



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
 WESCOTT/LAHAR COASTAL PERMIT AND DESIGN REVIEW**

Item No:	C1	Application No:	CP 09-4 and DR 09-4
Applicants:	David Lahar & Julie Westcott	Owners:	same
Property Address:	56 and 58 Horseshoe Hill Rd. Bolinas	Assessor's Parcels:	188-150-43 and 188-150-44
Hearing Date:	April 30, 2009	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	5 working days to the Planning Commission
LAST DATE FOR ACTION:	May 17, 2009

PROJECT DESCRIPTION:

The applicants are requesting Design Review and Coastal Permit approval to construct a 469-square foot guest house/pool house, 298-square foot lanai, and 12-foot by 72.5-foot in-ground swimming pool accessory to the 3,040-square foot single-family residence on a 3.16-acre merged parcel.* The proposed guest house and adjoining lanai would attain a maximum height of 13.9 feet above grade and maintain the following approximate setbacks from the corresponding property lines of existing Assessor's Parcel 188-150-44: 36 feet from the westerly front, 144 feet from the northerly side, 279 feet from the southerly side, and 218 feet from the easterly rear. Exterior finishes include: 1) sagebrush stained cedar, copper, and earthtone stucco sidings, 2) Douglas fir and anodized aluminum windows, and 3) metal roof with photovoltaic panels. The proposed swimming pool would be located next to the lanai, with the pool equipment housed in the existing storage shed nearby. The scope of work includes a new water storage tank and LPG tank in a ignition-resistant fence enclosure situated 74 feet from the northerly side property line and 10 feet from the westerly front property line, as well as an as-built willow fence that runs 158 feet along the easterly rear property line and attains a maximum height of 14 feet.

The existing residential structure at 58 Horseshoe Hill Road will be demolished. The existing single-family residence at 56 Horseshoe Hill Road will become the main residence for the resulting 3.16-acre parcel. In addition to the proposed guest house described above, three existing accessory structures on the merged property would remain: a 396-square foot exercise building, 370-square foot storage shed, and a 255-square foot screened porch.

The merged property would be serviced by both the existing on-site septic system at 56 Horseshoe Road and an upgraded septic system at 58 Horseshoe Road. The property would be served by the existing domestic well at 56 Horseshoe Road; the well at 58 Horseshoe Road will be abandoned.

*Note: As a condition of Design Review and Coastal Permit approval, the owners will merge the 1.69-acre Assessor Parcel 188-150-43 (56 Horseshoe Hill Road) with the 1.47-acre Assessor Parcel 188-150-44 (58 Horseshoe Hill Road.)

GENERAL INFORMATION:

Countywide Plan: C-AG3 (Coastal agriculture, 1 unit per 1-9 acres)
Zoning: C-ARP-5 (Coastal, Residential Planned District, 1 unit per 5 acres)
Community Plan Area: Bolinas
Lot size: Assessor Parcel 188-150-43 (56 Horseshoe Hill Road) = 1.69-acre
Assessor Parcel 188-150-44 (58 Horseshoe Hill Road) = 1.47-acre
Merged lot would be 3.16 acres

Adjacent Land Uses: Single-family Residential
Vegetation: Native grasses, Coast live oak throughout the site, with landscaped and garden areas
Topography and Slope: Slope gently downward to the east with an approximately 8% average slope
Environmental Hazards: The subject parcels lie within the Alquist-Priolo Special Study Zone.

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303(e), Class 3 of the CEQA Guidelines because it entails developments of improvements to an accessory structure on a single-family residentially developed property that would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. The Community Development Agency received no adverse comments from the public regarding this project.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Community Plan, and the Local Coastal Program, Unit 1. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

PROJECT ANALYSIS:

The project site entails two developed parcels (1.69 acres and 1.47 acres) located several hundred feet east of Horseshoe Hill Road. Currently, a one-lane dirt road provides access to the project site and adjoining neighbors. The existing single-family residence at 56 Horseshoe Hill Road was built about 10 years ago and thoughtfully situated to minimize grading and tree removal. The proposed project would also be carefully sited so that only one tree will be removed. The combined 3.16-acre lot is moderately dense oak woodland with windrows of cypress trees along the south property line, which provide adequate screening between the proposed project and adjacent properties to the west and south. The as-built willow fence was constructed to buffer noise from adjacent neighbors at the rear of the property. Thick chaparral east of the dirt road further screens the property from neighbors. The applicants propose additional landscaping around the pool and guest house to further screen the project.

