

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – March 12, 2009

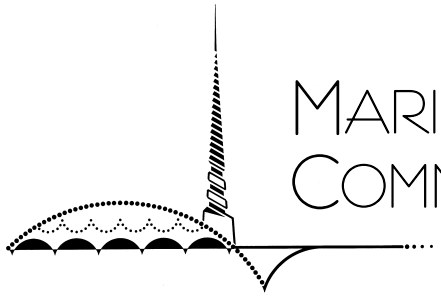
Hearing Officer Johanna Patri, AICP

Staff Present: Veronica Corella-Pearson, Planner
 Neal Osborne, Planner

Joyce Evans, Recording Secretary

Reconvened at 9:03 A.M.
Adjourned at 9:31 A.M

March 12, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **OXFOOT ASSOCIATES (VERIZON WIRELESS)**

Application (type and number): Coastal Permit (CP 08-39), Design Review (DR 08-37)
and Use Permit (UP 08-10)

Assessor's Parcel Number: 100-141-01, and -12

Project Location: 37 Cypress Avenue, Dillon Beach

For inquiries, please contact: Veronica Corella Pearson, Planner

Decision Date: March 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the March 12, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

Johanna Patri, AICP,
Hearing Officer

**C1. OXFOOT ASSOCIATES (VERIZON WIRELESS) COASTAL PERMIT (CP 08-39), DESIGN REVIEW (DR 08-37) AND USE PERMIT (UP 08-10):
OXFOOT ASSOCIATES (VERIZON WIRELESS)**

A proposal to install a wireless facility at Lawson's Resort. The mechanical equipment for the facility would be located within an existing shed in the southern portion of the café. The antennas would be disguised within a faux chimney on the southern most portion of the roof ridge. The chimney would reach a maximum height of 33.75 feet above grade, five feet above the roof ridge height of the building. Also proposed is: 1) a new 60-kilowatt generator on an 11 foot by 15 foot concrete slab with a 6 foot tall chain link fence, and 48 inch tall concrete bollards surrounding the outside; 2) relocation of an existing 30 square foot shed approximately 8 feet south of the proposed generator; and 3) an electrical trench from the wireless facilities to a new wireless utility pull box in the southeast corner of APN 100-141-01, which would be approximately 150 feet long. The subject property is located at **37 Cypress Avenue, Dillon Beach**, and is further identified as **Assessor's Parcels 100-141-01, and -12**.

The Hearing Officer corrected the Assessor's Parcel numberS to read 100-141-01, and 100-141-12.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the supplemental memorandum dated March 11, 2009.

In response to the Hearing Officer, staff stated that only one shed would be relocated.

The public testimony portion of the hearing was opened.

Peggy Phelan, Co-Owner, spoke regarding concerns with Condition of Approval #3 which requires a Lot Line Adjustment. Ms. Phelan felt it would be an unnecessary burden to the applicant. Ms. Phelan was also in disagreement with Condition of Approval #9 that references the legality of the trailer court. Further, she noted that the name of the resort is the Dillon Beach Resort, not the Lawson's Resort.

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, staff explained that the building straddles two parcels and prior approvals were granted without a Lot Line Adjustment. Condition of Approval # 3 would correct the violation and allow for the building to be in conformance with current zoning regulations.

The Hearing Officer explained that the correction should be done prior to the commencement of a new use on the subject property.

The Hearing Officer directed staff to strike Condition of Approval #9 and renumber accordingly, and remove all references to Lawson's Resort.

The Hearing Officer concurred with staff's analysis and approved the Oxfoot Associates LLC (Verizon Wireless) Coastal Permit, Use 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 09-106

A RESOLUTION APPROVING THE
OXFOOT ASSOCIATES (VERIZON WIRELESS) COASTAL PERMIT (CP 08-39), USE PERMIT (UP 08-10), AND DESIGN REVIEW (DR 08-37)
ASSESSOR'S PARCEL 100-141-01, AND 100-141-12
37 CYPRESS AVENUE, DILLON BEACH

SECTION I: FINDINGS

- I. WHEREAS, The applicant, NSA Wireless, has applied on behalf of the owner, Oxfoot Associates (Verizon Wireless), for approval to install a wireless facility at Dillon Beach Resort. The mechanical equipment for the facility would be located within an existing shed in the southern portion of the café. The antennas would be disguised within a faux chimney on the southern most portion of the roof ridge. The chimney would reach a maximum height of 33.75 feet above grade, five feet above the roof ridge height of the building. Also proposed is: 1) a new 60-kilowatt generator on an 11 foot by 15 foot concrete slab with a 6 foot tall chain link fence, and 48 inch tall concrete bollards surrounding the outside; 2) relocation of an existing 30 square foot shed approximately 8 feet south of the proposed generator; and 3) an electrical trench from the wireless facilities to a new wireless utility pull box in the southeast corner of APN 100-141-01, which would be approximately 150 feet long. The subject property is located at **37 Cypress Avenue, Dillon Beach**, and is further identified as Assessor's Parcel **100-141-01 and 100-141-12**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 12, 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 this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines, because the project entails the installation and operation of a new telecommunications facility which would not result in a significant amount of grading, tree or vegetation removal, or other potentially significant impacts on the environment. Additionally, a report prepared by Hammett and Edison, Inc. dated October 26, 2007 concludes that the proposed project would not result in any significant risks with respect to human exposure to radio frequency fields emitted by the proposed facility.
- 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 is consistent with *CWP* natural systems policies and proposes no work that requires 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 complies requires no work that proposes the removal of vegetation and therefore complies with *CWP* 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 and BIO-1.6*).

- C. The project will not result in impacts to special-status species since the site was visited by a biologist and no habitat supporting listed species would be removed, nor where the species themselves found (*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 since it proposes no vegetation removal and proposes minor construction (*CWP Policies BIO-2.3 and BIO-2.4*).
 - E. No wetlands or stream conservation areas will be affected by the project since there are none within the project site (*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 since no major grading or excavation is proposed (*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 review (*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*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, and will be reviewed during the building permit process to be in 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 has been designed to be 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 as conditioned will minimize exterior lighting to reduce 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*).
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:
- A. The TFPP policies require that telecommunications facilities be constructed, maintained and operated in a manner that does not adversely affect public safety or result in noise or traffic impacts on surrounding land uses. The proposed facility would be surrounded by fencing to prevent unauthorized access or vandalism. Noise levels associated with the operation of the facility would not exceed the ambient noise levels, and as conditioned the site would only be visited during the hours of 7:00 am to 5:00 pm, except during emergency situations, and the site would only be visited for routine maintenance visits by a cellular site technician on a monthly or bi-monthly basis. Therefore, the proposed facility would not result in noise or traffic impacts on surrounding properties.

- B. The facility would allow Verizon Wireless to provide improved cellular coverage in the Dillon Beach area and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
- C. The applicant has submitted a report prepared by Hammett and Edison, Inc., dated October 26, 2007, which concludes that the proposed project would not result in any significant risks, with respect to human exposure to radio frequency fields. Radio frequency emissions of the proposed telecommunications facility would be well below the maximum permissible exposure standards established by the FCC. Additionally, the antenna area would not be publicly accessible and therefore, would not require mitigation to protect the public from exposure limits. Based on these factors, the proposed facility is consistent with the Electromagnetic Field Emissions policies contained in the TFPP.
- D. The facility does not create significant lighting impacts on surrounding areas because no lighting is proposed for the site, and conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.
- E. Vehicular access is available off of Beach Avenue, and parking is available on site, and no additional road or parking area construction would be required for the operation of the facility.
- G. The project does not significantly impair the visual conditions on and surrounding the subject property because the facility maintains large setbacks to property lines and adjacent neighbors and the chimney is located next to an existing vent that is similar in height and size, and would occupy an insignificant amount of the viewshed from neighboring residences. Further, as proceeding along Beach Avenue, towards or away from the site, there are no views of Tomales Bay or Dillon Beach. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects. Based on these factors, the project would be consistent with the visual or aesthetic compatibility standards contained in the TFPP.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified by conditions of project approval, is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130 of the Marin County Code) as described below.

A. Water Supply:

The proposed telecommunications facility would not need water service and therefore would not impact existing water supply to the subject property.

B. Septic System Standards:

The proposed telecommunications facility would not need septic service and therefore would not impact existing septic systems on the subject property.

C. Grading and Excavation:

The only grading required is minor excavation for the electrical lines from the existing building to the joint pole, which has been reviewed by the Marin County Department of Public Works, Land Use and Water Resources. Therefore, the project would not result in significant grading or excavation.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. A historical report was provided, which compiled information from a ½ mile radius search around the project, conducted by the Northwest Information Center (NWIC), at Sonoma State University on June 4, 2007 and no known recorded prehistoric resources within the project site were found, nor were any within a half-mile radius around the project area. However in the event that cultural resources are discovered, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is not located between the sea and the first public road or adjacent to a coastal area as identified by the Local Coastal Program, Unit II where public access is desirable or feasible. The site is located above a steep slope and 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, and therefore this section is not applicable.

F. Housing:

The proposed telecommunications facility would not affect the availability of housing stock within the Dillon Beach community since there project does not propose to eliminate or add additional housing.

G. Stream Conservation Protection:

The proposed project site is not located in an area subject to the streamside conservation policies of the Marin Countywide Plan and Local Coastal Program, Unit II, and therefore this section is not applicable.

H. Dune Protection:

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, and therefore this section is not applicable.

I. Wildlife Habitat:

Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, and a review by a consulting biologist indicates that the subject property has potential habitat for bumblebee scarab beetle, monarch butterfly, black swift, myrtles silverspot, great blue heron, and great egret. However, after a review of available data, and a site visit, it was determine that the project would not result in any adverse impacts to listed or rare species.

J. Protection of Native Plant Communities:

Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, and a review by a consulting biologist indicates that the subject property has potential habitat for Blasdale's bent grass, Point Reyes bird's beak, wooly-headed spineflower, San Francisco Bay spinnflower, and Tidestrom's lupine. However, after a review of available data, and a site visit, it was determine that the project would not result in any adverse impacts to listed or rare species.

K. Shoreline Protection:

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

L. Geologic Hazards:

The project site has a Slope Stability Rating of 1 and is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. Further, the subject property 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:

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

N. Land Division Standards:

No land division is proposed as part of this project, therefore this section is not applicable.

O. Visual Resources:

The proposed project would not adversely impact visual resources on and surrounding the subject property because the project locates all wireless equipment within the shed of the existing building and the applicant has utilized a stealth design by locating the antennas within a faux chimney, which would have a maximum height of 5 feet above the ridge height of the existing building, and would have a width of 5 feet by 4 feet, and would be finished with lap siding similar to that on the building. The equipment shed is flanked by the parking lot on the eastern and western sides, with the rear (south) facing a grove of Eucalyptus trees, and would have minimal visibility. Further, conditions of approval specify that any future exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects.

P. Recreation/Visitor Facilities:

The proposed telecommunications facility would improve cellular phone coverage for both residents and visitors in the Dillon Beach area.

Q. Historic Resource Preservation:

The project is not located within the designated Historic Preservation Area, and therefore is consistent with Historic Resource Policies of the Local Coastal Program.

R. Fire Protection:

Project approval requires that prior to final inspection, the applicant shall comply with all requirements of the Marin County Fire District.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Section 22.88I of the Marin County Code), as specified below.

- A. Public utility and service uses may be approved by Use Permit pursuant to Section 22.88.020I of the Marin County Code when it is found to be necessary for public health, safety, convenience, or welfare. The telecommunications facility is part of the Verizon Wireless communication network which provides wireless cellular and personal communication services to residents and businesses in Marin County and contributes to the overall public safety, convenience, and welfare.
- B. The proposed project would be consistent with policies of the Marin Countywide Plan and TFPP Plan as described in Section V above.
- C. The project complies with the California Environmental Quality Act and would not result in any significant, public health risks with respect to human exposure to radio frequency radiation because the facility will operate well below the exposure limits of the American National Standards Institute and the Institute of Electrical and Electronic Engineers.
- D. The proposed project would not result in significant adverse visual impacts since it would maintain large setbacks to property lines and to adjacent residences as follows: 115 feet from the nearest residence to the north, 200 feet from the nearest residence to the south, 160 feet from the residence to the east, and is backed by the beach to the west.
- F. The proposed facility would be surrounded by fencing to prevent unauthorized access or vandalism. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With the exception of routine maintenance visits by a cellular site technician on a monthly or bi-monthly basis, the facility would not generate traffic trips to the property. Therefore, as conditioned, granting the Use Permit on the subject property would not be detrimental to the public interest, health, safety, convenience, or welfare of persons working or residing in the surrounding neighborhood.

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

Section 22.57.153I for the C-RCR (Coastal Resort and Commercial Recreation District) requires Design Review for the design, site preparation and use of the project to implement the goals and policies of the Local Coastal Plan, the Marin Community Plan and any applicable community Plan.

Therefore, there are not height, size, or setback requirements for which the chimney and antenna addition needs to comply with, nevertheless Marin County Interim Code 22.70.040I, allows for exceptions to the height limit to allow for chimneys, and radio and utility towers. Therefore, the project complies with the requirements of the C-RCR zoning district. The project also complies with the requirements of the Countywide Plan and Telecommunications Facilities Policy Plan as mentioned in Section IV and V above.

B. 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 locates all wireless equipment within the shed of the existing building and the applicant has utilized a stealth design, by locating the antennas within a faux chimney, which would have a maximum height of 5 feet above the ridge height of the existing building, and would have a width of 5 feet by 4 feet, and would be finished with lap siding, similar to that on the building. The equipment shed and generator are flanked by the parking lot on the eastern and western sides, with the rear (south) facing a grove of Eucalyptus trees, and would have minimal visibility. To ensure that the facility would not result in lighting impacts on surrounding areas, conditions of approval specify that exterior lighting shall be permitted for safety purposes only and shall be manually operated, low wattage, hooded, and directed downward to minimize visual effects.

C. 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 to adjacent residences as follows: 115 feet from the nearest residence to the north, 200 feet from the nearest residence to the south, 160 feet from the residence to the east, and is backed by the beach to the west and would therefore not result in the loss of light or privacy to adjacent neighbors. In addition all development would be contained within the parcel and would not impact development on public lands or rights-of-way.

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

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

E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural materials;

The proposed project entails no tree or landscape removal, and proposes a minimal amount of new construction.

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

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

Please see B, C and F above.

2. Drainage systems and appurtenant structures;

The proposed project proposes a minimal amount of excavation, which has been reviewed by the Department of Public Works for conformance with applicable regulations

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

The proposed project does not propose retaining walls or bulkheads.

4. Areas, paths, and rights-of-way for the containment, movement or safe 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. Other development or improvements which may result in a diminution or elimination of significant sun and light exposure, views, vistas, and privacy.

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

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

The project entails locating all wireless equipment within an existing structure and the only new construction entails the new faux chimney which would house the wireless antennas.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Oxfoot Associates (Verizon Wireless) Coastal Permit 08-39, Use Permit 08-10, and Design Review 08-37 subject to the following conditions.

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56I (Coastal Permit), 22.88I (Use Permit) and 22.82I (Design Review), the Oxfoot Associates(Verizon Wireless) Coastal Permit 08-39, Use Permit 08-10, and Design Review 08-37 are approved, subject to the following conditions, to install a wireless facility on the subject property. The project shall be located at Dillon Beach Resort, where the mechanical equipment for the facility shall be located within an existing shed in the southern portion of the café/caf  store. The antennas will be disguised as a fake chimney on the southern most portion of the roof ridge. The chimney is approved to reach a maximum height of 33.75 feet above grade, five feet above the roof ridge height of the building. Also approved is: 1) a new 60-kilowatt generator on an 11 foot by 15 foot concrete slab with a 6 foot tall chain link fence, and 48 inch tall concrete bollards surrounding the outside; 2) relocation of an existing 30 square foot shed approximately 8 feet south of the proposed generator; and 3) an electrical trench from the wireless facilities to a new wireless utility pull box in the southeast corner of APN 100-141-01, which would be approximately 150 feet long. The subject property is located at 37 Cypress Avenue, Dillon Beach, and is further identified as Assessor's Parcel 100-141-01 and 100-141-12.

2. EXCEPT AS MODIFIED BY CONDITIONS OF APPROVAL, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Site 15702 Dillon Beach" consisting of 5 sheets, prepared by MSA Architecture and Planning, Inc, dated August 21, 2008 and received August 22, 2008, and on file in the Marin County Community Development Agency.
3. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall receive Lot Line Adjustment approval to adjust the lot line between Assessor's Parcel 100-141-01 and 100-141-12, to locate the southern property line of APN 100-141-01 so that the café, attached shed and approved generator are located within APN 100-141-01.
4. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site shall be returned to its preexisting conditions.
5. This Use Permit shall be valid until **March 12, 2019**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions.
6. No exterior lighting is proposed or approved on or in the vicinity of the antennas, supporting monopoles, or fencing as part of this application. Any exterior lighting proposed in the area of the equipment shelter shall be permitted for safety purposes only and must be manually operated, low wattage, hooded, and downward directed to minimize visual effects.
7. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with any other existing ambient sources of EMF, shall not expose the cafe public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law. The applicant shall demonstrate compliance by submitting a radio frequency report to the County within 90 days of the effective date of the standard or longer period as required by the applicant and subsequently approved by the Community Development Director. The radio frequency report shall determine conformance with the updated standard by calculating the EMF power levels of the approved facility in combination with any other existing ambient sources.
8. This Use Permit may be revoked by the County should the approved facility, in combination with other existing ambient sources, exceed the updated EMF standard unless the location, design, and/or operation of the approved facility is modified to meet the updated standard. Modifications of the approved facility shall be submitted to the Community Development Agency to determine if amendments to these permit approvals are necessary. This condition shall not apply if the County is preempted by Federal and/or State law, rules or regulations from applying an updated EMF standard after the approved facility has been constructed.

9. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use equipment that is audible from nearby locations may occur at all times. Back-up generators shall comply with the above-referenced noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance as described above.
10. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
11. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
12. 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. This Coastal Permit/Use Permit/Design Review approval does not preclude the future approval of other telecommunications facilities on the subject property. The applicant shall cooperate with County effort to utilize the subject property for shared location or co-location in the future if it is technically feasible and would minimize adverse affects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. Verizon Wireless (or subsequent telecommunications provider) shall allow co-location on their approved support pole for a marketable rate.
14. This Use Permit is subject to revocation procedures contained in Section 22.120.030 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare of safety of persons residing or working in the neighborhood.

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. Subject to prior written request by the applicant, the Director may administratively authorize changes or additions to the project that are determined to be minor and consistent with the findings herein.

Marin County Fire Department

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

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit, Use Permit and Design Review approval by obtaining a Building Permit for the approved work and substantially completing all work before March 12, 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 Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.82.130I and 22.88.050I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Coastal Permit/Use Permit/Design Review shall be valid until **March 12, 2019**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days prior to the expiration of the Use Permit. Should the Use Permit expire without benefit of a renewal, all equipment, structure, and antennas shall be removed and the site shall be returned to its preexisting conditions. In the event that the terms of this Use Permit are violated or the approved use is carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, this Use Permit approval could be revoked or suspended in accordance with the terms and provisions of Chapter 22.120I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on March 19, 2009.

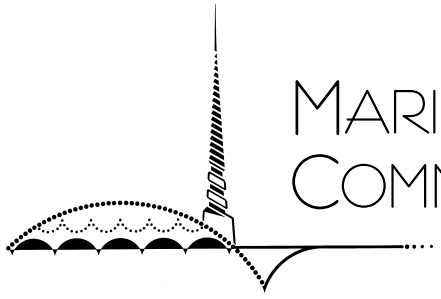
SECTION IV: ACTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of March, 2009:

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **MARCOTTE/MAGAN PARTNERSHIP**

Application (type and number): Coastal Permit (CP 09-8), Design Review (DM 08-23)

Assessor's Parcel Number: 102-071-04

Project Location: 98 First Street, Tomales

For inquiries, please contact: Neal Osborne, Planner

Decision Date: March 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the March 12, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

Johanna Patri, AICP,
Hearing Officer

**C1. COASTAL PERMIT (CP 09-8) AND DESIGN REVIEW (DM 09-23):
MARCOTTE/MAGAN PARTNERSHIP**

A proposal to convert the existing historic (circa 1915) Tomales Garage structure to a woodworking shop – for George R. Magan Stair Builders (License 459058). The historic structure will be retained predominately in its original condition. The only design change would be for a new window and door added to the front (south) elevation along First Street (Dillon Beach Road). The design of the window and door would match the existing design of the historic windows and doors. The existing building has 3,300 square feet of floor area on the 6,360 square foot lot. The structure is located on the northeast corner lot at the intersection of First Street and Valley Avenue with zero setbacks from the front and side property lines. The structure is setback 45.5 feet from the rear (north) property line and 39.5 feet from a well in the rear yard area. The structure has a maximum height of 20.5 feet above finished exterior grade. The project site is located on property within the historic district boundaries of the Town of Tomales. The subject property is located at **98 First Street, Tomales**, and is further identified as **Assessor's Parcel 102-071-04**.

The Hearing Officer acknowledged receipt of three e-mails from the applicant regarding framing of the new door, design of the proposed windows, and the requirement from Environmental Health Services for a 1,000 gallon domestic water tank.

The Hearing Officer also acknowledged receipt of a supplemental memorandum from staff dated March 12, 2009 regarding a Department Public Works Condition of Approval that was inadvertently omitted from the draft resolution for the accessible door.

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

The public testimony portion of the hearing was opened.

George Magan, applicant, spoke regarding concerns with the type of door required and the types of windows required by Building Inspection, including the type of glass.

The public testimony portion of the hearing was closed.

The Hearing Officer discussed the alterations and additions to the pre 1930 structure as called out in Condition of Approval #3. The alterations proposed should retain the original architectural features of the building.

The 1,000 gallon water tank required in Condition of Approval #11 may be reduced as noted in an e-mail from Scott Callow, Environmental Health Services. However, water storage is necessary for fire suppression.

Staff noted that Finding VII. B., should be corrected to state the “Tomales Village Community Services District,” in stead of the “North Marin Sanitary District.”

The Hearing Officer approved the project with the following modifications to the resolution:

- Finding VII B. change North Marin Sanitary Sewer District to Tomales Village Community Services District
- Condition 3. Change to: In accordance with Marin County Interim Zoning Code Title 22I, Section 22.56.130 (Q) (2). The proposed alterations, consisting of a new door and windows, shall retain the original architectural features of the existing historic structure.
- Condition 11. Change to: Provide domestic water storage capacity, in addition to fire capacity, as determined by Environmental Health Services at the time of the Building Permit application.

The Hearing Officer concurred with staff's analysis and approved the Marcotte/Magan Partnership 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 NO. 009-108

**A RESOLUTION APPROVING THE MARCOTTE/MAGAN PARTNERSHIP
COASTAL PERMIT AND DESIGN REVIEW**

ASSESSOR'S PARCEL 102-071-04

98 FIRST STREET, TOMALES

SECTION 1: FINDINGS

I. WHEREAS George R. Magan, on behalf of Alex and Vic Marcotte, and George Magan Partnership, submitted the Marcotte/Magan Coastal Permit and Design Review application proposing to convert the existing historic (circa 1915) Tomales Garage structure to a woodworking shop – for George R. Magan Stair Builders (License 459058). The historic structure will be retained predominately in its original condition. The only design change would be for a new window and door added to the front (south) elevation along First Street (Dillon Beach Road). The design of the window and door would match the existing design of the historic windows and doors. The existing building has 3,300 square feet of floor area on the 6,360 square foot lot. The structure is located on the northeast corner lot at the intersection of First Street and Valley Avenue with zero setbacks from the front and side property lines. The structure is setback 45.5 feet from the rear (north) property line and 39.5 feet from a well in the rear yard area. The structure has a maximum height of 20.5 feet above finished exterior grade.

The subject property is located at 98 First Street, Tomales, and is further identified as Assessor's Parcel 102-071-04.

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 12, 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 15301, Class 1(a).

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because it would:

- A. Provide a commercial woodworking shop in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
- B. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
- C. Result in development which conforms to the governing standards related to building height, size and location.
- D. Comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.

- E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - F. Provide consistency with the land use designation of Coastal Neighborhood Commercial/Mixed Use, one to 20 units per acre (C-NC).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is generally consistent with Tomales Community Plan policies because it would:
- A. Preserve the appearance of an existing historic structure built in 1915 and within the historic preservation district of the Tomales community. The project would be consistent with the goals and policies for restoration and preservation of historic structures. The minor design modifications to replace the circa 1941 metal roll-up door with windows that match the existing circa 1915 windows and an entrance door would be consistent with the original architectural character of the building. The project would conform to the scale, design, materials, and texture of the historic building and the surrounding community. The project conforms to the "Design Guidelines" and "The Historic Review Checklist"
 - B. Comply with the policies that provide for commercial development within the C-VCR:B1 zoning district with the use of an existing commercial garage for a commercial woodworking shop.
 - C. Involve the use of a developed infill property that would not adversely affect adjacent residential and commercial areas, or agricultural areas, open space, or sensitive coastal resources in the vicinity.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Design Review (Section 22.82.040I of the Marin County code), as specified below.
- A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surroundings.

The remodeling and restoration of the historic Tomales Garage to a woodworking shop would improve the appearance of the somewhat dilapidated structure compatible with the surrounding neighborhood and locale. The project would result in modest changes to the appearance of the front façade, with windows of similar character but not absolute matches to the other historic windows on the front façade. A circa 1941 metal roll-up door would be replaced with a front entrance door to the shop office. The exterior materials would be off-white siding and darker unobtrusive trim colors. The proposed exterior lighting (five new lights) of the rear façade would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.
 - B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way.

Construction of remodeling and restoration of the historic Tomales Garage to a woodworking shop would restore the appearance of the somewhat dilapidated structure compatible with the surrounding neighborhood and locale. The project would not interfere with development, use, or enjoyment of other property, including right-of-way, in

the vicinity and would conform to permitted uses in the C-VCR:B1 zoning district that governs the subject property.

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

Construction of remodeling and restoration of the historic Tomales Garage to a woodworking shop would not directly or cumulatively impair, inhibit, or limit further investment or improvements in the vicinity, including public lands and rights-of-way.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material.

Construction of remodeling and restoration of the historic Tomales Garage to a woodworking shop would improve the appearance of the somewhat dilapidated structure compatible with the surrounding neighborhood. The site has not been landscaped historically, but the applicant proposes to plant native shrubs along the rear parking lot fences in the Spring of 2009 to improve the landscaping of the site in the only location with available soil.

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

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

The project would minimize potential adverse visual impacts because it would be constructed of building materials that match the historic appearance of the building that would blend into and compliment the surrounding natural and built environments. The project would not modify the scale, mass, height, area, and materials of the existing building.

2. Drainage systems and appurtenant structures.

The project would have no appreciable change to the existing drainage and would minimize drainage alterations with roof runoff dispersion areas downslope of the building.

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

The project would result in no cut and fill, reforming the natural terrain, or involve retaining wall or bulkhead construction.

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

The project would result in improvements to the access driveway with the installation of permeable pavers for 30 feet to access the gravel parking lot. One disabled parking space with path of travel to the rear entrance door would be paved with asphaltic concrete. The project would not result in adverse physical or visual effects.

5. Will not result in other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy.

The design of the proposed improvements, as modified by conditions of approval, would be compatible with other commercial and residential buildings in the vicinity, would respect the surrounding natural environment, and would not adversely affect views from other properties in the vicinity. The building height and footprint would not be modified for the woodworking shop and would not impact the existing light or privacy of surrounding residences. The maximum building height would remain at 20.5 feet above existing grade.

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

The 3,300 square foot woodworking shop would be in a building of historic design and construction. Proposed construction would restore the building while preserving its historic integrity, with a new window on the front façade (south) allowing passive solar heating and natural light into the office portion of the building. A new three phase electricity supply has been installed recently with Electrical Permit 118972 to provide efficient power supply for the woodworking equipment. The workshop portion of the building would not be heated and would be illuminated with efficient T-8 fluorescent bulbs. New work proposed for remodeling and restoration of the building shall comply with the energy efficiency standards in the California Energy Code (Title 24) as reviewed during any subsequent Building Permit review and approval process.

- VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130I of the Marin County Code) for the reasons specified below:

- A. Water Supply:

The Community Development Agency, Environmental Health Services Division staff determined that the project has an approved independent water supply (well) for the facility. The projected water demand of the woodworking facility would likely not result in any incremental increase in water demand in comparison to the historic water use at the site for a commercial garage.

- B. Septic System Standards:

The project site is currently connected to the Tomales Village Community Services District and would likely not result in any incremental increase in wastewater generation in comparison to historic uses of the commercial garage.

- C. Grading and Excavation:

No grading is proposed with the project.

- D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. Conditions of project approval would require that in the event that cultural resources are discovered during site

preparation or construction of this project, all work shall immediately be stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures to meet Local Coastal Program requirements.

E. Coastal Access:

The site is located approximately one mile from the shoreline of Tomales Bay and consequently development and use of the site would not affect public access to the coastline. Coastal access through the site is not desirable or feasible within the coastal area identified by the Local Coastal Program, Unit II. The site is not located on any tidelands or submerged lands subject to the public trust doctrine.

F. Housing:

The proposed project would not result in the removal of a residential building which provides housing opportunities for people of low or moderate income, and would not affect the availability of housing stock in the rural West Marin area.

G. Stream Conservation Protection:

This project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that no threatened, rare, or endangered animal species potentially exist within the vicinity of the subject property.

J. Protection of Native Plant Communities:

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

K. Shoreline Protection:

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 II of the Local Coastal Program and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects:

This project would not involve or affect any public works projects.

N. Land Division Standards:

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

O. Visual Resources:

The height, scale and design of the existing structure would not be substantially modified and would continue to be compatible with the established character of the surrounding neighborhood.

P. Recreation/Visitor Facilities:

The project would provide improvements to an existing commercial facility with a change in use to a woodworking shop likely not having any affect to recreational and visitor facilities in the area.

