

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – May 28, 2009

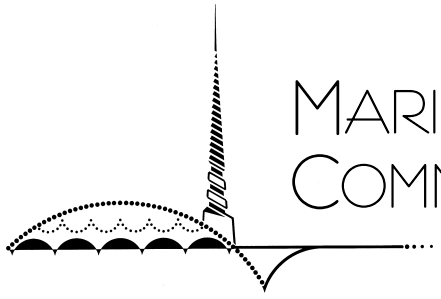
Hearing Officer Jeremy Tejrjian, AICP
 Johanna Patri, AICP

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

Joyce Evans, Recording Secretary

Convened at 9:09A.M.
Adjourned at 9:14 A.M
Reconvened at 9:18 A.M.
Adjourned at 9:39 A.M

May 28, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **CHRISTOPHER MARTINELLI AND MOLLIE LOUNIBOS**

Application (type and number) Coastal Permit(Cp 09-5) And Use Permit (Up 09-7):

Assessor's Parcel Number: 129-081-11

Project Location: 460 Dogwood Road, Bolinas

For inquiries, please contact: Neal Osborne, Planner

Decision Date: May 28, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 28, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-19.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

**C1. COASTAL PERMIT(CP 09-5) AND USE PERMIT (UP 09-7):
CHRISTOPHER MARTINELLI AND MOLLIE LOUNIBOS**

A proposal to consider construction of a detached 864 square foot garage and workshop structure accessory to a single-family residence on an 18,000 square foot lot. The proposed garage would have a maximum height of 17 feet above finished exterior grade. The garage would have the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The garage would have an exterior siding finished with T-111 stained to match the existing residence or recycled wood from a barn. The garage door would be a sectional wood with glass panels and the roof would have Class A asphalt shingles that match the roof of the existing residence. Four skylights are proposed on the southern aspect roof. The garage would have six windows and two access doors. The proposed height of 17 feet is subject to the Use Permit review requirements in Marin County Code Sections 22.88.020I and 22.72.030I because the detached accessory structure would exceed the 15-foot maximum height standard for a detached accessory structure in the CRA:B2 zoning district. The subject property is located at **460 Dogwood Road, Bolinas** and is further identified as **Assessor's Parcel 192-081-11, -12, and 13.**

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

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

The Hearing Officer concurred with staff's analysis and approved the Martinelli Coastal Permit and Use Permit, based on the Findings and subject to the conditions in the Resolution.

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 09-119

**A RESOLUTION APPROVING THE MARTINELLI AND LOUNIBOS
COASTAL PERMIT AND USE PERMIT**

ASSESSOR'S PARCELS 192-081-11, -12, AND -13

460 DOGWOOD ROAD, BOLINAS

SECTION 1: FINDINGS

- I. WHEREAS, Alethea Patton of Peacock Designs, on behalf of the owners Christopher Martinelli and Molly Lounibos, proposes to construct a detached 864 square foot garage and workshop structure accessory to a single-family residence on an 18,000 square foot lot. The proposed garage would have a maximum height of 17 feet above finished exterior grade. The garage would have the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The garage would have an exterior siding finished with T-111 stained to match the existing residence or recycled wood from a barn. The garage door would be a sectional wood with glass panels and the roof would have Class A asphalt shingles that match the roof of the existing residence. Four skylights are proposed on the southern aspect roof. The garage would have six windows and two access doors. The subject property is located at 460 Dogwood Road, Bolinas, and is further identified as Assessor's Parcels 192-081-11, -12, and -13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 28, 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(e) of the CEQA Guidelines because it entails the construction of relatively small detached garage and workshop accessory to a single-family residence 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 consistent with the Marin Countywide Plan because:
 - A. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;

- B. The project would result in the construction of additions and improvements to an existing single-family residence, a principally permitted use under the governing C-SF5 land use designation;
 - C. The project would result in development which conforms to the governing standards related to building height with a Use Permit, size, and location;
 - D. The project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Gridded Mesa Community Plan because:
- A. The project involves construction of a detached garage and workshop accessory to an existing single-family residence, which is a permitted use on the property;
 - B. The project would not adversely impact the surrounding natural environment relative to vegetation, species habitats, or on-site drainage;
 - C. The project would maintain adequate off-street parking as verified by the Marin County Department of Public Works; and
 - D. The project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Dogwood Road, and building design, and bulk.
- VI. 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 I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:

The Bolinas Public Utilities District provides services to the existing residence and will be able to provide fire protection water services to the garage and workshop on the subject property.
 - B. Septic System Standards:

Marin County Community Development Agency, Environmental Health Services regulates individual sewage disposal systems in the area of the subject property. Marin County Environmental Health Services staff reviewed and recommended approval of the proposed project with a new reserve leachfield area and relocation of the storage shed to provide a minimum 10-foot setback from the leachfield and reserve area.

C. Grading and Excavation:

The subject property is 0% to 5% slope. The minor excavation for utility lines and foundation footings would result in less than 10 cubic yards of excavation and fill. All grading and 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 for 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 and disturbed. 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 1/2-mile inland of the Pacific Ocean at an elevation of approximately 160 feet above sea level and would not impede coastal access.

F. Housing:

The proposed project would result in the construction of a garage and workshop accessory to an existing single-family residence and would not result in removal of a building that provides housing opportunities for people of low or moderate income, and would not affect the availability of housing stock within the Bolinas 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 Marin Countywide Plan or 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 I of the Local Coastal Program indicates that the subject property is located in the vicinity of an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the California Department of Fish and Game, indicates that the subject property is located adjacent to the habitat area for the federally listed endangered Monarch Butterfly (*Danaus plexippus*), and the unlisted Ricksecker's Water Scavenger Beetle (*Hydrochara rickseckeri*). However, the project will have minimal impact to the value of the known habitat area because it involves the construction of garage and workshop accessory to an existing single-family residence within

the existing developed area of Bolinas more than 1/4-mile from known butterfly nesting trees. No trees would be removed, and the project would not result in butterfly or beetle habitat destruction.