The proposed low profile building, with a maximum height of less than 14 feet, would not obstruct views from the uphill adjacent residences because of the difference in slope and adequate setbacks from the property lines.

By removing the existing residence at 58 Horseshoe Hill and merging the properties, the applicants remove the development potential for a larger and taller single-family residence and accessory structures, which could have potentially included a second unit.

The owners are requesting to merge the 1.69-acre Assessor Parcel 188-150-43 (56 Horseshoe Hill Road) with the 1.47-acre Assessor Parcel 188-150-44 (58 Horseshoe Hill Road.) Because of the project's location to existing property lines, Design Review and Coastal Permit approval is contingent upon the merging of the two parcels. Merger findings can be made pursuant to Section 66451.11 of the State Subdivision Map Act because Assessor Parcel 188-150-44 (58 Horseshoe Hill Road) does not meet current standards for domestic water supply under Title 7 of Marin County Code. While the owners have submitted a separate application for merger, they have requested that the parcels not be merged until final approval of this Coastal Permit and Design Review. Merger approval can be granted administratively.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review findings can be made.

RECOMMENDATION:

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

- Attachments:**
1. Proposed Resolution recommending approval of the Wescott/Lahar Coastal Permit and Design Review applications
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Marin County Department of Public Works Memo, 3/9/09
 7. Marin County Environmental Health Services (water) Memo, 3/12/09
 8. Marin County Environmental Health Services (sewer) Memo, 3/2/09
 9. Bolinas Fire Department 3/10/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION APPROVING THE WESCOTT/LAHAR COASTAL PERMIT AND DESIGN REVIEW
56 & 58 HORSESHOE HILL ROAD, BOLINAS
ASSESSOR'S PARCELS 188-150-43 & 188-150-44

SECTION I: FINDINGS

I. WHEREAS Laura Hartman, on behalf of owners David Lahar and Julie Wescott, is seeking Coastal Permit and Design Review approval to construct a 469-square foot guest house/pool house, 298-square foot lanai, and 12-foot by 72.5-foot in-ground swimming pool accessory to the 3,040-square foot single-family residence on a 3.16-acre merged parcel. The proposed guest house and adjoining lanai would attain a maximum height of 13.9 feet above grade and maintain the following approximate setbacks from the corresponding property lines of existing Assessor's Parcel 188-150-44: 36 feet from the westerly front, 144 feet from the northerly side, 279 feet from the southerly side, and 218 feet from the easterly rear. Exterior finishes include: 1) sagebrush stained cedar, copper, and earthtone stucco sidings, 2) Douglas fir and anodized aluminum windows, and 3) metal roof with photovoltaic panels. The proposed swimming pool would be located next to the lanai, with the pool equipment housed in the existing storage shed nearby. The scope of work includes a new water storage tank and LPG tank in a ignition-resistant fence enclosure situated 74 feet from the northerly side property line and 10 feet from the westerly front property line, as well as an as-built willow fence that runs 158 feet along the easterly rear property line and attains a maximum height of 14 feet.

The existing residential structure at 58 Horseshoe Hill Road will be demolished. The existing single-family residence at 56 Horseshoe Hill Road will become the main residence for the resulting 3.16-acre parcel. In addition to the proposed guest house described above, three existing accessory structures on the merged property would remain: a 396-square foot exercise building, 370-square foot storage shed, and a 255-square foot screened porch.

The merged property would be serviced by both the existing on-site septic system at 56 Horseshoe Road and an upgraded septic system at 58 Horseshoe Road. The property would be served by the existing domestic well at 56 Horseshoe Road; the well at 58 Horseshoe Road will be abandoned. **The subject properties are located 56 and 58 Horseshoe Hill Road, Bolinas, and are further identified as Assessor's Parcels 188-150-43 and 188-150-44.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing April 30, 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(e), Class 3 of the CEQA Guidelines because it entails development accessory

to a residentially developed property that would not result in potentially significant impacts to the environment.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Bolinas Community Plan for the following reasons:
- A. The project would be consistent with the C-AG3 (Coastal agriculture, 1 unit per 1-9 acres) land use designation;
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - E. The project would minimize soil disturbance and maximize the retention of existing vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

There is currently one well on each of the two parcels. When the parcels are merged, one well will be destroyed. Marin County Community Development Agency – Environmental Health Services (EHS) staff reviewed the application and found that the remaining on-site well would have adequate capacity to serve the project. As a recommended condition of approval, a domestic water permit from EHS will be required for one well and a destruction permit required for the well to be abandoned.

B. Septic System Standards

There is currently one on-site septic system for each of the two parcels, both of which will remain after a merger. The existing septic system at 58 Horseshoe Hill Road was permitted in 1988. The system was apparently installed without an inspection by EHS and the permit subsequently expired. That septic system was recently inspected by Questa Engineering who recommended minor retrofits before permitting. Environmental Health Services staff has reviewed the proposed project and will require the recommended upgrades to the on-site system at 58 Horseshoe Hill before issuance of a building permit. Additionally, before issuance of a building permit, the applicant must record a deed restriction against the title of the property stipulating that the pool house will not be used as a second unit

C. Grading and Excavation

Grading and excavation would be limited to the amount necessary for trenching and excavation to accommodate the proposed foundations, on-grade driveways, parking area,

and swimming pool. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements. The submitted grading, drainage, and erosions control plans have been accepted as complete and consistent with Marin County Code Section 22.56.130I.C.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject properties are located in an area of high archaeological sensitivity. Project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

E. Coastal Access

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 1, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Bolinas community.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 1 of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. geological Survey Maps.

H. Dune Protection

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 1 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 a potential habitat area for special statue species listed below. The project will have a minimal impact to the habitat value of the site because it entails moderate construction on a developed site. Further, the project site does not appear to be habitat for the following identified species:

- a. Monarch Butterfly (*Danaus plexippus*) - The project site is open grassland with scattered oaks and does not have the density of vegetation necessary for

roosting habitat. Therefore the proposed project and removal of the one oak tree would not likely adversely impact Monarch butterfly habitat or populations.

- b. Rickseckers Water Scavenger Beetle (*Hydrochara rickseckeri*) – A site visit conducted by Planning staff revealed that the project site does not consist of tidewater, marshy, or moist environments which this species prefers, including sensitive riparian wetlands of the Bolinas Lagoon, located about one-half mile east of the project site. Because of the distance of the project site from the Bolinas Lagoon and the lack of a moist environment, staff concluded that the proposed project should not have a measurable effect on this presumed extant species.
- c. California Clapper Rail (*Rallus longirostris*) – The general habitat for this species is salt and brackish marsh, which is not found on or adjacent to the project site.

While the project site is suitable grassland and chaparral habitat for the American Badger (*Taxidea Taxus*), staff did not observe any evidence of burrows during site visits. Similarly, the residences have not seen any evidence of badgers through the years. However, to ensure protection, a condition of approval requires a preconstruction survey and a report of findings prepared by a qualified Wildlife Biologist that verifies that the American Badger do not occur at the project site: If evidence of special status species is observed, an Initial Study would be required pursuant to the California Environmental Quality Act.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I 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 maybe be in the vicinity of Coast Yellow Leptosiphon (*Leptosiphon croceus*). A review of the California Native Plant Society indicates that there is uncertainty about the location of this plant in Marin. The Calflora website reported an observation in the literature of the plant east of Highway 101, over a mile from the project site. The relatively small-scale project within the developed property will not have an adverse impact on the habitat or individual plants.

The significant native plant feature on the site is the moderately dense woodland of Coast live oaks (*Quereus agrifolia*). The proposed project calls for the removal of one damaged oak tree and the planting of three new oaks, a sufficient offset.

K. Shoreline Protection

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

L. Geologic Hazards

Review of the Alquist-Priolo Specials Studies Zone maps indicates that the subject property lies within the area of high risk of seismic activity of the San Andreas Fault Zone. Chapter 7.5, Section 2621.8 of the Alquist Priolo Special Studies Act exempts construction of single-family residences from requirements to prepare a seismic assessment of the project site. Furthermore, through the building permit application process, construction of

the proposed development will be reviewed for compliance with all applicable building codes adopted by the County.

The subject property received a slope stability rating of 3 in the 1977 Wagner Slope Stability Study of the Bolinas Peninsula. The Department of Public Works, Land Use and Water resource staff has reviewed and approved the Geotechnical Report prepared by SalemHowes Associates, which concludes that the proposed development, subject to the engineering techniques recommended in the report, would have no adverse impacts on the stability of the slopes or affect the natural drainage site in any significant manner.

M. Public Works Projects

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

N. Land Division Standards

No land division is proposed as part of this project. Conversely, the project will entail the merging of two lots whose combined size will remain consistent with the Marin Countywide Plan's C-AG3 designation, but would still be less than called for in the C-ARP-5 zoning district.

O. Visual Resources

The moderately dense forest of oak trees throughout the project site and the windrow of cypress trees along the south property line would provide adequate screening between the proposed residence and existing and future residential development on surround properties. The as-built willow wattle fence along the easterly rear property line provides additional screening for privacy. The height, scale, and design of the proposed structures are compatible with the character of the surrounding environment. The proposed structure will not obstruct public views of the coast and would be screened by existing tree canopies. In accordance with Marin County Code Section 22.56.130I(O), a recommended condition of approval requires that all utility lines serving the project site shall be placed underground.

P. Recreation/Visitor Facilities

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

Q. Historic Resource Preservation

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

- VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Development Code can be made based on the following findings:

- 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 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 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 several California native trees and shrubbery and is removing only one damaged oak. The proposed guest house would be well insulated, include photovoltaic panels on the roof, and blend 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 incorporates 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;**

As with the existing single family residence, the proposed project has been designed to minimize adverse visual effects related to design and building massing. The proposed pool house and lanai are a low-profile structure that would cut into the hillside so that the structure is less than 8 feet above grade on the westerly uphill

side facing the road. The project incorporates articulations and height changes which minimize mass and bulk, and roof mass. There are no unbroken vertical walls on the structure.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works. 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 proposed project has been designed to minimize the amount of grading. As much as possible, excavated materials will be spread onsite for landscaping. Constraints on spreading soil around existing trees and on top of the leach field may result in a minimal amount removed off-site.

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

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 Wescott/Lahar Coastal Permit (CP 09-4) and Design Review (DR 09-4) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Wescott/Lahar Coastal Permit and Design Review are approved to construct a 469-square foot guest house/pool house, 298-square foot lanai, and 12-foot by

72.5-foot in-ground swimming pool accessory to the 3,040-square foot single-family residence on a 3.16-acre merged parcel. The proposed guest house and adjoining lanai are approved to attain a maximum height of 13.9 feet above grade and maintain the following approximate setbacks from the corresponding property lines of existing Assessor's Parcel 188-150-44: 36 feet from the westerly front, 144 feet from the northerly side, 279 feet from the southerly side, and 218 feet from the easterly rear. The proposed swimming pool is approved to be located next to the lanai, with the pool equipment housed in the existing nearby storage shed. A new water storage tank and LPG tank in an ignition-resistant fence enclosure are approved to be situated 74 feet from the northerly side property line and 10 feet from the westerly front property line. An as-built willow fence that runs 158 feet along the easterly rear property line is approved to attain a maximum height of 14 feet.

The property is approved to be serviced by both the existing on-site septic system at 56 Horseshoe Road and an upgraded septic system at 58 Horseshoe Road. The property is approved to be served by the existing domestic well at 56 Horseshoe Road, with the well at 58 Horseshoe Road to be abandoned. **The subject properties are located 56 and 58 Horseshoe Hill Road, Bolinas, and are further identified as Assessor's Parcel 188-150-43 and 188-150-44.**

2. Plans submitted for building permits shall substantially conform to plans identified as "Westcott Lahar Residence", prepared by Farnau & Hartman Architects, identified as "Exhibit A3" consisting of eight sheets received December 31, 2008, and "Exhibit A3 revised" consisting of one sheet received February 25, 2009, and on file in the Marin County Community Development Agency, Planning Division.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Farnau & Hartman Architects, dated July 30, 2008, and on file with the Marin County Community Development Agency including:
 - a. Siding - Sagebrush stained cedar, standing seam copper, and earthtone stucco
 - b. Windows - Clear sealed vertical grain Douglas fir and clear anodized aluminum
 - c. Roof - Metal roof with photovoltaic panels

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Prior to issuance of a final inspection, all exposed copper metal trim shall be treated to accelerate the oxidization process resulting in a patina finish, thereby reducing the reflectivity of the material and speed the weathering of the copper to a dull finish.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
5. BEFORE ISSUANCE OF ANY BUILDING PERMIT OR SEPTIC PERMIT, an administrative determination of the merger application submitted by the applicant shall be perfected, which will merge Assessor's Parcel 188-150-43 and Assessor's Parcel 188-150-44.
6. BEFORE LAND DISTURBANCE AND CONSTRUCTION CAN OCCUR ON THE SITE, the applicant/owner must submit to the Community Development Agency for review and approval a preconstruction survey and a report of findings prepared by a qualified wildlife biologist,

approved by the Marin County Environmental Coordinator, that verifies that the American Badger (*Taxidea Taxus*) or other special status species do not occur at the project site.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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.
8. 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.
9. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicants shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
10. BEFORE ISSUANCE OF ANY GRADING, SEPTIC SYSTEM, OR BUILDING PERMITS, the applicants shall submit to the Community Development Agency for review and approval a revised landscape plan for the approved project which indicates all the trees proposed to be removed, all the trees proposed to be preserved, and the replacements of all oak trees to be removed at a ratio of two to one as feasible. This landscape plan shall be incorporated into the requirements of the Bolinas Fire Protection District for site specific design requirements regarding defensible space standards and vegetation management plan.
11. No trees other than those shown and approved on the landscaping plan required under Condition 10 above shall be removed on the subject properties except where necessary to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or the general welfare.
12. All soils disturbed by development of the project shall be reseeded to control erosion with native grasses, wildflowers, or other means as approved by the Planning Division.
13. All construction activities shall comply with the following standards:
 - a. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all

contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

- c. During construction, the applicants shall take all appropriate measures, including watering of disturbed areas and covering the beds of any trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
 - d. The applicants shall be responsible for ensuring that the number of vehicles, equipment, and materials are stored onsite and off the street so that pedestrian and vehicles can pass safely at all times.
 - e. All construction debris shall be removed from the site upon completion of the project.
14. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners shall record a notarized deed restriction stipulating that the detached accessory structure/attached studio located on the subject property shall not contain any food preparation facilities which may include, but are not limited to, kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, and shall not be used as a dwelling unit separate from the existing residence or rented without first securing approval from the Marin County Community Development Agency - Planning Division.
16. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Wescott/Lahar Coastal Permit (CP 09-4) and Design Review (DR 09-4, for which action is brought within the applicable statute of limitations.
17. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Environmental Health Services (EHS) - Sewage

18. Prior to EHS approval of the Building Permit Application the applicant shall provide the following information
- a. The existing well located within 100 feet of the existing (1988) septic system is to be abandoned under permit. Complete the minor recommendations and retrofitting discussed in Questa Engineering's July 14, 2008 and August 8, 2008 letters. Contact EHS to arrange for a final inspection of the septic system.

- b. If the well is not to be abandoned, obtain a “Minor Modification Existing Standard” permit to abandon and replace the existing tank and disposal field area within 100 feet of the well.
- c. Protect the septic system area from heavy equipment and building construction activities.

Environmental Health Services – Drinking water

- 19. Domestic water supply is acceptable with the following conditions:
 - a. Since the client has chosen to merge the lots, it is necessary to apply for one domestic water permit at EHS and create one water system that serves both houses.
 - b. Maintain a minimum of five feet, *or greater*, between the outside casing and the building on 58 Horseshoe Hill, in order to allow heavy equipment to access the well head and service the well, and well casing sections can clear the eaves.
 - c. Obtain a well destruction permit before destroying the old well.
 - d. Before the Building Permit is cleared, obtain a domestic water permit from EHS and destroy the old well. The water system shall be installed and inspected before the Final Building inspection.
 - e. Provide a minimum storage capacity of 2,500 gallons for domestic water, in addition to fire control requirements.

Department of Public Works

- 20. Prior to recordation, either a Record of Survey or a deed(s) shall be submitted to the Department of Public Works for review and approval along with a fee pursuant to Marin County Code (MCC) 3.50, County surveyor Fees. A Licensed Land Surveyor or a Registered Civil Engineer shall prepare the deeds, and an exhibit shall be attached to each deed that graphically depicts the merger.
- 21. BEFORE ISSUANCE OF A BUILDING PERMIT:
 - a. Improvements to the access road shall conform to §24.04 of the Marin County Code or as approved by DPW and the Fire Department.
 - b. The fire truck turnaround shall conform to MCC §24.04.150.
 - c. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer’s stamp and signature on the plans, or by stamp and signed letter.
 - d. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer’s signature and stamp.
 - f. 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).
 - g. Provide a drainage plan for the roof runoff of the new and existing structures.

- h. Provide a drainage system for the retaining walls that is separate from the stormwater system.
- i. The plans shall provide details for pool drainage and demonstrate that the drainage would comply with Marin County Code Section 23.18 (Urban Runoff Pollution Prevention Code). Discharge into a watercourse is prohibited pursuant to Marin County Code Section 23.18.094.
- j. Consider reconfiguring the portion of the drainage system bubbler to be outside of the natural watercourse.
- k. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
- l. Submit construction Civil drawings with wet stamp and signature.

Bolinas Fire Protection District

- 22. The street address shall be posted where readily visible from Horseshoe Hill Road. Sign to be three inches minimum letters with 3/8 inches stroke and with a background of contrasting color. Temporary sign shall be posted during construction.
- 23. The driveway shall be a minimum of 12 feet wide and all weather surface capable of supporting 40,000 pounds weight with an unobstructed vertical clearance of 15 feet for the entire length and a 5-foot safety zone on either side.
- 24. If used, gate entrances shall be at least 2 feet wider than traffic lane and at least 30 feet from the public roadway to allow a vehicle to stop without obstructing traffic.
- 25. If utilized, a driveway turnaround shall have a minimum radius of 40 feet from the center line of the driveway. A *"Hammerhead T"* will be added for Fire Department use; the top of the T shall be a minimum of 60 feet in length. Parking not to interfere with turnaround.
- 26. Fire sprinkler design approval and inspection to be completed by County Building and Safety.
- 27. Provide smoke detectors per UBC/UFC.
- 28. The relocated LPG tank shall be secured to a concrete foundation or by other methods to withstand failure of cylinder and associated plumbing which may cause the release of propane during a seismic event or land movement.
- 29. The LPG tank shall be located a minimum of 30 feet from all structures. It is recommended that the propane tank be sited away from the driveway so as not to interfere with access in the event of flame impingement which may cause tank to vent flames. Provide 15 feet of defensible space around the propane tank.
- 30. The propane tank shall not be screened or housed with material other than concrete or metal.

31. A vegetative defensible space zone (minimum of 100 feet) is required. The defensible space zone must be in place prior to framing. Trees shall not be planted in a location that, when mature, will contact overhead power lines or impede access/egress. Vegetation scheduled for planting shall be in accordance with the fire resistant plant species list. Schedule a site meeting with the Fire Department prior to construction. Note: Any trees proposed for removal beyond those shown on the approved plans must receive prior approval from Planning.
32. The applicant shall complete and return the Fire Department's Private Above Ground Residential Fire Protection Water Supply Worksheet (available from the Fire Department) showing water required for structures, water required for sprinklers per formula, and water required for wildland fire exposure hazard. Total minimum fire protection water supply shall be supplied by a permanent, adequate, and reliable water source. Domestic water supply requirements are in addition to fire protection supply.
33. A hydrant shall be installed in such a manner so as not to block vehicle access. Mark hydrant with a 3-inch reflective marker on a fire retardant post and place 3-inch blue reflective marker on the address sign at the street to the left of the number. Water storage and hydrant shall be installed and in service prior to commencement of framing. Notify the Fire Department prior to installation for complete construction requirements and for specific placement of the fire hydrant. The hydrant shall be installed in the area of the Hammerhead T. *The applicant shall contact the Fire Department prior to final placement of the hydrant.*

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before April 30, 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 Section 22.56.120I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **May 7, 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 30th day of April 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans, DZA Secretary