

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – April 30, 2009

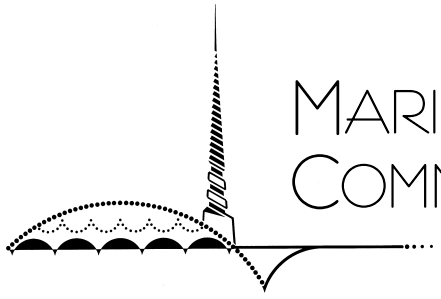
Hearing Officer Johanna Patri, AICP

Staff Present: Lorene Jackson, Assistant Planner
 Johanna Patri, AICP, Consulting Planner
 Neal Osborne, Planner
 Ben Berto, Principal Planner

Joyce Evans, Recording Secretary

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

April 30, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **DAVID LAHAR**
Application (type and number): Coastal Permit (CP 09-4), and Design Review (DR 09-4)
Assessor's Parcel Number: 188-150-43 and 188-150-43
Project Location: 56 and 58 Horseshoe Hill Road, Bolinas
For inquiries, please contact: Lorene Jackson, Assistant Planner
Decision Date: April 30, 2009

DETERMINATION: Approved with Conditions

Minutes of the April 30, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-33.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C1. COASTAL PERMIT (CP 09-4), AND DESIGN REVIEW (DR 09-4): DAVID LAHAR

A proposal to consider the Lahar Design Review and Coastal Permit 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. (As a condition of 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.) 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. 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 subject property is located at **56 and 58 Horseshoe Hill Road, Bolinas**, and is further identified as **Assessor's Parcels 188-150-43 and 188-150-44**.

In response to the Hearing Officer, staff summarized her supplemental memorandum dated April 30, 2009 recommending deletion of Condition of Approval 6. The area is not habitat for the American Badger so it is not necessary to require a wildlife biologist to conduct a preconstruction survey.

The Hearing Officer noted that he observed a detached porch that had been enclosed and further noted deer fencing around the garden which should be included in today's decision.

Staff responded that the detached structure was improved, but not heated and recommended that conversion be included in the current Design Review and Coastal Permit, and therefore subject to Building Permit with approval required from the Environmental Health Services.

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

The Hearing Officer concurred with staff's analysis and approved the Lahar Coastal Permit, and Design Review, based on the Findings and subject to the conditions in the Resolution as modified to include approval of the detached accessory structure and the deer fencing surrounding the garden.

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. 09-113

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 project would also include 1) the as-built conversion of an approved 255-square foot screened porch into an office located 45 feet from the westerly front and 78 feet from the southerly side property lines, and 2) an approximately 8-foot as-built deer fence around the southwesterly garden, both situated on existing Assessor's Parcel 188-150-43.

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.
- d. American Badger (*Taxidea Taxus*) - While the Natural Diversity Data Base indicates this species may be located in the larger region, the project site does not fit the criteria for suitable habitat for the American Badger. While grassland and chaparral are suitable habitat, the project parcels have been previously disturbed and subject to human intrusion for some time. Chaparral in the area has been cleared and the grasses routinely cut for fire protection. Project staff did not observe any evidence of burrows during site visits and the residences have not seen any evidence of badgers at the project site or in the area through the years. Similarly, the project site is not a location that would affect the migratory pathways of this species.

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 as-built conversion of an approved 255-square foot screened porch into an office is approved to attain a maximum height of 15 feet and to be located 45 feet from the westerly front and 78 feet from the southerly side property lines of Assessor's Parcel 188-150-43. The approximately 8-foot as-built deer fence is approved to be located around the garden situated on the southwest portion of Assessor's Parcel 188-150-43.

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.**

13. 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.
14. Building permit plans shall be submitted for the as-built conversion of the screened porch into an office and for the as-built deer fence around the garden. A building permit for the porch conversion shall be subject to review and approval by Environmental Health Services.
15. 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.

16. 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.
17. BEFORE ISSUANCE OF ANY BUILDING PERMIT OR SEPTIC PERMIT FOR THE GUEST HOUSE AND POOL, 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.
18. 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.
19. 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.
20. 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.
21. 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 22.56.1201 of the Marin County Code.

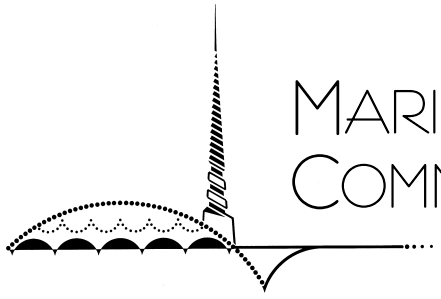
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May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



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **SMITHTON/ARLAS**

Application (type and number): Use Permit (UP 04-24)

Assessor's Parcel Number: 074-031-45

Project Location: 907 Sir Francis Drake, Kentfield

For inquiries, please contact: Johanna Patri, AICP, Consulting Planner

Decision Date: April 30, 2009

DETERMINATION: Approved with Conditions

Minutes of the April 30, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-10.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C2. USE PERMIT (UP 04-24): SMITHTON/ARLAS

A proposal to consider the Smithton/Arlas Use Permit, originally approved by the Marin County Board of Supervisors (Resolution No. 95-132) on June 27, 1995. The applicant is requesting the continued use of an existing 6,261 square foot office building as law offices, a reception area, library, conference room, kitchen, copy room, rest rooms, and storage spaces. Consistent with the 1995 approvals, the current proposal seeks use and operation of the law offices to normal business hours (8:00 AM to 6:00 PM). The subject property is located at **907 Sir Francis Drake, Kentfield** and is further identified as **Assessor's Parcel 074-031-45**.

The Hearing Officer noted for the record that the Use Permit had lapsed, and therefore, this item is not a renewal.

The Hearing Officer acknowledged receipt of a supplemental memorandum from staff dated April 29, 2009, requesting a continuance of the item to allow the applicant time to research the possibility of increasing the off-street parking to allow a permitted 12 personnel instead of 9 personnel due to the on-site parking constraints. The Hearing Officer did not see a reason for a continuance to address the off-street parking issue to allow an increase of 3 personnel, and added a new Condition of Approval 8, and a change in wording in Section I:

- Section 1: Findings 1., the words “Americans with Disabilities Act (ADA)” should be changed to state “Seven parking spaces are provided including one space that meets the Uniform Building Code accessibility standards.”
- New Condition of Approval 8: Should the applicants/owners obtain additional off-street parking in accordance with the requirements of Department of Public Works, an amended parking plan must be submitted to the Community Development Agency and Department of Public Works for review and approval that would allow the use of the office building for additional staff personnel, up to a total of 12 personnel.

The Hearing Officer concurred with staff’s analysis and approved Smithton/Arles Use Permit, based on the Findings and subject to the conditions in the Resolution as modified.

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

MARIN COUNTY DEPUTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-114

A RESOLUTION APPROVING THE
ARLAS/SMITHTON USE PERMIT (UP 04-24)
907 SIR FRANCIS DRAKE BOULEVARD, KENTFIELD
ASSESSOR'S PARCEL 074-031-45

SECTION I: FINDINGS

- I. WHEREAS the applicant is requesting Use Permit approval to continue the use of an existing 6,261 square foot office building at 907 Sir Francis Drake, Kentfield as a law office with facilities for a total of 12 personnel including attorneys and support staff and ancillary uses including a reception area, a library, a conference room and kitchen, copy room, rest rooms, and storage spaces. The use and operation of the law offices generally would be during normal business hours (8:00 AM to 6:00 PM). Eleven on-site parking spaces on Assessor's Parcel 074-031-45 are provided. Within a common parking area for both 907 and adjacent 911 Sir Francis Drake Boulevard, six parking spaces are provided, including one space that meets the Uniform Building Code accessibility standards. Zoning of the 7,208 square foot property is RMPC (Residential Multiple-family, Commercial Planned District). The subject property is located at **907 Sir Francis Drake Boulevard, Kentfield**, and is further identified as **Assessor's Parcel 074-031-45**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on 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, Class 3(c) because it entails the a Use Permit to permit the continued use of an existing office building for law offices that would not result in any significant adverse environmental effects.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies contained in the Marin Countywide Plan (CWP) for the following reasons:
 - A. The project consists of an office use, consistent with the CWP land use designation of RS – Residential/ Commercial;
 - B. The 2009 Use Permit does not require a new Building Permit but the permitted office building remains in conformance with the County earthquake standards and fire protection policies (CWP Policies EH-2.1, EH-2.3, CD-2.8, EH-4.1, EH-4.2, EH-4.c through EH-4.f, EH-4.,h and EH-4.n);

- C. The use of the commercial building for law office activities would not negatively impact development in the commercial area of Kentfield and the project is consistent with local design and scale, and does not detract from the community character (CWP Policy DES-1.2);
 - D. The office building project does not have, nor does the applicant propose, any exterior lighting (CWP Policy DES-1.h);
 - E. The project maintains a commercial use within the City-Centered Corridor, where infrastructure and facilities are available (CWP Policy CD-1.1);
 - F. The project does not require extension of urban services (CWP Policy CD-1.2);
 - G. The project maintains development and use that provide jobs for Marin residents (CWP Policy CD-2.4);
 - H. The project maintains commercial use in an area that provides transit accessibility and service capacity within the City-Centered Corridor (CWP Policy CD-2.6); and
 - I. The project maintains a commercial use within the Kentfield commercial downtowns (CWP Policy CD-2.7).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies of the Kentfield/Greenbrae Community Plan because the continued law office use: (1) would further the commercial development within the Historic Kentfield area to meet community needs; and (2) would represent a commercial use that is encouraged for the area by the Community Plan.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory findings for a Use Permit pursuant to Section 22.48.040 of the Marin County Development Code can be made for the reasons listed below.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

Pursuant to Marin County Code 22.12.030, the proposed legal office use is a conditionally-permitted land use within the governing RMPC zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project would be consistent with the goals and policies of the Marin Countywide Plan because as outlined in Findings IV. and V. above. The proposed project would not increase the intensity of use, would not impact adjacent surrounding properties or result in other adverse environmental impacts, and would be compatible with the character of the community.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorical Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(c) of the CEQA Guidelines because it entails a Use Permit to permit the continued use of an existing office building for law offices that would not result in any potentially adverse impacts to the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed project consists of the continued use of an existing commercial building as a law office, a low intensity use which would be compatible with surrounding low density commercial uses and would not generate any activities which would be detrimental to existing or future land uses in the vicinity. The proposed hours of operation are limited and reasonable and Department of Public Works staff has indicated that adequate parking would exist on the property to serve normal operation of the law office.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The proposed project does not require any modifications to the existing commercial building. Therefore, the proposal would not impair the architectural integrity or alter the character of the zoning district in which the site is located.

F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The proposed continued use of the existing commercial structure as a law office would be compatible with the surrounding community and would not be detrimental to the health, safety, convenience, or welfare of the public or surrounding property owners. The proposed use and hours of operation are reasonable and the project would not result in traffic or parking impacts on nearby neighbors, as confirmed by Department of Public Works. Sewage and water service exist and no adverse comments regarding the project have been received from surrounding neighbors or members of the community. The proposed office use will not result in land use conflicts with other office and commercial-retail uses along the south side of Sir Francis Drake Boulevard in the Historic Kentfield area. Use of the subject building as a law office that is limited to a maximum of nine attorneys and/or staff would not increase the demand for on-site parking.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Arlas/Smithton Use Permit subject to the conditions of approval as specified below:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.48 of the Marin County Code, the Arlas/Smithton Use Permit (UP 04-24) is approved for use as a law office (or equivalent) consisting of a reception area, library, conference rooms, kitchen, copy room, rest rooms, storage space and office space for a maximum of nine full-time employees and/or staff. Eleven on-site parking spaces are approved. The subject property is located at 907 Sir Francis Drake Boulevard, Kentfield, and is further identified as Assessor's Parcel 074-031-45.
2. Use and operation of the offices shall be limited to normal business hours (8:00 AM to 6:00 PM) with a maximum occupancy of nine full-time employees and/or staff.
3. Approved plans consist of plans identified as "Exhibit A," entitled, "Remodel of 907 Sir Francis Drake Boulevard," consisting of eight sheets prepared by Jennifer Kelly, Architect, dated 9-23-94, and revised Sheets A-2 and A-4, dated 8-2-95, and revised Sheet A-4, dated 9-13-04 on file in the Marin County Community Development Agency.
4. This Use Permit is subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or detrimental to the public welfare or injurious to property or improvements in the neighborhood.
5. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.
6. The Notice of Decision for the Arlas/Smithton Use Permit (UP 04-24) shall be recorded against the title of the property by the Marin County Community Development Agency within 14 days after the date of final approval.

Department of Public Works-Land Use and Water Resources

7. In order to vest the 2005 Arlas/Smithton Use Permit, the applicant must comply with County, State and Federal accessibility requirements. Within 60 days of the date of approval, the applicant must demonstrate and provide a compliant accessible path of travel from the accessible stall to the base of the access ramp of the office building and the applicant must call the Department of Public Works for a site inspection. Please contact Department of Public Works for assistance.
8. Should the applicants/owners obtain additional off-street parking in accordance with the requirements of Department of Public Works, an amended parking plan must be submitted to the Community Development Agency and Department of Public Works for review and approval that would allow the use of the office building for additional staff personnel, up to a total of 12 personnel.

Ross Valley Sanitary District (RVSD)

9. WITHIN 30 DAYS OF APPROVAL OF THIS USE PERMIT, the applicant shall contact the RVSD and submit a letter from the District to the Community Development Agency that verifies that all District inspections and requirements have been met.

Kentfield Fire Protection District (KFPD)

10. WITHIN 30 DAYS OF APPROVAL OF THIS USE PERMIT, the applicant shall contact the KFPD for an inspection and submit a letter from the District to the Community Development Agency that verifies that all existing systems function properly.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Arlas/Smithton Use Permit approval by meeting all conditions of approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall remain valid so long as the existing 6,261 square foot commercial building is used as a law office practice in accordance with the provisions and conditions of the Arlas/Smithton Use Permit (UP 04-24) approvals.

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 May 14, 2009**.

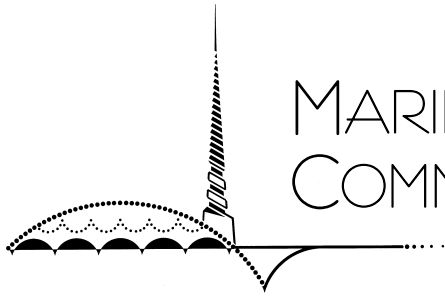
SECTION IV: DECISION

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, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **MARIN AGRICULTURAL LAND TRUST**

Application (type and number): Coastal Permit (CP 09-15)

Assessor's Parcel Number: 119-222-01

Project Location: 145 A Street, Point Reyes Station

For inquiries, please contact: Neal Osborne, Planner

Decision Date: April 30, 2009

DETERMINATION: Approved with Conditions

Minutes of the April 30, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-20.

Marin County Community Development Agency

Jeremy Tejrjian
Hearing Officer

C3. COASTAL PERMIT (CP 09-15): MARIN AGRICULTURAL LAND TRUST

A proposal to consider construction of a 725 square foot addition to the existing structure housing the MALT offices at the southwest corner of 5th Street and A Street in downtown Point Reyes Station. The proposed two story addition would attain a maximum height of 25 feet above existing grade and would be located on the southern side of the existing building adjacent to the existing parking area and approximately 15 feet from the nearest property line along A Street. The addition would accommodate a conference room on the first floor and an additional office space on the second floor. Proposed exterior materials include wood siding and composition roof shingles to match the existing building. The project is zoned C-VCR:B-2 (Coastal, Village Commercial Residential, 10,000 square foot minimum lot size). The subject property is located at **145 A Street, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-222-01**.

In response to the Hearing Officer, staff acknowledged the receipt of a supplemental memorandum from the Department of Public Works, pointing out some typographical errors in Condition of Approval 18.

The Hearing Officer noted that the project includes an exemption from Design Review and because the County does not enforce ADA requirements, a change should be made to Condition of Approval 19. He also noted that the LCP Unit II does not include Geologic Hazards findings.

- Condition of Approval 19 (d): Change reference to ADA parking to state, "Uniform Building Code accessibility standards for parking...";
- Section 1: Findings V (L): Geologic Hazards, add to the end, "This finding is not applicable in Unit II of the local Coastal Program." and
- Delete Condition of Approval 4 and renumber subsequent conditions.

The Hearing Officer concurred with staff's analysis and approved the Marin Agricultural Land Trust (MALT) Coastal Permit, 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 09-115

**A RESOLUTION APPROVING
THE MARIN AGRICULTURAL LAND TRUST
COASTAL PERMIT**

ASSESSOR'S PARCEL 119-222-01

145 A STREET, POINT REYES STATION

SECTION 1: FINDINGS

- I. WHEREAS, Jon Fernandez, on behalf of the Marin Agricultural Land Trust (MALT), submitted a Coastal Permit application proposing to construct a 725 square foot addition to the existing MALT office building in Point Reyes Station. The two-story addition would have a maximum height of 25 feet above existing grade and would be located on the southeastern portion of the existing office building with the following property line setbacks: 33 feet front (approximately 15 feet from the property line along A Street. The addition would consist of a 213 square foot conference room on the first floor, and a 400 square foot office on the second floor. The exterior materials include wood siding and composition roof shingles to match the existing building. The subject property is located at 145 A Street, Point Reyes Station, and is further identified as Assessor's Parcel 119-222-01.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on 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 15301, Class 1 of the CEQA Guidelines because it entails the construction of a small addition to an existing office building that would not result in significant grading or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is exempt from Design Review as a minor and incidental project pursuant to Marin County Code Section 22.82.030(4)l. The 725 square foot office addition would comply with the intent and objectives of the standards for Design Review in Chapter 22.82 of the Marin County Code (Interim).

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

A. Water Supply:

The North Marin Water District will be able to serve water to the subject property and has reviewed and recommended approval of the proposed project.

B. Septic System Standards:

Marin County Environmental Health Services regulates individual sewage disposal systems in the area of the subject property. Marin County Environmental Health Services has reviewed and recommended approval of the proposed project.

C. Grading and Excavation:

The subject property is less than 5% slope and only minor excavation for foundation footings would result in less than 10 cubic yards of excavation and fill. 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 of Best Management Practices.

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. However, the minor excavation proposed would not likely disturb cultural resources because most of the site has previously been developed. Project approval requires that in the event cultural resources are discovered during construction, 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 located more than 1½-mile inland of Tomales Bay at an elevation of approximately 30 feet above sea level and would not impede coastal access.

F. Housing:

The project would result in an addition to an office building and would not affect the availability of housing stock within the Muir Beach community.

G. Stream Conservation Protection:

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Local Coastal Program.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources.

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. In addition, the relatively small-scale project on previously disturbed property would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse affects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

This finding is not applicable in Unit II of the Local Coastal Program.

M. Public Works Projects:

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

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The project would be located in the middle portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive green siding, gray roof shingles, and white trim colors. The lighting of the exterior would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is governed by VCR (Village Commercial Residential) zoning regulations that would allow for a mixture of residential and commercial uses, and the project would not adversely affect recreation or visitor facilities. The project could result in benefits to visitor facilities with the addition of the conference room and use for public events supporting agriculture in Marin County.

Q. Historic Resource Preservation:

The existing office building on the subject property was constructed in 1984 and as a 25-year old building is not historically significant.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the MALT Coastal Permit application subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I, this Coastal Permit approval permits the construction of a 725 square foot addition to the existing Marin Agricultural Land Trust (MALT) offices in Point Reyes Station. The approval permit a two story addition with a maximum height of 25 feet above existing grade with the following property line setbacks: 33 feet front (northwest), 17 feet side (northeast), 58 feet side (southwest), and 26 feet rear (southeast). The approval permits an addition of a 213 square foot conference room on the first floor, and a 400 square foot office on the second floor. The approval permits exterior materials including wood siding and composition roof shingles to match the existing building. The subject property is located at 145 A Street, Point Reyes Station, and is further identified as Assessor's Parcel 119-222-01.
2. Except as modified herein, plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Marin Agricultural Land Trust Addition" consisting of five sheets prepared by Jon Fernandez of Fernandez/2 Partnership, date stamped November 12, 2008.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit Conditions of Approval as notes.
4. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the buildings conform to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
5. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be the minimum lumen intensity for safety purposes only, downward directed, and hooded.

6. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
7. All soil disturbed by development of the project shall be reseeded with native, non-pyrophytic, groundcover or adequately stabilized with approved Best Management Practices prevent soil erosion.
8. 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.
9. Any new utilities proposed to serve the approved project shall be underground.
10. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
11. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

12. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of (a 725 square foot office and conference room addition), for which action is brought within the applicable statute of limitations.
13. 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.

Community Development Agency, Building and Safety Division

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans that indicate the path-of-travel from the sidewalk and public way to the main entrance on 5th Street.

Community Development Agency, Marin County Environmental Health Services

15. BEFORE ISSUANCE OF A BUILDING PERMIT Approval of the On-site sewage disposal plans have been submitted for review of this project application is required.
16. In the event there is a change in the use of the building, a suitable Class I (up-to-code system) is required.

Department of Public Works, Land Use and Water Resources

17. Pursuant to Marin County Code Section 24.04.340, the minimum required parking spaces are determined based on the aggregate of individual uses. The plans indicate office use, but they do not indicate if any offices are open to the public. Offices open to the public require one space per 250 square feet of gross floor area and offices not open to the public require one space per 333 square feet of gross floor space. Parking outside the property lines will be allowed based on the existing site constraints, however, they must be along the contiguous frontage of the property.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. Provide a drainage plan for the addition.
 - b. Submit an Erosion and Siltation Control Plan.
 - c. An Encroachment Permit shall be required for work in the road right-of-way.
 - d. All Uniform Building Code accessibility standards for parking and loading areas shall meet federal and State of California Title 24 accessibility standards. Provide within the plans details for the Uniform Building Code accessibility standards for parking. Include parking and access aisle dimensions, slopes, all signage and the path-of-travel from the access aisle to the main entrance. Uniform Building Code accessibility standards for

parking shall be located in such a manner so as to allow for the shortest distance possible for the path-of-travel to the main entrance. Also, the entire path-of-travel shall meet the minimum code requirements for surfaces and slopes.

North Marin Water District

19. If fire sprinklers are required, replacement of the ¾-inch lateral and the 5/8-inch meter will be necessary in order to provide the flow required by the sprinkler system. If applicable, the applicant should contact the District to arrange for this upgrade and occupancy approval shall not be granted until water service upgrade is complete.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the MALT Coastal Permit (CP 09-15) approval by obtaining a Building Permit and substantially completing all of the approved construction 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 and the Community Development 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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on May 7, 2009.

SECTION 4: DECISION

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
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

**H1. USE PERMIT (UP 09-5) AND DESIGN REVIEW (DR 09-3):
MARIN FRENCH CHEESE COMPANY/AMERICAN TOWER CORPORATION AND AT&T**

A proposal to consider a wireless telecommunications facility for American Tower Corporation with the capability of locating four different wireless telecommunications service providers. The proposal includes the installation of one telecommunications facility for AT&T Mobility. The proposal includes two options, either one 50-foot tall "stealth oak tree", or two 35-foot tall "stealth oak trees" on a hill approximately 650 feet west of Point-Reyes Petaluma Road. Associated equipment cabinets would be located within an 840 square foot lease area at the base of the "stealth oak tree or trees". The subject property is located at **7500 Red Hill Road, (aka Point Reyes – Petaluma Road), Petaluma**, and is further identified as **Assessor's Parcel 125-060-10**.

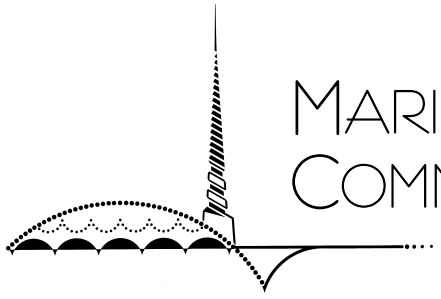
In response to the Hearing Officer, staff summarized the supplemental staff report memorandum, stating that the applicant submitted revised plans indicating the use of the existing farm driveway for access to the telecommunications facility. These plans indicate that the maximum slope is 22%. Staff made a site visit with Public Works staff to evaluate the proposed driveway.

A more detailed plan of the owner's preferred driveway location, including topography, is necessary for staff to make a decision. During the site inspection, the property owner indicated that he preferred a different location for the driveway.

The Hearing Officer noted for the record that she accompanied staff on the site visit on April 28th, but had no discussion or negotiations regarding the merits of the project.

The applicant was present and concurred with the continuance to allow additional time to prepare revised driveway plans and for review of these plans by Department Public Works and Planning staff.

The Hearing Officer continued the item to the hearing of May 14, 2009.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **MARIN CITY CSD OPEN MARKET**

Application (type and number): Use Permit (UP 09-9)

Assessor's Parcel Number: 052-113-02, -07, -08 and -09

Project Location: 630 Drake Avenue, Marin City

For inquiries, please contact: Benjamin Berto, Principal Planner

Decision Date: April 30, 2009

DETERMINATION: Approved with Conditions

Minutes of the April 30, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-29.

Marin County Community Development Agency

Johanna Patri, AICP,
Hearing Officer

H2. USE PERMIT (UP 09-9): MARIN CITY CSD OPEN AIR MARKET

A proposal to consider establishing a 25-stall open air market within the Marin City Manzanita Center area, along Phillips Drive. The market will operate on Saturdays from 7 a.m. to 4:40 p.m. During market days, Phillips Drive will be closed to the public, with access limited to emergency vehicles and residents of the Gateway Apartments. The updated parking plan will use the parking lots of three nearby community churches: Marin City Church of God, Village Baptist Church, and Cornerstone Community COGIC to provide necessary public parking. Additional vendor parking will be provided on Marin City CSD property in a portion of Rocky Graham Park. The subject property is located at **630 Drake Avenue, Marin City** and is further identified as **Assessor's Parcels 052-113-02, -07, -08 & -09**.

In response to the Hearing officer, staff explained that the site address is actually 640 Drake Avenue, and the use will be on Assessor parcel number 052-113-07.

The Hearing Officer acknowledged memo dated April 29, 2009 from staff and an e-mail from Cheryl Fisher, Marin County Sheriff's department, expressing concerns with traffic and parking near the police and fire stations on Phillips Drive.

The applicant, Robert Fisher is present at the hearing.

Topics discussed included:

- Concerns regarding prior issues from the previous, larger flea market;
- Assurances that the operation of the market will be consistent with the Condition of Approval;
- Implimentation of a six month term to allow a reassessment of the project;
- Confirm that the services of a traffic consultant as shown in Condition of Approval 6 will be utilized for traffic control on Donahue and Drake with written reports provided to Community Development staff;
- Investigate the designated parking for vendors;
- Allow complaints from residents to be directed to the Community Development Agency staff;
- Consider a reservation and/or week to week system for reserving spaces;
- Assure that there will be no parking in front of the police and fire safety building as addressed in Condition of Approval 17;
- Work with Leslie Alden of Supervisor McGlashan's office to re-establish the sticker requirement for parking;
- Assure that there will be adequate bathroom facilities;
- Consider an eating area to keep food debris confined;
- Add Condition of Approval 4 (e): Ensure that all market-related garbage, and debris, and equipment are promptly removed from the market site and adjacent streets and properties.
- Add Condition of Approval 4 (f): Ensure that adequate trash receptacles are available on the site.
- Condition of Approval 12: No flyers or posters are posted on telephone poles advertising the open air market; and
- Supply bathroom and signage for the bathroom facilities consistent with Environmental Health Services standards.

The Hearing Officer concurred with staff's analysis and approved the Marin City Open Air Market Use Permit, based on the Findings and subject to the conditions in the Resolution as modified.

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

**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
RESOLUTION 09-116**

**A RESOLUTION APPROVING THE
MARIN CITY COMMUNITY SERVICES DISTRICT
OPEN AIR MARKET USE PERMIT**

PHILLIPS DRIVE – MANZANITA CENTER, MARIN CITY

ASSESSOR'S PARCEL 052-113-10

SECTION 1: FINDINGS

- I. WHEREAS the project is a proposal to establish a 25-stall open air market in the Marin City Manzanita Center area along Phillips Drive. The market will operate on Saturdays from 7 a.m. to 4:30 p.m.. During market days, Phillips Drive will be closed to the public, with access limited to emergency vehicles and residents of the Gateway Apartments. Public parking will be provided in the parking lots of three nearby community churches: Marin City Church of God, Village Baptist Church, and Cornerstone Community COGIC. Additional vendor parking will be provided on Marin City CSD property in a portion of Rocky Graham Park. The subject property is located at 640 Drake Avenue, Marin City and is further identified as Assessor's Parcel 052-113-07.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on 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 pursuant to Section 15304, Class 4(e) of the CEQA Guidelines because it involves the operation of a minor temporary use that would not result in substantial noise, traffic, or other potentially significant impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, as modified herein, is consistent with the Marin Countywide Plan because:
 - A. The proposed project is compatible with the GC (General Commercial/Mixed Use) land use designation for the project site as a combination of community recreation and temporary commercial outdoor uses.
 - B. The proposed project is consistent with the purposes of the Marin City Community Plan. It will enhance the economic self-sufficiency of the Marin City community by providing financial support for the Marin City Community Services District, which provides services and recreational opportunities in Marin City (Goal 4.1.3). It will further a multi-functional land use mix by creating a use that provides community benefits (Policy LP1).
 - C. The proposed project as conditioned would not impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, subject to conditions of approval, is consistent with the mandatory findings to approve a Use Permit (Section 22.48.040 of the Marin County Code), as specified below.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

Pursuant to Marin County Code 22.14.030, the proposed market use is a conditionally-permitted land use within the governing PF zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project would be consistent with the goals and policies of the Marin Countywide Plan and Marin City Community Plan because the project involves public assembly for commercial purposes and is proposed by the Marin City Community Services District to support the services and recreational opportunities provided by the MCCSD in Marin City. The proposed project is compatible with the character of the community.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15304, Class 4(e) of the CEQA Guidelines because it involves the operation of a minor temporary use that would not result in substantial noise, traffic, or other potentially significant impacts on the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The location and size of the proposed project have been adjusted both in the application process and in the Conditions of Approval to ensure compatibility with existing and foreseeable land uses in the vicinity. The proposed terms of operation, including limitations on the length of time for the operation and days/hours, are adequate to ensure reasonable operation. The Department of Public Works staff has not adversely commented regarding traffic and parking associated with the project, provided the recommendations of the Traffic and Parking Study are implemented.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

No permanent exterior modifications are proposed for this temporary use on and near the grounds of the Manzanita Center. Therefore, the proposal would not impair the architectural integrity or alter the character of the zoning district in which the site is located.

- F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The proposed project, as amended by Conditions of Approval, would not adversely affect the public health, safety, morals, or welfare of the County or community.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin City Community Services District Use Permit, subject to the conditions as specified below:

Marin County Community Development Agency - Planning Division

1. Pursuant to Marin County Code Chapter 22.48, this Use Permit approval permits the operation of an open air market along and adjacent to Phillips Drive. The subject property is located at 640 Drake Avenue, (aka Manzanita Center), Marin City and is further identified as Assessor's Parcel 052-113-07.
2. Except as modified by conditions of approval, the project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Open Air Market", by Hills BRaDa's Consultants, as further modified on the plan set dated received February 8, 2009.
3. The term of operation for this Use Permit shall be temporary, on consecutive Saturdays, open to the public between 7:30 a.m. and 4:30 p.m., for 6 months from the date this approval takes effect.
4. A Market Manager shall be on site on Saturdays at all times from 6 a.m. to 5:30 p.m. Duties of the Manager include:
 - a. Oversee activities of the market on market day including vendor management, traffic controls, vendor and public parking, and emergency response, particularly for emergency vehicles using Phillips Drive;
 - b. Train and direct staff to assist in traffic control, set out traffic directional and control signs and equipment, directing vendors to/from assigned booths and parking areas, and public information;
 - c. Ensure that a minimum of a 12-foot emergency vehicle route is maintained along Phillips Drive at all times on market days. This vehicle access route shall be kept clear of pedestrian and vehicle traffic on market days;
 - d. Prior to market day, conduct administration with vendors including: contracts and payment, traffic circulation and parking information and direction, and booth assignment. To the maximum extent feasible, vendors shall be contacted in advance and arrangements made to collect payment, pre-assign vendor spaces, and provide direction on access, parking, and arrival/departure times.
 - e. Ensure that all market-related garbage, debris, and equipment-are promptly removed from the market site and adjacent streets and properties.
 - f. Ensure that adequate trash receptacles are available on the site.

5. The Market Manager shall be assisted by adequate staff to ensure that the market raises minimal problems, particularly with respect to operational elements described below, traffic, and parking.
6. Traffic management shall be consistent with the recommendations of the "Marin City Open Air Market Traffic Management Plan and Parking Monitoring Program" ("Traffic and Parking Report") by Robert L. Harrison dated September, 2002 (see attached), except as otherwise amended by these conditions.
7. The area for vendor booths shall be adjacent to the Manzanita Center. No vendors shall be located on/adjacent to Phillips Drive further west than either the lawn area to the immediate east of the Center Annex building or the parking spaces directly across Phillips Drive. Any future proposal for relocation of vendor booths to churches or other properties shall be subject to prior administrative review (and approval) for parking adequacy, circulation, and public safety.
8. Phillips Drive shall be restricted to vehicular access for and public safety-related operators, residents of the adjacent Gateway Apartments, and limited access for vendors to sales booths on Saturdays. Phillips Drive shall be closed to the general public on market days. Entries to Phillips Drive will be secured for the entire length of market day (6:00 a.m. to 5:30 p.m.), with posted signage and sufficient trained attendants to achieve this purpose. Attendants controlling and directing traffic and signage shall be posted at the westerly and easterly intersections of Phillips Drive with Drake Avenue. If necessary, additional traffic control may be required on Phillips Drive.
9. A minimum street width of 12 feet for through vehicular access shall be maintained on Phillips Drive at all times when vendors booths are present. To that end, roping restricting and directing pedestrian access shall be installed on both edges of Phillips Drive for its entire length, including in the vicinity of the Manzanita Center, during times when the open air market is operational.
10. All vendor stalls shall be set back a minimum of 10 feet from the edge of the 12-foot wide demarcated width for vehicular access.
11. Traffic control devices directing public and vendor traffic shall be placed on Donahue Street, Drake Street, and Phillips Drive per the recommendations contained on pages 3 and 4 of the September, 2002 Traffic and Parking Report.
12. No flyers, posters, etc. advertising the Open Air Market shall be posted on any public streets or telephone poles. Flyers may be posted on private property with the property owner's permission.

Vendor Management

13. The applicant is responsible ensuring vendor compliance with the following:
 - a. Cueing by vendors to secure booth locations is prohibited.
 - b. Staggered arrival times may be stipulated and monitored by the applicant, if deemed necessary by the Marin County Traffic Engineer to prevent cueing.
 - c. Vendors are not to be allowed to access their booth space or set up their booths prior to their assigned arrival time.
 - d. Vendor vehicular access to and from booth area shall be kept to a minimum during market day.
 - e. Vendor parking requirements and restrictions.

14. Any booths featuring food for sale shall comply with all Fire and Environmental Health Services regulations.
15. An onsite area shall be provided for food sales.
16. Bathroom facilities shall be provided consistent with Marin County Environmental Health Services-requirements for food sales. Signage adequate to direct the market public to the facilities shall be posted on the project site.
17. Prior to inception of the market, a list of vendor regulations and requirements shall be submitted to Planning staff for approval. Said list shall be provided to all vendors

Parking

18. Parking for the public and vendors shall be provided on market day in the following churches in the community: Marin City Church of God, Village Baptist Church, and Cornerstone Community GOGIC. Additional overflow parking shall be provided at Rocky Graham Park.
19. Temporary "No Parking" signs (for example, sandwich signs with the message "No Flea Market Parking") will be set out in residential areas on market days no later than 7:00 a.m., per the recommended locations in the September, 2002 Traffic and Parking Report, and at additional locations as determined to be necessary by the Marin County Traffic Engineer. The precise location and design of the temporary signs shall be subject to the prior approval of Marin County Traffic Engineer. All "No Parking" signs are to be properly placed and maintained throughout market days, and all such signs are to be removed at the close of the market day.
20. Overnight parking in Marin City by vendors or the public shall not be permitted. If evidence of such activity is presented by MC Sheriff's Department, it shall be incumbent on the open air market operators to propose a response to prevent said activities occurring on an ongoing basis, including the placement of temporary "No Parking" signs.
21. The parking spaces on Phillips Drive in front of the Sherriff's and Fire Sub Station shall remain available for use by emergency services personnel and those having direct business with the Sheriff or Fire Department on market days between the hours of 6 a.m. and 6 p.m. Vendor and market parking is prohibited in these spaces.

Parking Monitoring and Management Program

22. The applicant is responsible for providing to the County a written evaluation of market parking 3 months after the market has commenced, and thereafter on a quarterly basis if the Use Permit is subsequently renewed. Prior to inception of the Open Air Market, the applicant shall document with Planning that a contract has been executed for this purpose with an independent traffic consultant. The contract shall assign the consultant responsibility to determine what effects market parking has had on the area(s) surrounding the market. If the monitoring determines there are problems associated with market parking, the consultant shall make recommendations how to adjust the operation of the market (including public and vendor parking) to minimize those problems.

23. For the first four Saturdays that the Open Air Market operates, the applicant shall hire a certified traffic consultant to monitor and provide a written report to Planning on the following:
- a. The degree to which Phillips Drive has been restricted to vehicular access per Condition 8. and vendor traffic and cueing complies with the conditions of the Vendor Management Plan.
 - b. The degree to which parking associated with the Open Air Market has been successfully directed to the designated parking areas and away from the streets which have been designated as "no parking".
 - c. [Optional] The degree to which the services of a traffic control officer are necessary at the intersection of Donahue Street and Drake Avenue.

In the event that the traffic monitor determines that a. and b. are not in substantial compliance, the certified traffic consultant shall within 1 month of the third Saturday's assessment submit to the Community Development Agency and the Department of Public Works terms of a program by which enforceable compliance with a. and b. can be achieved. The applicant shall be responsible for implementing the program within one month following acceptance of the compliance enforcement program terms by CDA and DPW, unless circumstances beyond the applicant's control (e.g., passing of an ordinance) dictate additional time for implementation.

24. Vendor parking shall be monitored. Vendors illegally parked, not using assigned spaces, parking on-street or in other unsuitable locations, or observed excessively moving vehicles in and out of parking spaces are to be noted. Such activity on the part of a vendor shall be grounds for the applicant terminating market operations by that vendor.
25. Parking space areas to be used for vendor booths shall be maintained free of vehicles the Friday night before market day.
26. The parking management and parking program shall include the following:
- a. Parking shall be monitored on all streets within walking distance of the market. Streets to be monitored include: Phillips Drive, Drake Avenue, Donahue Street, Park Circle, Terners Drive, Terrace Drive, Pacheco Street, Eureka Street, Buckelew Street, Braun Court, and Dutton Court.
 - b. Public parking shall be restricted with respect to on- and off-street areas. Streets where market parking is not permitted include: Braun Court, Buckelew Street, Burgess Court, Cole Drive, Dutton Court, Fleming Court, Terners Drive, and Terrace Drive. Additionally, parking is limited to the first 200 feet of Eureka Street and Pacheco Street, and the first 120 feet of the westerly end of Park Circle.
 - c. A count of total parking spaces shall be conducted, of occupied parking spaces, and of any illegally parked vehicles. An assessment shall be made of market parking on any of the residential streets listed above.
 - d. Using a sample area, an estimate of the turnover rate of market parking.
 - e. The parking count shall be conducted every two hours from 7:00 a.m. to 5:00 p.m.
 - f. The weather conditions shall be noted on the date of the parking count.
27. To the extent possible, at least one count shall be made when there is a concurrent major event such as the Sausalito Arts Fair, the Marin City Blues Festival, or a Houseboat Tour.

28. This Use Permit is temporary and subject to revocation procedures contained in Chapter 22.120 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County. The operators of the open air market shall be afforded written notice of the compliance failure and an opportunity to resolve the compliance failure prior to scheduling a revocation hearing.
29. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and written approval before the contemplated modifications may be initiated.
30. The applicant shall indemnify and hold harmless the County of Marin or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul, this approval by the County of the Marin City Community Services District Use Permit.

Marin County Community Development Agency – Environmental Health Services

31. A “Community Event Permit” must be applied for and approved prior to operating two or more food booths.
32. A “Temporary Food Facility” must be applied for and approved prior to a vendor operating a food booth.

Marin County Department of Public Works – Traffic Operations Division

33. The Temporary Traffic Control signs such as direction signs, No Left Turn signs, etc. should be illustrated on the TMP map to show shape and size. Prior to starting market operations, the applicant should revise the map and resubmit to traffic operations staff.
34. All Temporary Traffic Control signs should adhere to the California Manual for Uniform Traffic Control Devices.
35. The applicant shall provide an enforcement officer (Sheriff or CHP) to direct traffic at the intersection of Donahue Street and Drake Avenue. The intersection’s close proximity to the off-ramp and the fact that it is uncontrolled along the major route, is prone to a higher than average collisions. Traffic from the off-ramp turning left at Drake Avenue and Donahue Street experience a longer delay due to various factors such as the number of approaching lanes along eastbound Donahue Street at the interaction and some visibility and speeding issues. Prior to inception of the open air market, the applicants shall provide written confirmation to CDA staff that the services of a traffic safety officer have been secured to provide traffic control services at the intersection of Donahue Street and Drake Avenue.
36. As noted in the TMP, a temporary traffic control sign is planned/indicated at the intersection of Donahue Street and Terners Drive. The intersection of Donahue Street and Terners Drive is controlled by a traffic signal and only an experienced police officer can override the traffic signal. If the applicant desires to have a temporary traffic control sign that overrides the signal, then the traffic signal should be in a “flashing mode”. A traffic operation staff or county’s traffic signal subcontractor could be assigned to turn the signal into a flashing mode. The applicant should coordinate with traffic operation staff for further discussion on this subject and the required fees for such services.

Marin County Department of Public Works – Land Development Division

37. Clearly show on site plan the accessible parking and path of travel which will be made available for the market use.

Marin County Fire Department – Fire Marshall

38. Prior to operation of the market, the grass at Rocky Graham Park shall be mowed, and maintained in a mowed condition throughout the duration of the market.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Marin City Community Service District Use Permit Review approval by substantially completing all required work and commencing the market operations before April 30, 2012, 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. Extensions of time may be granted for cause consistent with Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid for six months, or until October 31, 2009, 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 before the expiration of the Use Permit. Use Permit renewal shall be subject to a public hearing.

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, Room 308, Civic Center, San Rafael, no later than 4:00 P.M. on May 14, 2009.

SECTION 4: DECISION

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.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Joyce Evans
DZA Secretary