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 California Department of Fish and Game, indicates that the subject property is located in the habitat area for the "possibly extirpated" Coastyellow Leptosiphon (Leptosiphon croceus) an unlisted rare plant species. In addition, the relatively small-scale project on a location of a developed property that has been use for parking vehicles and boat storage 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:

The project site is located within one mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building and Safety Division will verify seismic compliance with the California Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property or in the region.

M. Public Works Projects:

The proposed project does not include 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 to northwestern portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive brown T-111, or recycled barn siding wood and trim, and brown and tan speckled composition roof shingles to match the residence. 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 not governed by VCR (Village Commercial Residential) zoning regulations, that would allow for a mixture of residential and commercial uses, and the project would have not affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The project would not affect the existing residence on the subject property that was constructed within the last 45 years (1964) and is not historically significant.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

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

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I, this Coastal Permit and Use Permit approval permits the construction of a detached 864 square foot garage and workshop structure accessory to a residence on an 18,000 square foot lot. The approval permits the garage and workshop with a maximum height of 17 feet above finished exterior grade. The approval permits the garage and workshop with the following setbacks from corresponding property lines: 30 feet front (southwest), 50 feet side (northwest), 106 feet side (southeast), and 34 feet rear (northeast). The subject property is located at 460 Dogwood Road, Bolinas, and is further identified as Assessor's Parcels 192-081-11, -12, and -13.
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, "Lounibos-Martinelli Garage" consisting of 4 sheets prepared by Peacock Designs, date stamped April 14, 2009.
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 and Use Permit Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by landslides, earthquakes, and other geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
5. 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 building additions conform to the maximum roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
6. 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.

7. 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.
8. All soil disturbed by development of the project shall be reseeded with native, non-pyrophytic, groundcover or adequately stabilized with approved Best Management Practices to prevent soil erosion.
9. 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.
10. No trees, except those approved for removal with this project, shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property.
11. Any new utilities proposed to serve the approved project shall be underground.
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:
 - B. 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.
 - C. 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 CP 09-5 and UP 09-7 for a detached 864 square foot garage and workshop accessory to a 2,166 square foot single-family residence on an 18,000 square foot lot, for which action is brought within the applicable statute of limitations.
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. A defensible space zone (minimum of 30 feet to 100 feet) and Vegetation Management Plan (VMP) pursuant to the Wildland Urban Interface Ordinance is required. At a minimum, the VMP must contain a site plan showing the existing vegetation (including existing trees) and those proposed to be added and/or removed, the proposed structures with their defensible space zone delineated, plant types, and spacing. The VMP must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list.
17. The defensible space stipulated in the Vegetation Management Plan must be provides and annual maintenance is required. Trees shall not be planted in a location that, when mature, said trees will contact overhead power lines. No pyrophytic plants shall be planted within 30 feet of the structure.

Department of Public Works, Land Use and Water Resources

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - a. Submit an Erosion and Siltation Control Plan, if grading or site disturbance is to occur between October 15 and April 15.
 - b. Provide a drainage plan for the project. Include roof runoff management and appropriate drainage away from the foundation.
 - c. Note on plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining walls 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.
 - d. Provide a site plan with a minimum scale of 1/8-inch = one foot or 1:10.

Marin County Environmental Health Services

19. The applicant shall submit a repair permit application and a full set of plans are required in the event of the failure of the primary septic system. In addition, relocation of the temporary shed is required 10 feet from the septic system drain field and replacement area. A 5-foot separation distance is required from the septic tanks.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE IT IS RESOLVED that the applicant must vest the Martinelli and Lounibos Coastal Permit (CP 09-5) and Use Permit (UP 09-7) approval by obtaining a Building Permit and substantially completing all of the approved construction work before May 28, 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.

The Use Permit shall remain valid in perpetuity upon satisfaction of all conditions of approval, the vesting requirements, and Building Permit Final Inspection approval.

NOW, THEREFORE IT IS 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 June 4, 2009.

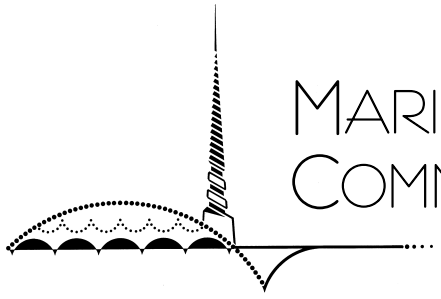
SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of May 2009.

—
JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **THOMAS COATES**

Application (type and number): Coastal Permit (CP 09-11) and Design Review (DR 09-18)

Assessor's Parcel Number: 195-340-47

Project Location: 250 Seadrift Road, Stinson Beach

For inquiries, please contact: Lorene Jackson, Assistant Planner

Decision Date: May 28, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 28, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

Jeremy Tejirian
Hearing Officer

C2. COASTAL PERMIT (CP 09-11) AND DESIGN REVIEW (DR 09-18): THOMAS COATES

A proposal to construct a new 660-square foot detached bedroom wing and 356-square foot detached garage that would be accessory to an existing 1,481-square foot single-family residence and result in a 17.7% floor area ratio. The single-story bedroom wing would attain a maximum height of 17 feet above grade to the top of the skylight, attain a maximum elevation of 31.94 feet NAVD-88, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 28 feet from the easterly side property line; and (3) 6.1 feet from the westerly side property line. The single-story garage would attain a maximum height of 13 feet above grade, attain a maximum elevation of 24.33 feet NAVD-88 feet, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 6.1 feet from the easterly side property line; and (3) 35 feet from the westerly side property line. The new structures would match the design, color, and materials of the existing house. A new septic system would be constructed and the old system demolished. The project includes new landscaping, gravel driveway, 7-foot entry gate, expanded hard-surfaced patio, and a 12-foot x 26-foot swimming pool. One 500-gallon above-ground propane tank is proposed to be located 5 feet from the northerly front property line and 1 foot from the westerly side property line. The subject property. The subject property is located at **250 Seadrift Road, Stinson Beach**, and is further identified as **Assessor's Parcel 195-340-47**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated May 27, 2009 regarding concerns with the height of the structure in the Coastal Zone and the wet bar. The second supplemental memorandum dated May 27, 2009 clarified an error that was on the plans regarding the height of the garage.

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

The Hearing Officer concurred with staff's analysis and approved Coastes Coastal Permit and Design Review, based on the Findings and subject to the conditions in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-120

A RESOLUTION APPROVING THE COATES COASTAL PERMIT AND DESIGN REVIEW
250 SEADRIFT ROAD, STINSON BEACH
ASSESSOR'S PARCEL 195-340-47

SECTION I: FINDINGS

- I. WHEREAS Sutton Suzuki Architects, on behalf of owners Thomas Coates and Sarah Stuckey, is seeking Coastal Permit and Design Review approval to construct a new 660-square foot detached bedroom wing and 356-square foot detached garage that would be accessory to an existing 1,481-square foot single-family residence and result in a 17.7% floor area ratio. The single-story bedroom wing would attain a maximum height of 17 feet above grade to the top of the skylight, attain a maximum elevation of 31.94 feet NAVD-88, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 28 feet from the easterly side property line; and (3) 6.1 feet from the westerly side property line. The single-story garage would attain a maximum height of 13 feet above grade, attain a maximum elevation of 24.33 feet NAVD-88 feet, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 6.1 feet from the easterly side property line; and (3) 35 feet from the westerly side property line. The new structures would match the design, color, and materials of the existing house. A new septic system would be constructed and the old system demolished. The project includes new landscaping, gravel driveway, 7-foot entry gate, expanded hard-surfaced patio, and a 12-foot x 26-foot swimming pool. One 500-gallon above-ground propane tank is proposed to be located 5 feet from the northerly front property line and 1 foot from the westerly side property line. The subject property is located at **250 Seadrift Road, Stinson Beach**, and is further identified as **Assessor's Parcel 195-340-47**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 28, 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 construction of accessory structures on 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 for the following reasons:
 - B. The project would be consistent with the C-SF5 (Coastal Single-family Residential, 2-4 units per acre) land use designation;
 - C. 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;

- D. 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;
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - F. The project would minimize soil disturbance. There is no substantial native vegetation in the area of the construction. Project plans include landscaping to replace vegetation removed during construction. A non-native pine tree will be removed which is not identified as significant for wildlife habitat.
- 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

The project site already has a viable water source and the proposed project would not result in any significant increase in demand for water. Stinson Beach County Water District, which currently serves the existing single-family residence on the subject parcel, reviewed and did not present opposition to the project.

B. Septic System Standards

The current septic system serving the existing single-family residence will be replaced by the proposed new septic system approved by the Stinson Beach County Water District, the agency that has jurisdiction over reviewing septic systems in this area.

C. Grading and Excavation

The proposed project entails the conversion of an existing structure and addition of a porch and deck on a generally flat site. The project will require minimal grading.

D. Archaeological Resources

The proposed project is located within the Seadrift area of Stinson Beach. A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Stinson Beach area, including the subject property, is considered to an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because the proposed project would result in the conversion of an existing structure on a previously disturbed residential building site. Moreover, 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.

E. Coastal Access

The subject property is a developed ocean-front parcel currently without public access to the beach. Coastal access from the end of Seadrift Road is provided within an open space area.

F. Housing

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

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any sensitive streams or creeks subject to streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection

The proposed project entails the demolition of an existing storage structure and the construction of two new accessory structures that are inland from the single-family residence and would not disturb natural dunes. Further, the project site is not located in a dune protection area as identified by the Local Coastal Program.

I. Wildlife Habitat

The project entails the construction of detached accessory structures on a developed and landscaped parcel. The project will not remove significant vegetation identified for habitat protection in the Local Coastal Plan.

J. Protection of Native Plant Communities

As described above, the project site is currently disturbed by residential development. The proposed project would result in the removal of a non-native cypress tree on the neighboring property.

K. Shoreline Protection

The proposed project is adequately setback from the ocean as per the setback standards that are applied to all single-family residences within the Seadrift community and would not impact any shoreline resources.

L. Geologic Hazards

The project site is located within 0.5-mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

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 or property line adjustment is proposed as part of this project.

O. Visual Resources

The proposed project will match the design and materials of the existing single family residence and is compatible with the surrounding natural environment and the character of the local community. The project will not impair or obstruct coastal views from any public street or public viewing location because the roof would not exceed a height of 15 feet, lower than the single family residence. The project has been reviewed by the local Seadrift property owner's association for compliance with all local design standards and has been found consistent with those standards.

Marin County Code Section 22.56.130I.O.1 specifies that construction in the Seadrift Subdivision One shall have a maximum height of seventeen feet above finished floor elevation. The proposed project would conform to this because the bedroom unit would attain a maximum height of 11.65 feet above finished floor and the garage would attain a maximum height of 12.6 feet above finish floor.

Marin County Code Section 22.570.094I.2 establishes a maximum finished floor elevation of 18 feet above mean lower low water (MLLW) and a maximum building height of 33 feet MLLW. The project conforms to the above requirements because the finished floor of the bedroom unit would be 17.46 feet MLLW and the finished floor of the garage would be 13.76 feet MLLW. Further, the maximum height to the top of the bedroom unit roof would be 29.11 feet MLLW and the maximum height of the garage would be 26.36 feet MLLW, which are both lower than the maximum height allowed by the applicable zoning.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities.

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.

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 be of a height, mass, and bulk proportionate to the site and neighboring development. The style and exterior finishes of the proposed structures matches the existing house, would be compatible with the surrounding neighborhood, and would be adequately landscaped.

- 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 is located and would maintain required setbacks from the side and front 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 project includes plans include the re-landscaping of the project site with of native and Mediterranean plants that would be consistent with landscaping throughout the Seadrift community and would adequately replace the tree or vegetation removed during construction and screen adjacent properties.

- 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 matching color and materials of the existing house. As mentioned above, the project has been reviewed by the Seadrift Association's Architectural Review Committee for compliance with all local design standards and has been found consistent with those standards.

Marin County Code Section 22.57.0861.2e requires that no accessory building shall exceed 15 feet in height above natural grade. The proposed project would conform to this because the bedroom unit would attain a maximum height of 15 feet and the garage would attain a maximum height of 12.7 feet.

Further, Marin County Code Section 22.57.0931 establishes a building setback line along the coast. The proposed project, in particular the swimming pool, will be located leeward of this setback line.

- 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:**

- A. The area, heights, mass, materials, and scale of structures;**

The proposed development would be of a comparable height, size, and scale with other structures in the surrounding community. The area within the front yard setback will be landscaped to blend the new structures into the context of the surrounding community.

- B. 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.
- C. 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.
- D. 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.
- E. 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 Green Building Rating of "Silver," 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 Coates Coastal Permit (CP 09-11) and Design Review (DC 09-18) 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 Coates Coastal Permit and Design Review are approved to construct a new 660-square foot detached bedroom wing and 356-square foot detached garage to be accessory to an existing 1,481-square foot single-family residence and result in a 17.7% floor area ratio. The single-story bedroom wing is approved to attain a maximum height of 15 feet above grade to the top of the roof, attain a maximum elevation of 29.94 feet NAVD-88, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 28 feet from the easterly side property line; and (3) 6.1 feet from the westerly side property line. The single-story garage is approved to attain a maximum height of 13 feet above grade, attain a maximum elevation of 24.33 feet NAVD-88 feet, and maintain the following setbacks: (1) 25 feet from the northerly front property line; (2) 6.1 feet from the easterly side property line; and (3) 35 feet from the westerly side

property line. A new septic system is approved to be constructed and the old system demolished. The proposed landscaping, gravel driveway, 7-foot entry gate, expanded hard-surfaced patio, and a 12-foot x 26-foot swimming pool are approved. One 500-gallon above-ground propane tank is approved to be located 5 feet from the northerly front property line and 1 foot from the westerly side property line. The subject property is located at 250 Seadrift Road, Stinson Beach, and is further identified as Assessor's Parcel 195-340-47.

2. Except as modified by the conditions listed herein, plans submitted for building permits shall be accurately scaled and substantially conform to the following plans, both on file in the Marin County Community Development Agency, Planning Division, and identified as
 - a. **Exhibit A3** received April 24, 2009, consisting of 4 sheets entitled "A Residential Addition for Thomas Coates", prepared by Sutton Suzuki Architects, dated February 18, 2009 and received April 24, 2009, with revisions dated March 26, 2009, and 2 sheets entitled "Coates residence" prepared by Magrane Associated dated February 27, 2009 and revised April 21, 2009, and
 - b. **Exhibit B** received April 21, 2009 detailing exterior light fixture type A, to be with upright-blocking rain cap.
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. Revise plan elevations to show vertical benchmark datum from NGVD-29 to NAVD-88.
 - b. The skylight on the bedroom addition shall be lowered so it does not exceed 8 inches in height above the proposed roof.
 - c. Remove existing landscape lighting, fan palm, and 3 myoporum on the ocean side of the residence located beyond the rear set back.
 - d. The 15-foot roadside easement shall remain clear for general parking.
 - e. Revise the North Elevation on Sheet DR3 and the East Elevation on Plan Sheet DR4 to accurately show the at-grade elevation of the garage to be 13.66 feet MLLW (14.49 feet NAVD-88) and top of finish roof to read 26.36 feet MLLW (27.19 feet NAVD-88.)
 - f. Site plans shall include the following definition of a wet bar: "The wet bar may include a bar sink not exceeding a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wet bar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area."
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. The exterior building materials and colors shall match those of the existing residence. All flashing, metalwork, and trim shall be appropriately subdued, non-reflective color.

6. 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.
7. Any sand or soil removed during the construction of the proposed project shall not be deposited on the sand dunes or beach.
8. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties. The proposed exterior light fixtures in Exhibit B shall have upright-blocking rain caps.
9. 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.
10. 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.
11. 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. The allowed wet bar shall not be used as a food preparation facility.

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 approval of the Coates Coastal Permit (CP 09-11) and Design Review (09-18), 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.

Marin County Public Works Department, Land Development Division

14. BEFORE ISSUANCE OF A BUILDING PERMIT:

- a. The project is in a Special Flood Hazard Zone-B, as shown on the Flood Insurance Rate Map (FIRM Community-Panel Number 060173-0420 revised March 1, 1982). The County has determined the Base Flood Elevation to be 1.0 foot above highest adjacent grade. Therefore, all improvements shall be elevated to a minimum of 1.0-foot above highest adjacent grade. Revise plans to reflect this requirement. **Note:** *The FEMA Special Flood Hazard Area maps and regulations have been updated and are effective May 4, 2009. Regardless of any changes these may impose, the maximum height of the detached accessory structures shall not exceed 15 feet above existing grade.*
- b. Provide hydrostatic venting for the garage space [MCC §23.09.034].
- c. The minimum depth for each enclosed parking space is 9 by 20-feet [MCC §24.04.380]. The proposed garage shows an interior depth of 19-feet. Revise plans to show the minimum enclosed parking depth.
- d. Propane tanks shall be securely anchored to resist flotation or lateral movement.
- e. Provide a drainage plan for roof runoff of all structures.
- f. A registered Engineer or Architect shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the Engineer's/Architect's signature and stamp.
- g. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
- h. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
- i. Submit Erosion and Siltation Control plans.

- j. 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.
- k. 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. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Stinson Beach County Water District

- 15. BEFORE FINAL INSPECTION, the applicant shall verify that the septic system has been installed in compliance with the septic system design approved by the Stinson Beach County Water District in November 2008.

Seadrift Association

- 16. BEFORE FINAL INSPECTION, the applicant shall verify that the gravel drainage sump has been approved by the Seadrift Association.

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 28, 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 June 4, 2009.**

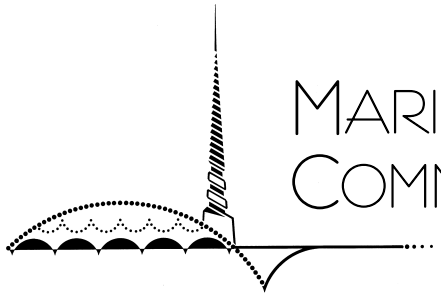
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th 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: **WHITMAN SHENK AND LAZULI WHITT**
Application (type and number): Coastal Permit (Cp 09-16) And Design Review (Dr 09-29)
Assessor's Parcel Number: 114-273-28
Project Location: 100 Portola Avenue, Inverness
For inquiries, please contact: Scott Greeley, Planner
Decision Date: May 28, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 28, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-38.

Marin County Community Development Agency

Thomas K. Lai
Hearing Officer

**C3. COASTAL PERMIT (CP 09-16) AND DESIGN REVIEW (DR 09-29):
WHITMAN SHENK AND LAZULI WHITT**

A proposal to construct a new, two-level, 1,750 square foot residence. The proposed residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line. The property is zoned C-RSP-1. The subject property is located at **100 Portola Avenue, Inverness** and is further identified as **Assessor's Parcel 114-273-28**.

In response to the Hearing Officer, staff summarized the supplemental memorandum dated May 28, 2009 regarding additional language that will be added to protect the landscaping, irrigation and modifications to the existing Conditions of Approval, as well as Condition of Approval 10 that reflects a parcel with two lots that will have to be merged before issuance of a Building Permit.

In response to the Hearing Officer's question regarding the merger, staff explained that a house can not be built across two legal lots and before final issuance of a Building Permit, the applicants will be required to apply for a merger and have it approved.

The public testimony portion of the hearing was opened.

Barbara Lescoff, architect, spoke regarding concerns with the color of the project and suggested an alternative, lighter color which will blend with the background trees.

Lazuli Whitt, owner, spoke regarding the merger application that she filed with the original application and is waiting to hear the determination.

The public testimony portion of the hearing was closed.

After reviewing the photos of alternative wall colors, the Hearing Officer concurred with the architect and accepted one of the newly proposed alternatives, black with a bluish tint found on Exhibit "B".

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

- SECTION I: FINDINGS, IV. (G): delete "New Home Green Building Residential Design Guidelines;" and replace with "Green Building Residential Certification Program.";
- SECTION I: FINDINGS, V. (D): delete "on less steep slopes which" and replace with "on the flatter portion of the site, thereby minimizing....";
- SECTION I: FINDINGS, VI. (L): Change "Unit I to Unit II";
- SECTION I: FINDINGS, VI. (Q): Replace the date "1931" with "1930";
- Condition of Approval 1: add, "The subject property is located at 100 Portola Avenue, Inverness and is further identified as Assessor's Parcel 114-273-28.";
- Condition of Approval 2: add "The exterior wall color shall be modified to reflect sample board "Exhibit B" received by the Deputy Zoning Administrator on May 28, 2009" and "Exhibit B.1" which addresses siding and other elements. received December 2, 2008 and on file with the Community Development Agency;
- Condition of Approval 6: correct punctuation and replace "Form" with "Program.";
- Condition of Approval 7: delete underlines;
- Condition of Approval 10: replace "BEFORE FINAL INSPECTION" with "BEFORE ISSUANCE OF A BUILDING PERMIT";

- Condition of Approval 15: delete second comma;
- Condition of Approval 35: delete "BEFORE ISSUANCE OF A BUILDING PERMIT" and replace with "BEFORE FINAL INSPECTION"; and
- SECTION III: Delete "PERMIT DURATION" and correct Section 22.56.120I to read "22.88.050I."

The Hearing Officer concurred with staff's analysis and approved the Shenk/Whitt Coastal Permit and Design Review, based on the Findings and subject to the conditions in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-121
A RESOLUTION APPROVING THE SHENK COASTAL PERMIT AND DESIGN REVIEW
100 PORTOLA AVENUE, INVERNESS
ASSESSOR'S PARCEL 114-273-28

SECTION I: FINDINGS

- I. WHEREAS, Whitman Shenk and Lazuli Whitt, are seeking Coastal Permit and Design Review approvals to construct a new two-level, 1,750 square foot residence. The proposed residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line. **The subject property is located at 100 Portola Avenue at Inverness, and is further identified as Assessor's Parcel 114-273-28.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 28, 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 residence in a planned residential zoning district and 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-SF3 (Coastal, Single Family, 1 unit per 1-5 acres) 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, as designed and conditioned, will 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, Community Design Policies DES-1.1 DES-1.2, DES-4.1, DES-4.c);
 - D. The project has been designed and conditioned to 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, as designed and conditioned, will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Marin County Fire Department will ensure compliance with fire safety codes and standards

including installation of fire sprinklers and an approved vegetation fire management plan. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.e);

F. The project is not within a sensitive habitat and does not support special status species and will therefore not result in impacts to special status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1);

G. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance due to the project needing to meet a "Certified" Green rating under the Marin Green Home: Green Building Residential Certification Program.

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 Inverness Ridge Communities Plan for the following reasons:

A. The project proposes to retain many of the trees onsite, but has been conditioned to include a vegetation management plan to be reviewed and approved by the Marin County Fire Department which will require the removal of potentially flammable vegetation.

B. The proposed development protects the views of the area by maintaining valuable screening of the residence from the larger community.

C. The project complies with the residential densities called out for by the Community Plan for Inverness Park north and east of Balboa Avenue of one dwelling unit per acre.

D. The project parking and residence are located near the existing driveway on the flatter portion of the site thereby minimizing the amount of necessary grading to minimize potential erosion.

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 Environmental Health Services (EHS) and the North Marin Water District. Prior to issuance of the building permit, EHS is requiring a will-serve letter from the North Marin Water District. In addition, prior to issuance of a building permit, the applicants must enter into an agreement with the North Marin Water District and demonstrate that District Regulation 17, pertaining to mandatory water conservation measures will be met. Prior to building permit issuance, the applicants must demonstrate water service installation has been done and provide written sign off 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 Environmental Health Services (EHS). Prior to building permit issuance, the applicants will need to file a deed stating that the room designated as a "ceramics room" will not be used as a bedroom, nor included towards the bedroom count of the residence and demonstrate adequate setbacks between the deck piers and the septic tank are being met. Following receipt of this information, EHS has made the finding that the project complies with septic system standards. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed, is located on a gentle slope near the existing private driveway serving adjacent properties and will keep necessary 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 have no impact upon the availability of affordable housing stock within the Inverness community because it does not entail the demolition or conversion of any affordable housing. 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 residence 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 Inverness, 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 Inverness does not contain any recognized protected native plant communities. 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 II 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 proposed project is a single family residence in a planned residential zoning district. Based on the scale of the proposed project and its design matching the existing community character, it would not have any perceived visual impact. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is located along a narrow road in a rural portion of the community of Inverness and 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 1930. 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 22.82.040I 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 primary residence in a planned residential community. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities 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 project is in keeping with the size, height, setbacks, and design of the surrounding community. The project has also been conditioned to provide a revised color board more consistent with the woodland character of the surrounding community. 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 two-level, 1,750 square foot residence. Due to its scale, location, level of existing screening to remain, 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 proposed project entails the construction of a residence, located towards the front half of the property near Portola Avenue. The project, as it is located and designed, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.⁷

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

The location of the proposed house is presently moderately screened from Portola Avenue. The applicants are proposing to remove a minimal amount of existing trees and brush. The trees and brush being removed will have a minimal impact on the visibility of the residence. The applicants have provided a landscaping plan to provide additional screening. The

project has also been conditioned to include the planting of two (2) 15-gallon or larger, native growth trees to be planted in the front yard to provide additional screening of the residence. 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 proposed residence, as noted in Section I: Findings, subsections IV and V, is consistent with the design guidelines of the Countywide Plan and the Inverness Ridge Communities Plan. The scale, mass, and height of the proposed residence is consistent with those found in the surrounding community. The project has also been conditioned to provide a revised color board more consistent with the woodland character of the surrounding community.

2. Drainage systems and appurtenant structures,

The project would not result in substantial changes to existing drainage patterns because it will require minimal grading. 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 is located near the front of the property, near the existing roadway, and would result in a minimal level of ground disturbance.

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 residence, which is accessed off a small private driveway coming off of Portola Avenue. In addition, the project must comply with all parking and access standards as verified by the Department of Public Works. This should 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 proposed residence reaches a maximum height of 25 feet and is consistent with the scale of other residences in the surrounding community. The proposed residence is not on a hill which will overshadow other properties and will not eliminate sun and light exposure, views, vistas and privacy enjoyed by other properties.

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

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Shenk/Whitt Coastal Permit (09-16), and Design Review (09-29), applications pursuant to Chapters 22.56I and 22.57I (Coastal Permit) and 22.82I (Design Review) of the Marin County Interim Development Code subject to the conditions specified below.

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82I (Design review) of the Marin County Interim Development Code, the Shenk/Whitt Coastal Permit (09-16), and Design Review (09-29), applications are approved for the construction of a two-level, 1,750 square foot residence. No retaining wall shall exceed 4 feet in height. The residence shall have a maximum height of 25 feet above grade and shall maintain the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line. The subject property is located at **100 Portola Avenue, Inverness** and is further identified as **Assessor's Parcel 114-273-28**.
2. The exterior wall color shall be modified to reflect sample board 'Exhibit B.1', received by the Deputy Zoning Administrator on May 28, 2009 and 'Exhibit B' which addresses siding and other elements, received on December 2, 2008 and on file with the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a revised color board to the Community Development Agency for review and approval with roof, siding, and trim materials utilizing colors more consistent with the surrounding woodland community.

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Whitt-Shenk Residence 100 Portola Inverness Park CA 94937," consisting of twelve sheets prepared by Barbara Bestor, Architect, dated November 21, 2008 and received December 2, 2008, with revisions with dated February 4, 2009 and received February 9, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
5. 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.

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a revised landscaping plan which provides two additional 15-gallon or larger native growth trees to be planted in the front yard near the proposed parking to provide additional screening of the residence as viewed from Portola Avenue.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a signed Statement of design Conformance contained in the Green Building Residential Certification Program demonstrating that the project meets or exceeds the "Certified" green rating.
8. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant 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.
9. BEFORE FINAL INSPECTION, the applicants shall submit a signed Statement of Construction conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the "Certified" green building rating level.
10. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan as designated in Condition 5 above.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall have applied for and received merger approval of Lots 102 and 104 which make up Assessors Parcel 114-273-28.
12. All utility connections and extensions serving the project shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
13. Exterior lighting visible from off site shall be permitted for safety purposed only. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
14. 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. 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.

- C. 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.
15. 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.
 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 this application, 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 modification that do not substantially comply with this approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant/owner.

Marin County Public Works Department, Land Development Division

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a copy of the recorded document with the recorder's stamp for the driveway easement quit claim.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall have the plans reviewed and approved by a 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.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a note on the plans stating 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. Note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide all retaining wall heights on the site plan.

22. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide more detail on the site drainage plan, including:
 - a. Detail on the roof runoff drainage pipe outfall/daylight design and measures taken to prevent erosion.
 - b. Detail on the drainage plan to prevent surface runoff from entering and/or inundating the septic leach field.
 - c. A portion of the roof runoff drainage pipe appears to interfere with an existing retaining wall that extends over the eastern property line from the neighboring property. Revise plans to remedy this conflict.
 - d. It is recommended that the portion of the existing retaining wall that extends from the neighboring property be removed to the property line. No portion of the wall (including footings) should cross the property line.
 - e. Detail on the retaining wall cleanouts, their back-drains and the back-drain destination/outfall.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit Erosion and Siltation Control plans.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall replace the designated street parking spaces with a note that states adequate guest parking meeting minimum code requirements is available within the right-of-way. Note that designated parking spaces within a County-maintained right-of-way are not allowed.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide the location of all utility tie-in points, including the proposed location of the propane tank.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a clear path from the parking area to the main entrance.
28. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
29. An encroachment permit shall be required for work within the road right-of-way. The driveway approach within the County-maintained right-of-way shall be paved with asphalt up to the property line.
30. No portion of any structure shall cross property boundaries, including footings and roof eaves.
31. Consider setting the drainage outfall further from the property line so as to prevent drainage from crossing property lines [2007 CBC App§J.109.4].

Marin County Community Development Agency, Environmental Health Services

32. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall file a deed recording with Environmental Health Services stating that the room designated as a “ceramics room” is not intended to be used as a bedroom nor included in the total bedroom-count of the residence.
33. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall clarify the setback from deck piers to the septic tank. Setback requirement is 5 feet from deck (pier/foundation) to septic tank.
34. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide will-serve documentation from the North Marin Water District.

North Marin Water District

35. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide written confirmation from the North Marin Water District that the project conforms to District Regulation 17 pertaining to Mandatory Water Conservation Measures.
36. BEFORE FINAL INSPECTION, the applicants shall provide written notification that water service installation is complete.

Marin County Fire Department

37. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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.
38. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Marin County Fire Department.

SECTION III: VESTING 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 28, 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 22.88.0501 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 **June 4, 2009**.

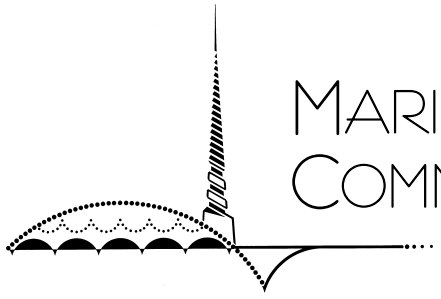
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of May 2009.

THOMAS K. LAI
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: **HARRY AND SUZANNE LOGAN**

Application (type and number): Coastal Permit (Cp 09-29) and
Design Review Clearance (DR 09-38)

Assessor's Parcel Number: 119-161-14

Project Location: 354 Mesa Road, Point Reyes Station

For inquiries, please contact: Scott Greeley, Planner

Decision Date: May 28, 2009

DETERMINATION: Approved with Conditions

Minutes of the May 28, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-20.

Marin County Community Development Agency

Thomas K. Lai
Hearing Officer

**C4. COASTAL PERMIT (CP 09-29) AND DESIGN REVIEW CLEARANCE (DR 09-38):
HARRY AND SUZANNE LOGAN**

A proposal to construct a 672 square foot garage using brown paneling for the walls, dark green trim, and a gray, metal roof. The garage would attain a maximum height of approximately 15 feet and would maintain the following approximate setbacks from corresponding property lines or road right of way edge: (1) 20 feet from the northerly front property line; (2) approximately 232 feet from the southerly rear property line; (3) 10 feet from the easterly side property line; (4) and approximately 125 feet from the westerly side property line. The property is zoned C-ARP-1. The subject property is located at **354 Mesa Road, Point Reyes Station** and is further identified as **Assessor's Parcel 119-161-14.**

In response to the Hearing Officer, staff summarized the supplemental memorandum dated May 28, 2009, regarding language modifications to Conditions of Approval 1, 10 and 12.

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:

- SECTION I: FINDINGS VI (L): Change "Unit I" to "Unit II";
- SECTION I: FINDINGS VI (Q): Replace the date from "1931" to "1930";
- SECTION II: Condition of Approval 1: Add to the end "The subject property is located at **354 Mesa Road, Point Reyes Station** and is further identified as **Assessor's Parcel 119-161-14.**";
- SECTION II: Condition of Approval 2: add "BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit color samples of the roof for approval by staff. The roof shall be composed of a dark, grey, non-reflective metal";
- SECTION II: Condition of Approval 11: Delete "Hoffman" and replace with "Logan"; and
- SECTION III: Delete "PERMIT DURATION" in the title, change "June" to "May" and change "Section 22.56.1201" to Section 22.88.0501."

The Hearing Officer concurred with staff's analysis and approved the Logan Coastal Permit and Design Review Clearance, 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. 09-122
A RESOLUTION APPROVING THE LOGAN COASTAL PERMIT AND DESIGN REVIEW
CLEARANCE
354 MESA ROAD, POINT REYES STATION
ASSESSOR'S PARCEL 119-161-14

SECTION I: FINDINGS

- I. WHEREAS, Harry and Suzanne Logan, are seeking Coastal Permit and Design Review Clearance approvals to construct a 672 square foot detached garage on a property that is developed with a residence. The applicants are proposing to use a brown paneling for the walls, dark green trim, and a gray, metal roof. The garage would attain a maximum height of 15 feet and would maintain the following approximate setbacks: (1) 20 feet from the northerly front property line; (2) approximately 232 feet from the southerly rear property line; (3) 10 feet from the easterly side property line, and (4) approximately 125 feet from the westerly side property line. **The subject property is located at 354 Mesa Road at Point Reyes Station, and is further identified as Assessor's Parcel 119-161-14.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 28, 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 the construction of a new garage, which is incidental to the primary residence and 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 and conditioned 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-1.1 DES-1.2, 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 and does not support special status species and will therefore not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);

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 scale and design of the project is compatible with other structures found in the community (PRSCP Policy PA-3.7).

B. The project is consistent with new residential development criteria outlined in the community plan (PRSCP Policies RL-3.1, RL-3.2a, RL-3.2b, RL-3.2c, RL-3.2d, RL-3.3b, and RL-3.4b, RL-3.3c).

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 proposed project has been conditioned to meet septic system standards by Environmental Health Services, including having the existing septic system inspected prior to Building Permit issuance. 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 have no impact upon the availability of affordable housing stock within the Point Reyes Station community because it does not entail the demolition or conversion of any affordable housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is located outside the vicinity of any recognized sensitive streams or creeks subject to streamside conservation policies of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project entails the construction of a detached garage 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

Based on review of the California Natural Diversity Database, no evidence of impact to wildlife habitat was found. 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. The site conditions are not appropriate for the presence of the plant because there are no wetlands or coastal terrace prairie evident on the property. 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 II Geologic Hazards Maps and the finding is therefore not applicable. Therefore, the project is consistent with this finding.

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 proposed project entails the construction of a detached garage. Based on the scale of the proposed project and its design matching the existing community character, it would not have any visual impact. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is located on the rural outskirts of the Point Reyes Station community and accessed by a private driveway coming off of Mesa Road. 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 1930. 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 22.82.040I 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 garage in a planned, agricultural-residential community and is a permitted use and is incidental to the primary residence. 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 672 square foot detached garage. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the garage has been designed to utilize colors and materials found in the environment. In addition, the project is being conditioned to utilize a non-reflective, darker gray roof than presently exists on the primary residence to minimize glare and further blend with the surrounding environment. 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 672 square foot detached garage on a greater than 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 on a private driveway off Mesa Road and is to be situated close to the primary residence. The proposed use is a permitted accessory and incidental use to the primary residence on a greater than 1-acre lot. Based on the scale of the project and the size of the parcel it is to be situated upon, along with the size of surrounding properties, 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 garage would comply with the development standards for accessory structures and new development identified in the General Plan, Point Reyes Station Community Plan, and Development Ordinance.

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 where the garage is proposed to be located 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 672 square foot garage and is located off a private driveway which comes off Mesa Road on the rural outskirts of the community of Point Reyes Station. It will not increase the intensity of use or disrupt existing circulation routes. 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 garage would attain a maximum height of 15 feet and be located off a private driveway which comes off Mesa Road on the rural outskirts of the community of Point Reyes Station. The nearest residence on adjacent properties is approximately 100 feet from the proposed garage. 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. In addition, the project is being conditioned to utilize a non-reflective, darker gray roof than presently exists on the primary residence to minimize glare and further blend with the surrounding environment. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Logan Coastal Permit (09-1), and Design Review Clearance (09-2), applications pursuant to Chapters 22.56I and 22.57I (Coastal Permit) and 22.82I (Design Review) of the Marin County Interim Development Code subject to the conditions specified below.

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82I (Design review) of the Marin County Interim Development Code, the Logan Coastal Permit (09-1) and Design Review Clearance (09-2) applications are approved for the construction of a 672 square foot detached garage. The walls shall consist of a brown paneling, along with a dark green trim, and a gray, metal roof. The garage would attain a maximum height of 15 feet and would maintain the following setbacks from corresponding property lines or road right of way edge: (1) 20 feet from the northerly front property line; (2) approximately 232 feet from the southerly rear property line, (3) 10 feet from the easterly side property line, and (4) approximately 125 feet from the westerly side property line. The subject property is located at **354 Mesa Road, Point Reyes Station** and is further identified as **Assessor's Parcel 119-161-14**.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit color samples of the roof for approval by Planning staff. The roof shall be composed of a dark grey, non-reflective metal.
3. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "NEW GARAGE 354 MESA ROAD," consisting of four sheets, dated June 23, 2009, received July 8, 2009, with revisions dated March 20, 2009 and received on March 26, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
4. Approved exterior building materials and colors shall substantially conform to the color samples identified as "Exhibit B," received July 8, 2008, and on file with the Marin County Community Development Agency.
5. 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.

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
7. 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.
8. All utility connections and extensions serving the project shall be installed underground.
9. 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.
10. 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.
11. 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 Logan Coastal Permit, for which action is brought within the applicable statute of limitations.
12. 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.

Marin County Public Works Department, Land Development Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a grading and drainage plan for the project. All drainage facilities shall terminate and be managed within property lines.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall identify the existing and proposed driveway surface. A hardscape driveway may be required [MCC §24.04.300 and 310]
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a site plan with a minimum scale of 1/8 inch per foot or 1:10.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a note on the plans stating 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 prior to final inspection.

Marin County Environmental Health Services

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the septic system must be inspected. Submit the inspection report to EHS.

North Marin Water District

19. If fire sprinklers are required, replacement of the 3/4 -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 North Marin Water District to arrange for this upgrade and occupancy approval shall not be granted until the water service upgrade is complete.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide written confirmation from the North Marin Water District that the project conforms to District Regulation 17 pertaining to Mandatory Water Conservation Measures.

SECTION III: VESTING 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 28, 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 22.88.0501 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 **June 4, 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 28th day of May 2009.

THOMAS K. LAI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary