel do not provide edge habitat to the Terwilliger Grove, and even though the Community Center is approximately 300 feet from the subject property, the site does not provide the density of vegetation necessary for roosting habitat, therefore the proposed removal of the Monterey pines would not likely adversely impact Monarch butterfly habitat or populations. The Biological Assessment noted that the project would provide future habitat for Monarch butterflies by retaining five Monterey cypress (*Cupressus macrocarpa*), and incorporating native landscaping (Redwoods, Ceanothus, and Wax myrtle) which are not susceptible to Pine pitch canker, and would improve vegetation diversity and density. Staff finds that during implementation of the project it would be an opportune time to remove non-native habitat, which could overtake new planting, and has recommended a condition of approval requiring their removal in conformance with Policy BIO 1.7 of the Countywide Plan.

CONCLUSION

Overall, staff finds that the proposed single-family residence has been designed to be architecturally compatible with the surrounding environment, and utilizes exterior building materials and colors that blend into the natural environment. The proposed residence has been sited to not adversely affect views, light or privacy of adjoining properties. The living roof on the garage would aid in reducing visibility of the structure and minimize the amount of fill removed from the site. The landscape design would provide future wildlife habitat, remove hazardous trees and as conditioned remove non-native invasive species. Furthermore, the project will improve the aesthetics of the community by removing an unsightly house and by providing onsite parking.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Lambert Coastal Permit and Design Review.

Attachments:

1. Proposed Resolution recommending approval of the Lambert Coastal Permit (CP 08-11) and Design Review (DR 08-10)
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Plans Sheets, 18 pages
6. Plans with floor area calculations, 8 pages
7. Septic System Plans, 2 pages
8. Section showing roofing and siding materials
9. Amendment and Modification of Easement Agreement, dated 12/4/08
10. Picture of quarry stone for siding

11. Sunpower Solar Panel Pamphlet
12. Exterior Colors and Materials Sample
13. Environmental Health Services – Sewage, transmittal dated 7/25/08
14. Department of Public Works, Land Development, memorandum dated 7/22/08
15. Muir Beach Community Services District, letter dated 9/20/08
16. Emailed letter from George C. Lindholdt, sent 2/02/09
17. Emailed letter from John and Meryl Lavine, sent 1/28/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE LAMBERT COASTAL PERMIT (CP 08-4) AND DESIGN
REVIEW (DR 08-6)
ASSESSOR'S PARCEL 199-221-20
100 SUNSET WAY, MUIR BEACH

SECTION I: FINDINGS

- I. WHEREAS the applicant, Drosihn Architecture, has applied on behalf of the owner, Peter Lambert, 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 2,801 square feet in size with an attached 945 square foot 2-car garage on the 19,558 square foot lot. The project would result in a total floor area of 3,944 square feet and a Floor Area Ratio (FAR) of 20%. The residence would have a maximum height of approximately 24.5 feet. The proposed exterior materials for the new home are: wood siding, stone sided garage and retaining walls, metal and solar paneled roofing. Also proposed is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*). The project incorporates wheelchair accessibility features which are necessary to accommodate the owner's needs. The existing studio would also be remodeled and include the following work: 1) installation of a bathroom; 2) removal of existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing the area below the deck; 5) a concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) a breeze way connection to the proposed new residence. The subject property is located at 100 Sunset Way, Muir Beach, and is further identified as Assessor's Parcel 199-221-20.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 26, 2009 to consider the merits of the project, and hear testimony in favor of, and in opposition to the project.

- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a single family residence on a developed lot, which will be located within the footprint of the existing residence and will not result in adverse impacts to sensitive species.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
 - A. The project as conditioned is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3).

- B. The project as conditioned requires the removal of exotic invasive plants in conformance with Policy BIO 1.7 and the project complies with natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (CWP Policies BIO-1.4, BIO-1.5, BIO-1.6 and BIO-1.7).
 - C. The project will not result in impacts to special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
 - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
 - E. No wetlands or stream conservation areas will be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
 - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
 - H. The project design and improvements ensure adequate fire protection (CWP Policy EH-4.1), removal of hazardous vegetation (CWP Policy EH-4.2), water for fire suppression (CWP Policy EH-4.c), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
 - I. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
 - J. The project will require energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (CWP Policy DES-1.h).
 - K. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
 - L. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (CWP Policy EN-1.c).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Muir Beach Community Plan due to the following factors.
- A. The project would involve the construction of a new single-family residence, garage and retaining walls, which are a principally permitted use under the governing C-RA-B2 zoning district.

- B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- D. It will not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit I as specified below:

A. Water Supply

The Muir Beach Community Service District is currently providing water service to the site and no correspondence has been received notifying the County of its inability to continue.

B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project acceptable as shown.

C. Grading and Excavation

Grading and excavation has been proposed to allow for the portion of the garage, upper level, and basement to be placed into the hillside to reduce mass and bulk of the residence and to improve parking conditions. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

D. Archaeological Resources

The proposed project is located within an area of high archaeological sensitivity. Yet, due to the site being already disturbed, it is unlikely that archeological resources exist on the property. The standard conditions of approval have been applied to the project which will require that in the event that 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 protection measures.

E. Coastal Access

The subject property is not located between the sea and the first public road or located where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project, entails the removal of an existing residence and construction of a new single-family residence and would not result in a change to housing stock.

G. Stream Conservation Protection

This finding is not applicable. The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent streams.

H. Dune Protection

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

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in potential habitat area for Monarch butterfly (*Danaus plexippus*). A site visit was conducted by an ecologist on October 28th and November 18th of 2008. It was found that the site does not provide the density of vegetation necessary for roosting habitat, therefore the proposed project and removal of the Monterey pines would not likely adversely impact Monarch butterfly habitat or populations. The Biological Assessment noted that the project would provide future habitat for Monarch butterflies by retaining five Monterey cypress (*Cupressus macrocarpa*), and incorporating native landscaping (Redwoods, Ceanothus, and Wax myrtle) which are not susceptible to Pine pitch canker, and would improve vegetation diversity and density.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the property is not located in an area potentially containing rare plants. In addition, a review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, and the U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species has been conducted. A list of special species that occur in the Point Bonita USGS quadrangle was reviewed. A site visit by an ecologist was conducted on October 28th and November 18th and no listed species were detected or found and it was determined that the required habitat for all potential species would most likely not occur on the project site. .

K. Shoreline Protection

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

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

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

N. Land Division Standards

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

O. Visual Resources

The height, scale and design of the proposed single-family residence, garage, and retaining walls are compatible with the character of the surrounding environment. The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties.

P. Recreation/Visitor Facilities

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

Q. Historic Resource Protection

The project site is located outside of the historic preservation boundaries for Muir Beach as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons:

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

The project is consistent with this finding because the new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would have minimal visibility to the public with the proposed new landscaping.

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

The project would maintain large setbacks from the side and rear property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

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

The proposed project is located entirely within the subject parcel and as conditioned would not result in development which would impact future improvements to the surrounding properties.

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

The proposed project would plant numerous California native trees and shrubbery and is removing the minimum amount of trees necessary. The garage would have a living roof which would use fill from the site and would have insulating properties, and blend the residence into the hillside. Further, the proposed landscaping would provide future habitat for wildlife.

E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the project has been designed to incorporate stepbacks and wall articulation to minimize the appearance of mass and bulk and to reduce visual impacts.

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

1. The area, heights, mass, materials, and scale of structures;

The proposed residence would step up the hill and be compatible with the topography of the site. The residence incorporates a living roof on the garage and natural earthen materials that blend into the surrounding environment. The residence is broken into smaller components and incorporates stepbacks to reduce effective visual bulk. The project incorporates articulations and height changes which minimize mass and bulk, and roof mass. In addition, there are no unbroken vertical walls on the structure that exceed a height of 11 feet. The roof of the garage and bedroom level would be used as deck space for the upper levels and the slopes of the roof are oriented in the same direction as the natural slope. Therefore, the project has been designed to minimize adverse visual effects related to design and building massing.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works and appurtenant structures are in conformance with the Single-family Design Guidelines.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The residence and road have been designed to minimize the amount of grading required, and the remaining fill will be used on site in the planters, and in the living roof of the garage.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

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

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

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

The applicant is proposing construction which would meet the highest Green Building Rating of "Platinum," and the project would be required to meet Title 24 and Ordinance 3492.

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

The proposed project as conditioned is consistent with all applicable regulations and as described in "F" above, meets the design guidelines and would not be detrimental to the public or County.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lambert Coastal Permit (CP 08-4) and Design Review (DR 08-6) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Lambert Coastal Permit and Design Review is approved for the demolition of an existing single-family residence and replacement with a new 1 bedroom, 1.5 bath single-family residence. The residence is approved to be 2,801 square feet in size with an attached 945 square foot 2-car garage on the 19,558 square foot lot. The project will result in a total floor area of 3,944 square feet and a Floor Area Ratio (FAR) of 20%. The residence will have a maximum height of approximately 24.5 feet. The exterior materials for the new home are: wood siding, stone sided garage and retaining walls, metal and solar paneled roofing. Also approved is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*). The existing studio is approved to be remodeled and include the following work: 1) installation of a bathroom; 2) removal of existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing the area below the deck; 5) a concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) a breeze way connection to the proposed new residence. The subject property is located at 100 Sunset Way, Muir Beach, and is further identified as Assessor's Parcel 199-221-20.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Peter Lambert Residence," consisting of 18 sheets, prepared by Drosihn Architects, received July 25, 2007, and on file in the Marin County Community Development Agency with revisions dated January 28, 2009 and received February 5, 2009.

3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "100 Sunset Way, Muir Beach," received July 25, 2007 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
6. BEFORE 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.
7. BEFORE FINAL INSPECTION, all invasive species identified in the "Biological Assessment: Sensitive Plants and Animals," must be removed in accordance with Countywide Plan Policy BIO 1.7. Removal will be verified by the landscape inspection required in Condition of Approval #8.
8. BEFORE FINAL INSPECTION, the applicant shall install all landscaping, remove all invasive species, and install an automatic drip irrigation system. The landscaping shall be installed in conformance with Sheet 2 of the "Exhibit A." The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
9. All construction activities shall comply with the following standards:

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.
10. 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.
11. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law.

A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate measures to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement protection measures. 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.

12. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
13. The owners 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 Lambert Coastal Permit and Design Review for which action is brought within the applicable statute of limitations.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
16. Plans shall show all retaining wall detail to include site locations, heights, cross section references and engineer plans and calculations.
17. Provide a drainage plan for the project and all retaining walls. Include drainage from downspouts, the driveway, retaining wall back-drains and diversion from septic systems. There shall be no direct discharge onto Sunset Way from the driveway and all driveway improvements shall not interfere or significantly alter the roadside drainage. Also, all drainage infrastructure shall be within property lines.
18. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
19. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
20. Provide surface type for the driveway. Note that all surfaces over 12% slope, but less than 18% slope shall be asphalt. All surfaces over 18% but less than 25% shall be brushed concrete. No driveway slope may exceed 25% [MCC § 24.04.280]. Also, driveway approach surfaces within the road right-of-way shall be asphalt.
21. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

22. Provide a destination for the proposed excess cut earth.

Environmental Health Services

23. BEFORE ISSUANCE OF A BUILDING PERMIT a Class 1 sewage disposal system permit must be approved by EHS.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Lambert Coastal Permit (CP 08-4) and Design Review (DR 08-6) approval by obtaining a Building Permit for the approved work and substantially completing all work before **February 26, 2011**, 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 Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 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 March 5, 2009**.

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 26th day of February, 2009.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary