

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

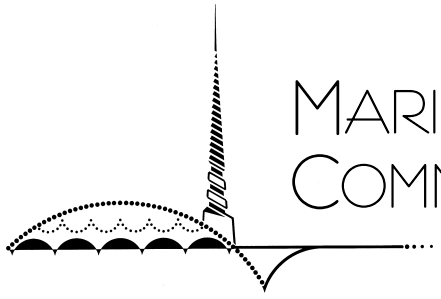
Hearing Officer Jeremy Tejrjian, AICP
 Johanna Patri, AICP

Staff Present: Lorene Jackson, Assistant Planner
 Scott Greeley, Planner
 Neal Osborne, Planner

Joyce Evans, Recording Secretary

Convened at 9:02 A.M.
Adjourned at 9:06 A.M.
Reconvened at 9:07 A.M.
Adjourned at 9:23 A.M.

May 14, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **CHRISTIAN LIND AND LISA BERNARDI**

Application (type and number) Variance (VR 09-5)

Assessor's Parcel Number: 070-012-03

Project Location: 440 Vista Grande, Greenbrae

For inquiries, please contact: Lorene Jackson, Assistant Planner

Decision Date: May 14, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 14, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-28.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C1. VARIANCE (VR 09-5): CHRISTIAN LIND AND LISA BERNARDI

A proposal to consider construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions would be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house would not change from the existing nonconforming height of 31.5 feet. The proposed 3,922-square foot structure would result in a 15.2% floor area ratio and would maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. Exterior finishes would include brown new stucco siding, bronze windows, and white trim. The project also includes the following changes within the front yard setback: 1) modifications to the front entry that would move the entry steps to the southwest corner of the house and 2) the addition of photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. A Variance is required because approximately 1,320 square feet of the increased floor area would encroach a maximum of 20.75 feet into the 25-foot front yard setback required by the R1-B2 zoning district, and the remodeled entry deck would be located 3.5 feet from the front property line. The subject property is located at **440 Vista Grande, Greenbrae**, and is further identified as **Assessor's Parcels 070-012-03**.

In response to the Hearing Officer, staff summarized the supplemental memorandums dated May 11 and May 13, 2009 regarding the special circumstances for Variance and the location of the solar panels to appease the neighbor's view.

The public testimony portion of the hearing was opened.

Karen Giorgi, neighbor, spoke regarding concerns with the location of the panels and preserving her view of the bay.

The public testimony portion of the hearing was closed.

The Hearing Officer concurred with staff's recommendations and approved the project with the following modifications to the resolution:

- **SECTION 1: FINDINGS, Subsections VI. shall read: A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

Development of the subject property is constrained by the topography on the site. A combination of steep hillside, a historical landslide under the existing structure, and a sewer easement running through the middle of the subject parcel constitute special circumstances that restrict the application of development standards for the R1-B2 zoning district and would deprive the subject property of privileges enjoyed by other properties in the greater vicinity with the identical zoning.

The subject property is very steep, with an approximate 50% grade downhill from the building envelope of the existing house. Several years ago, there was a severe landslide under the middle of the existing house. Extensive foundation repairs were made to shore up the house, however it rendered the area immediately below the house unsuitable for any addition stepped down the hillside. By utilizing the understory, the applicant minimized any soil disturbance and retains critical vegetation to help stabilize the hillside.

Below the landslide area there is a sewer easement running north and south through the middle of the parcel, which further limits building beyond the existing house.

- SECTION 1: FINDINGS, Subsections VI. shall read: **C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.**

Approving the application would not constitute a granting of special privilege because other properties in this area under the R1-B2 zoning district are not faced with the same physical constraints as the subject property. The purpose of the development standards for the R1-B2 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. The project design would ensure that the development would be consistent with the Single-family Residential Design Guidelines and compatible with the suburban character of the local community. Pursuant to California Government Code Section 65906, the conditions of approval would assure that the Variance would not permit development that would be inconsistent with the limitations placed on other properties in the surrounding area. Therefore the project would be consistent with this finding.

- SECTION II: Condition of Approval 3a.: Unless the applicant installs flat panels, the location of the photovoltaic panels shall be located to the southern portion of the flat roof, at least 26 feet from the northerly edge of the roof. No portion of the solar panels shall exceed 32 feet in height above grade.

The Hearing Officer concurred with staff's analysis and approved the Lind Variance, 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 09-117

A RESOLUTION APPROVING THE LIND VARIANCE
440 VISTA GRANDE, GREENBRAE
ASSESSOR'S PARCEL 070-012-03

SECTION I: FINDINGS

- I. WHEREAS the applicant, Christian Lind, proposes construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions would be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house would not change from the existing nonconforming height of 31.5 feet. The proposed 3,922-square foot structure would result in a 15.2% floor area ratio and would maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. Exterior finishes would include new brown stucco siding, bronze windows, and white trim. The project also includes the following changes within the front yard setback: 1) modifications to the front entry that move the entry steps to the southwest corner of the house and 2) the addition of photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. A Variance is required because approximately 1,320 square feet of the increased floor area would encroach a maximum of 20.75 feet into the 25-foot front yard setback required by the R1-B2 zoning district, and the remodeled entry deck would be located 3.5 feet from the front property line. The subject property is located at 440 Vista Grande, Greenbrae, and is further identified as Assessor's Parcel 070-012-03.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing May 14, 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(e), Class 1 because it entails an addition to an existing single-family residence that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
 - A. The proposed project would comply with the CWP SF5 Land Use Designation as a single family residence;
 - B. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;

- C. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - D. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that as conditioned the proposed project is consistent with the Kentfield/Greenbrae Community Plan because:
- A. The proposed project involves construction of additional living space to an existing single-family residence, which is a principally permitted use of the property, which is on a standard size lot for the R1-B2 zoning district.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - C. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass, and bulk.
 - D. The subject property maintains adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - E. The proposed project will not increase the existing maximum height of the structure as governed by Marin County Codes. The existing house is a nonconforming structure with a maximum height of 31.5 feet that exceeds the allowable 30-foot height limit. Variance approval will not grant conforming status to the height of this house, and it will remain a non-conforming structure.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Variance with modifications (Section 22.54.050 of the Marin County Code).
- A. **Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

Development of the subject property is constrained by the topography on the site. A combination of steep hillside, a historical landslide under the existing structure, and a sewer easement running through the middle of the subject parcel constitute special circumstances that restrict the application of development standards for the R1-B2 zoning district and would deprive the subject property of privileges enjoyed by other properties in the greater vicinity with the identical zoning.

The subject property is very steep, with an approximate 50% grade downhill from the building envelope of the existing house. Several years ago, there was a severe landslide under the middle of the existing house. Extensive foundation repairs were made to shore up the house, however it rendered the area immediately below the house unsuitable for any addition stepped down the hillside. By utilizing the understory, the applicant minimized any soil disturbance and retains critical vegetation to help stabilize the hillside.

Below the landslide area there is a sewer easement running north and south through the middle of the parcel, which further limits building beyond the existing house.

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

The proposed additions are not detrimental with respect to light, air, privacy, and views to surrounding properties. The proposed addition would be located entirely within the understory of the existing residence, with no change in the mass and bulk of the existing house which is similar in mass and location to surrounding structures. Based on this factor, the proposed work would not result in adverse impacts to the public welfare or surrounding properties. The Greenbrae Property Owners Association, Architectural & Design Review Committee supports home improvements such as this and finds the proposed increased use of the lower underfloors acceptable. Overall, the proposed project would meet the applicant's objectives without adversely impacting the character of the local community.

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

Approving the application would not constitute a granting of special privilege because other properties in this area under the R1-B2 zoning district are not faced with the same physical constraints as the subject property. The purpose of the development standards for the R1-B2 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. The project design would ensure that the development would be consistent with the Single-family Residential Design Guidelines and compatible with the suburban character of the local community. Pursuant to California Government Code Section 65906, the conditions of approval would assure that the Variance would not permit development that would be inconsistent with the limitations placed on other properties in the surrounding area. Therefore the project would be consistent with this finding.

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

The granting of this Variance would not allow or authorize a use or activity that is not otherwise expressly authorized by the governing R1-B2 zoning district regulations because it involves additions to a single-family residence, a permitted use.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lind Variance (VR 09-5) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.54 (Variances), the Lind Variance is approved to for the construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions are approved to be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house is approved not to exceed the existing height of 31.5 feet. The proposed 3,922-square foot structure is approved to result in a 15.2% floor area ratio and maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. The following changes within the front yard setback are approved: moving the entry steps to the southwest corner of the house and adding photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. The subject property is located at 440 Vista Grande, Greenbrae, and is further identified as Assessor's Parcel 070-012-03.
2. Plans submitted for a building permit shall substantially conform to the following plans on file with the Marin County Community Development Agency and identified as **Exhibit A3**, entitled "440 Vista Grande" and received April 6, 2009, consisting of 1) sheets A-1 through A-11, prepared by Walter Architects, revised April 6, 2009, and 2) site plans C-1 and C-2, prepared by Lawrence Doyle, dated February 25, 2009, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A4" and shall supersede "Exhibit A3."
 - a. Unless the applicant installs flat panels, the location of the photovoltaic panels shall be located to the southern portion of the flat roof, at least 26 feet from the northerly edge of the roof. No portion of the solar panels shall exceed 32 feet in height above grade.
 - b. Plan dimensions shall be measured from exterior wall to exterior wall.
4. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as Exhibit B, prepared by the applicant, received January 23, 2009, and on file with the Marin County Community Development Agency including:
 - a. Stucco Siding – Benjamin Moore Alhambra C2-356 A
 - b. Roof – White Class A Foam Roof with photovoltaic panels
 - c. Trim – Benjamin Moore Blanco 25
 - d. Windows – Marvin Bronze Trim
 - e. Lighting – Renoma Wedge Light

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

5. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color.
6. All utility connections and extensions serving the project shall be installed underground.
7. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape plan. A landscape plan shall accurately identify the trunk and dripline of trees, in particular, the oak trees along the front entry and fence. An arborist shall evaluate the potential impacts of a proposed lawn and new retaining wall on the health of the 20-inch oak tree near the front entry. The arborist shall make recommendations on ways to preserve the health and vigor of the tree during and after construction, (e.g. construct a well around the base of the tree.)`
10. BEFORE ISSUANCE OF A BUILDING PERMIT, 4-foot wide orange mesh shall be installed around the dripline of each oak tree prior to any work, grading, movement of heavy equipment, construction, or demolition. The applicant shall submit site photographs confirming installation of the fencing to the Community Development Agency. Fencing shall remain until the licensed arborist certifies there is no longer a danger of construction damage. If the fencing is to be removed for any amount of time during construction, the certified arborist is on-site to oversee that no damage occurs to the trees. Any trimming of the existing oak trees shall be overseen by a certified consulting arborist.
11. The landscape plan shall incorporate a vegetative management plan (VMP) that meets the requirements and approval of the Kentfield Fire Protection District. The VMP shall have sufficient detail to identify any tree removal or pruning, and mitigation measures, which will also need to be evaluated by the project arborist. Given the instability of the hillside, any potential tree removal shall be evaluated for impacts on soil stability.
12. 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.

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, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
14. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Lind Variance 09-5, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
15. 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.
16. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
17. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified Gold" or better rating under the Marin Green Building Residential Certification.

Department of Public Works

18. The Road Commissioner/Director of Public Works retains the right to issue or deny an encroachment permit or impose conditions upon issuance of an encroachment permit.
19. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.

20. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.
21. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code Sections 24.04.625 and 24.04.627.
22. Applicant shall obtain all necessary permits from other agencies.
23. Prior to Issuance of a Building Permit:
 - a. A registered Engineer or Architect shall design the drainage and grading plans. Plans must show proposed site drainage, all existing and proposed drainage improvements, and incorporate any recommendations from the Geotechnical Engineer.
 - b. Site plan shall label the edge of pavement and dimension the width of the paved surface and the width of the right of way along the front of the property.
 - c. Site plans shall identify the heights of all retaining walls.
 - d. Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures under Resources for: Construction: Construction Brochures: Minimum Erosion Control Measures and Pollution Prevention- It's Part of the Plan, among others. Plans shall indicate total acreage of site disturbance.
 - e. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all drainage and grading work 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. Per Building & Safety Division's requirement, certification letter shall indicate the address, assessor's parcel number and building permit number.
 - f. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner. Note that no railings will be allowed in the right of way.

Kentfield Fire Protection District (KFPD)

24. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Kentfield Fire Protection District that all requirements of their Department have been met:
 - a. An automatic fire sprinkler system is required per NFPA #13D, KFPD standard #401.
 - b. Additional water meter size may be required based on available static and residual pressure. Check with Marin Municipal Water District.
 - c. The address shall be posted and illuminated conforming to KFPD Standard #205.

- d. The existing fire hydrant body nearest the project as selected by the Fire District shall be upgraded to at least two 2 ½ inch and one 4 ½ inch outlet national standard thread. Contact the Fire District for details.
- e. The project includes or could include a means to use an alternate electric power supply, such as a photovoltaic or generator source. Signage and Disconnect shall be as required by KFPD Standard #510.
- f. The vegetative management plan shall meet the requirements of the Uniform Fire Code. As long as the stability of the slope is not compromised, this shall include, but not be limited to the following:
 - Remove all dead vegetation from the property
 - Remove “ladder fuels” from under existing trees
 - Remove all flammable vegetation, including bamboo and non-native pampas grass from at least 30 feet from any structure. Irrigated specimen gardens and existing oak trees are acceptable.
 - Thin existing vegetation, reduce or remove contiguous vegetation, particularly on the down slope portion of the property.
- g. A Class A non-combustible roof must be installed.

Marin Municipal Water District

- 25. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.
- 26. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing, and maintenance.

Ross Valley Sanitary District

- 27. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g. Contra Costa valve, as warranted by the individual site conditions.)
- 28. After the project is approved, the owner or contractor shall contact the District to arrange for a District Inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device(s) and to make a record for the District's files.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing all approved work by **May 14, 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 Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.82.130 of the Marin County Code. This permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 29, 2009**.

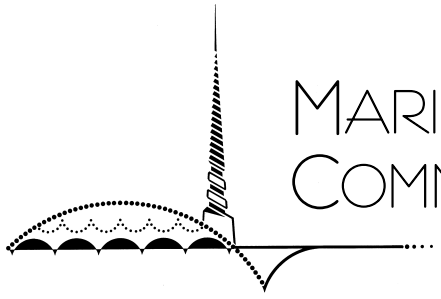
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of May, 2009.

JEREMY TEJIRIAN
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: **MARK RIESENFELD**

Application (type and number): Coastal Permit (Cp 09-29), Design Review (Dr 09-38)
And Second Unit Permit (Su 09-11)

Assessor's Parcel Number: 119-082-34

Project Location: 22 Cypress Road,

For inquiries, please contact: Scott Greeley, Planner

Decision Date: May 14, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 14,, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-24.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C2. COASTAL PERMIT (CP 09-29), DESIGN REVIEW (DR 09-38)
AND SECOND UNIT PERMIT (SU 09-11): MARK RIESENFELD**

A proposal to construct a 750 square foot second unit. The proposed addition would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 20 feet from the easterly side property line. The property is in a C-ARP-1 zoning district. The subject property is located at **22 Cypress Road, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-082-34**

In response to the Hearing Officer, staff summarized the supplemental memorandum dated May 12, 2009 with a revised staff report and resolution. No additional correspondence has been received.

In response to the Hearing Officer, Berenice Davidson, Department of Public Works stated that Condition of Approval 20, regarding utility hookups, is not in the purview of her department.

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

The Hearing Officer concurred with staff's recommendations and approved the project with the following modifications to the resolution:

- New Condition of Approval 12: "Unless a public emergency service provider requires otherwise or unique circumstances necessitate a change, the street address, 20 Cypress Road, shall be assigned to the second unit when the building permit application is submitted." and
- Department of Public Works Condition of Approval 20 regarding utility hookups: Delete.

The Hearing Officer concurred with staff's analysis and approved Riesenfeld Coastal Permit, Design Review, and Second Unit 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 NO. 09-118

A RESOLUTION APPROVING THE RIESENFELD COASTAL PERMIT AND DESIGN REVIEW
22 CYPRESS ROAD, POINT REYES STATION
ASSESSOR'S PARCEL 119-082-34

SECTION I: FINDINGS

- I. WHEREAS, Jon Fernandez, is seeking Coastal Permit and Design Review approvals to construct a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 18 feet from the easterly side property line. **The subject property is located at 22 Cypress Road in Point Reyes Station, and is further identified as Assessor's Parcel 119-082-34.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 14, 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 of the CEQA Guidelines because it entails construction of a second unit which will not result in substantial grading, vegetation removal or other 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 for the following reasons:
 - A. The project would be consistent with the C-AG3 (Coastal, Agricultural, 1-9 acre minimum lot size) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause short-term increases in construction-related emissions and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies, Noise Policies, NO-1.1, NO-1.3);
 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies, Environmental Hazards Policies, EH-2.3, EH-3.1, EH-4.1, EH-4.2, Community Design Policies DES-4.1, DES-4.c, DES-5.1);
 - D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (CWP Policies, Biological Policy, BIO-4.20);

- E. The project site is not within a sensitive habitat or is home protected species and will therefore not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);
 - F. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance. A condition of approval will require the project to meet a “Silver” Green rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent Residential Development Design Review Guidelines and Natural Resources policies of the Point Reyes Station Communities Plan for the following reasons:
- A. The project will increase the amount of affordable housing and is consistent with the community plan’s encouragement of second units (PRSCP Policies PA-3.6 and RL-2.1).
 - B. The scale and design of the project is compatible with other structures found in the community (PRSCP Policy PA-3.7).
 - C. The project is consistent with new residential development criteria outlined in the community plan, including but not limited to minimizing disturbance of the natural environment and building heights (PRSCP Policies RL-3.1, RL-3.2a, RL-3.2b, RL-3.2c, RL-3.2d, RL-3.3b, and RL-3.4a).
- VI. 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

The project has been reviewed and accepted by the North Marin Water District. Therefore, the project is consistent with this finding.
 - B. Septic System Standards

The project has been reviewed and accepted by the Environmental Health Services Division. Prior to building permit issuance, the applicant will need to install low flow plumbing fixtures in the existing residence as well as in the second unit. Therefore, the project is consistent with this finding.
 - C. Grading and Excavation

The project, as designed, is located on a very light slope and will keep grading to a minimum. Therefore, the project is consistent with this finding.
 - D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity. A standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the

resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The subject property is not located adjacent to the shoreline and therefore will not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will actually increase the availability of housing stock within the Point Reyes Station community. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project entails the construction of a second unit in Point Reyes Station and would not disturb natural dunes because it is not adjacent to the shoreline. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the community of Point Reyes Station, which has been identified by federal and state authorities as being home to several federal and state listed species including the Great Blue Heron, and the Great Egret. The Great Blue Heron was not seen on site. In addition, typically the Great Blue Heron nests around marine habitats and this site is further in-land. The Great Egret was not seen on-site. Additionally, the Great Egret nests in wetland areas and over water which are not present on the site. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, this region of Point Reyes Station is potentially suitable habitat for the Marsh microseris, a perennial flowering herb. Marsh microseris is known to exist in vernal moist to saturated sites in coastal terrace prairies or along the coast. Marsh microseris was not found on the site, nor are site conditions appropriate for its presence. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is outside of the LCP Unit I Geologic Hazards Maps and the finding is therefore not applicable.

M. Public Works Projects

The proposed project has not been identified by the Department of Public Works or by any other agency as having an affect on any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The 750 square foot proposed second unit would be located in a rural community in a 1-acre minimum density zoning district and is located towards the rear of the property and will not be highly visible from the road. In addition, the height and scale of the proposed second unit will comply with the standards of the governing zoning and will be compatible with the surrounding community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is on a flag lot and located in a rural area, which is accessed off of a long private driveway coming off of Cypress Road in Point Reyes Station. The project will not have any impact upon recreation or visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

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

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.0401 of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

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

The proposed project entails the construction of a second unit in a planned residential community. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-AG3 policies of the General Plan and the Point Reyes Station Community Plan. Therefore, the project is consistent with this finding.

B. **It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;**

The proposed project entails the construction of a 750 square foot second. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the second unit has been designed to utilize colors and materials found in the

environment. In addition, the Point Reyes Station Village Association has found that the project complies with the policies of the community plan. Therefore, the project is consistent with this finding.

- C. **It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;**

The proposed project entails the construction of a 750 square foot second unit on a 1-acre lot. Due to its scale, location, and minimal amount of necessary grading, the project would have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

- D. **It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The project is located towards the rear of a flag-shaped lot over 150 feet from the road. The project would have no impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

- E. **It will be properly and adequately landscaped with maximum retention of trees and other natural material;**

No existing trees have been identified for removal with the proposed project. Therefore, the project would be consistent with this finding.

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

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

The second unit would be located towards the rear of a flag-shaped lot and would comply with the development standards for second units.

2. Drainage systems and appurtenant structures,

The project would not result in substantial changes to existing drainage patterns because it will require minimal grading and not result in a significant amount of new impervious surfaces. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

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

The proposed project would result in a minimal level of ground disturbance because the site is relatively flat.

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

The proposed project entails the construction of a 750 square foot second and is located towards the rear of a flag-shaped lot. Therefore, it would have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The second unit would attain a maximum height of 15 feet and be located towards the rear of a flag-shaped lot. The nearest residence on adjacent properties is approximately 150 feet from the proposed second unit. Therefore, there would be no impact to sun and light exposure, views, or privacy. Therefore, the project would be consistent with this finding.

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

The materials, coloring, and design will compliment the development which is already found in the environment and surrounding community. The project will also be conditioned to meet a "Silver" rating or better with the Marin County New Home Green Building Residential Design Guidelines checklist prior to final building permit inspection. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. This Coastal Permit and Design Review approval shall permit the construction of a 750 square foot detached second unit on a property that is currently developed with a 2,500 square foot single family residence. The second unit would reach a maximum height of 15 feet above grade and would have the following minimum setbacks: (1) 163 feet from the southerly front property line; (2) 40 feet from the northerly rear property line; (3) 105 feet from the westerly side property line; and (4) 18 feet from the easterly side property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Second Dwelling Unit for Mark and Andrea Riesenfeld 22 Cypress Road, Point Reyes Station, California 94956," consisting of five sheets prepared by Fernandez/2 Partnership, dated February 25, 2009 and received February 26, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials samples board which is identified as "Exhibit B," received December 16, 2008, and on file with the Marin County Community Development Agency.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
5. All utility connections and extensions serving the project shall be installed underground.
6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
7. 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.
8. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and 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.
9. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Silver" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
10. 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 Riesenfeld Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
11. 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.

12. Unless a public emergency service provider requires otherwise or unique circumstances necessitate a change, the street address, 20 Cypress Road, shall be assigned to the second unit when the building permit application is submitted.

Marin County Public Works Department, Land Development Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a 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. Driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project which shall include the following information:
 - a. All drainage generated within the property boundaries shall remain and be treated within the property boundaries [CBC 2007].
 - b. Provide drainage away from the foundation a minimum of 5% slope for 10-feet [CBC 2007].
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide turnaround analysis showing how all vehicles can attain the desired direction in no more than one turning movement from the resident, guest and second unit parking spaces. Note that the two guest spaces may be in tandem of two main resident spaces, but the two guest spaces shall be independently accessible to each other and the two main resident spaces shall be independently accessible to each other. The second unit space shall remain independently accessible at all times.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide information on how the driveway fire truck turnaround meets MCC §24.04.150. Note that maximum slope shall not exceed 8%. The fire truck turnaround shall not be used as parking.
18. Turnouts shall be required on driveways over 150-feet in length or if sight distance problems exist unless the driveway is at least 16-feet in width [MCC § 24.04.275]. The turnouts shall be no less than 18-feet wide (full driveway width) and 60-feet long including transition.
19. If the driveway is re-graded/re-surfaced, note that all driveway approaches in rural areas shall be paved with asphalt to the property line or for a distance of 30-feet, whichever is greater [MCC §24.04.290]. If not change is planned, the existing asphalt approach meets this requirement.
20. An encroachment permit shall be required for work within the road right-of-way of Cypress Road.

Marin County Community Development Agency, Environmental Health Services

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install low flow plumbing fixtures in the existing residence as well as the new second unit.

Marin County Fire Department

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a Vegetation Management Plan to the Marin County Fire Department for review and approval. A copy of said Vegetation Management Plan shall be submitted to the Community Development Agency. All efforts to protect mature native landscaping shall be made.
23. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Marin County Fire Department that all requirements have been met.

North Marin Water District

24. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the North Marin Water District.

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 May 14, 2011, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 21, 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 14th day of May 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA 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 memorandum dated May 13, 2009, regarding the revised driveway access plans submitted by the applicant to the Department of Public Works for review. The Department of Public Works determined the plans incomplete and has requested five revisions to the plans before proceeding to a merits review, and staff is recommending a continuance to a date uncertain to allow the applicant adequate time to prepare the revised plans requested. Staff recommends that the revised plans show the locations of all proposed structures on the lease area plan, 1 to 40 scale plan, and the lease area detail, 1 to 10 scale plan, on sheet C2, including the two 35-foot tall stealth oak tree antenna supports, equipment cabinets, and fences. Material samples shall be submitted and the reference to the mono-pine antenna support shall be deleted from the plans.

The Hearing Officer noted that two sets of revised plans need to be submitted for review and she would not be able to act on the project today.

The public testimony portion of the hearing was opened.

James Singleton, applicant, spoke regarding a revised survey sheet and revised access driveway plans that he had with him today. He asked to review the comments with the Department of Public Works staff as soon as possible.

The public testimony portion of the hearing was closed.

The Hearing Officer continued the Marin French Cheese Company/American Tower Corporation and AT&T Use Permit and Design Review to a date uncertain to allow the applicant and staff to adequately review revised plans before the hearing.

Staff noted that the structural integrity of the bridge across the creek was in question and there may be a need for evaluation of the bridge to assure that trucks do not damage the creek when they deliver materials to the site.

The Hearing Officer continued the item to a date uncertain.