Q. Historic Resource Preservation:

This project will not result in substantial modifications to an historic resource within the Tomales historic district boundaries as established for the Local Coastal Program Historic Study. The 1915 Tomales Garage structure would be maintained as an historic resource, with only modest changes proposed to the front façade, changes that would, upon examination, be distinguishable from the actual historical portions of the structure. The project is consistent with the goals and policies for restoration and preservation of historic structures pursuant to the Countywide Plan, the Local Coastal Program Unit II, the Tomales Community Plan, and the zoning code in Title 22 Interim. The minor design modifications to replace the circa 1941 metal roll-up door with windows of similar character but not precise copies of the existing circa 1915 windows, and an entrance door would be consistent with the original architectural character of the building. The project would conform to the scale, design, materials, and texture of the historic building and the surrounding community. The project conforms to the "Design Guidelines for Construction in Historic Areas and for pre-1930 Structures" and "The Local Coastal Program Historic Review Checklist".

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marcotte/Magan Coastal Permit (CP 09-8) and Design Review (DM 09-23) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I and 22.82I of the Marin County Code, the Marcotte/Magan Coastal Permit and Design Review are approved to permit the conversion of the Tomales Garage to a wood working shop. The approval permits a woodworking shop that specializes in the manufacture of custom hardwood stairs for a variety of developments off site. Two or three employees would utilize the shop facilities from 7:00 A.M. to 5:30 P.M. Monday through Thursday. No loud machinery or noise generating tools would be used before 8:00 A.M. All fabrication materials would be stored within the shop to protect them from the elements. The approval permits the replacement of a metal roll-up door on the front façade with a window and front entrance door to the front office of the woodworking shop. The permit also requires the provision of parking for one disabled person with a paved parking space in the rear parking lot, and paved path of travel to the rear entrance door. The permit approves improvement of the driveway access from Valley Avenue with permeable pavers from the existing edge of pavement 30 feet into the project site to the gravel parking lot in the rear yard. The permit approves the installation of 5 exterior lights on the rear façade to provide a safe parking lot area and access to the rear entrance of the woodworking shop. The subject property is located at 98 First Street, Tomales, and is further identified as Assessor's Parcel 102-071-04.
2. Except as modified herein, the project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, entitled, "98 First St. or 98 Dillon Beach Rd. Tomales, CA 94971", prepared by Bill Bonini and George R. Magan.
3. In accordance with Marin County Interim Zoning Code Title 22I, Section 22.56.130I (Q)(2), the proposed alterations, consisting of a new door and windows, shall retain the original architectural features of the existing historic structure.
4. Five off-street parking spaces shall be provided in the rear yard area of the subject property with access from Valley Avenue. Two off-street parking spaces (parallel to the street) shall be provided along Valley Avenue on the west side of the building.
5. Any future sign(s) proposed shall be subject to the permitting requirements of Marin County Code (currently in Chapter 22.69I) before installation. Any future sign(s) shall harmonize with the historic architectural style of the structure and shall be compatible with the surrounding neighborhood.
6. Exterior lighting shall be permitted for safety purposes only, must consist of low lumen and low wattage fixtures, and must be directed downward and hooded to prevent adverse glare to adjacent properties and streets.
7. All flashing, metal work and trim shall be painted an appropriately subdued, nonreflective color that matches the historic characteristics of the site, the building, and the community.
8. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin

County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall 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.

9. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.

Marin County Community Development Agency, Environmental Health Services Division

10. Before the Building Permit is cleared, demonstrate compliance with domestic water permit requirements including water quality and water system capacity.
11. Provide domestic water storage capacity, in addition to fire capacity, as determined by Environmental Health Services at the time of the Building Permit application.

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

12. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW.
13. An encroachment permit shall be required for work within the road right-of-way.
14. No new improvements (including awnings, overhangs and eaves) shall encroach into the road right of way.
15. The proposed wheel stop shall be located within the limits of the parking space, a minimum two feet from the walkway and four feet in length.
16. All parking spaces shall be striped or distinctly marked to indicate the demarcation of each space.
17. The accessible parking sign shall include a sign that indicate fine for illegal parking in accessible parking area.
18. Note on the plans that the driveway, parking, and other site improvements shall be inspected by a DPW engineer prior to final inspection by the Building & Safety Division.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Marcotte/Magan Coastal Permit (CP 09-8) and Design Review (DM 09-23) approval by obtaining a Building Permit and substantially completing all of the approved work before March 12, 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 Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on March 19, 2009.**

SECTION 4: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 12th day of March, 2009:

**JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR**

Attest:

Joyce Evans
Recording Secretary