



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

### STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR BAR-OR (HOPPE) COASTAL PERMIT AND DESIGN REVIEW

Item No:	C3.	Application No:	CP 10-5 and DR 10-15
Applicant:	Andrew Faust	Owner:	Gal Bar-Or and Cheryl Hoppe
Property Address:	54 Viento Way Point Reyes Station	Assessor's Parcel:	119-182-26
Hearing Date:	November 12, 2009	Planner:	Veronica Corella- Pearson

<b>RECOMMENDATION:</b>	<b>Approved with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>December 9, 2009</b>

#### PROJECT DESCRIPTION:

The applicant, Andrew Faust, has applied on behalf of the owners, Gal Bar-Or and Cheryl Hoppe, for Coastal Permit and Design Review approval for two single-family residences on a vacant 1.71 acre parcel, created as Lot 4 of the Bar-Or Subdivision, approved December 2006. One of the proposed residences is designed to meet the affordable housing requirements of the subdivision. Both of the proposed residences would attain a maximum height of 17 feet, 6 inches above grade and would be 1,455 square feet in size. The inclusionary housing unit would have 3 bedrooms and would maintain a front (west) setback of over 50 feet, a side yard setback of 19 feet and would have light beige siding, with dark grey accent siding, and dark brown doors and windows. The main residence would have 2 bedrooms, and would maintain a front (west) setback of approximately 40 feet, and a side (south) setback of 19 feet, and would have medium grey siding, with dark grey accent siding, and dark brown doors and windows. Also included in the development is a new mound septic system. The location of all proposed development is within the building envelope reviewed and approved in the Bar-Or Subdivision. Although the property is governed by conventional C-R-A:B-3 zoning, Design Review approval is required by the Bar-Or Subdivision.

#### GENERAL INFORMATION:

Countywide Plan:	C-SF4 (Coastal, Single-family Residential, 1-2 units/acre)
Zoning:	C-RA:B3 (Coastal, Residential Agricultural, minimum lot area 20,000 sq.ft)

Lot size: 1.71 acres (74,613 square feet)  
Adjacent Land Uses: Residential  
Vegetation: Grassland  
Topography and Slope: Gently sloping  
Environmental Hazards: None identified

### **ENVIRONMENTAL REVIEW:**

A Negative Declaration of Environmental Impact was adopted by the Board of Supervisors for the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit conditional approvals.

The Marin County Environmental Coordinator has determined that the 2006 Bar-Or Design Review and Coastal Permit are in conformance with the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact (Board of Supervisors Resolution No. 06-185), filed with the Marin County Clerk on April 19, 2007, for the purpose of compliance with the *State California Environmental Quality Act (CEQA) Guidelines* and the *County's EIR Guidelines*.

Per Section 15150 of the *CEQA Guidelines*, all plans, technical documents and reports relative to the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors are incorporated into the Bar-Or Coastal Permit (CP 10-5) and Design Review (DR 10-15).

2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact concluded that no significant impacts, which could not be mitigated, would result from approved project. All applicable mitigation measures outlined in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact are incorporated into the project and conditions of approval for the Bar-Or Coastal Permit (10-5) and Design Review (DR 10-15).

Per Section 15162 of the *CEQA Guidelines*, the Marin County Environmental Coordinator has determined that the situations stipulating when the preparation of a subsequent EIR or Negative Declaration shall be prepared do not apply to the Bar-Or Coastal Permit (10-5) and Design Review (DR 10-15) project. These situations are summarized as follows:

- (1) There are no subsequent changes proposed in the project which will require important revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) There are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, including:
  - (a) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the

project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (b) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. As of the date of this report, no correspondence has been received in response to the public notice.

**PLAN CONSISTENCY:**

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Point Reyes Station Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

**BACKGROUND:**

On December 14, 2006, Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact (Board of Supervisors Resolution No. 06-185) was adopted and the Bar-Or Subdivision (SD 06-1), Coastal Permit (06-10), Lot Line Adjustment (LL 06-7), and Use Permit (UP 07-16) application was approved with conditions of approval, which included the mitigation measures required in the adopted Mitigated Negative Declaration of Environmental Impact. The Lot line adjustment transferred approximately 4,356 square feet (0.10 acres) from Assessor's Parcel 119-140-38 to Assessor's Parcel 119-182-02, resulting in an adjusted lot area of 5.41 acres from Assessor's Parcel 119-182-02. Assessor's Parcel 119-182-02 was divided into five separate lots, and Use Permit approval was given to allow one of the newly created Lots (Lots 1, 4, or 5) to be developed with two residences, one of which would be restricted to an affordable rental unit to meet the County's inclusionary housing requirements. A housing agreement was signed and recorded on March 14<sup>th</sup>, 2009, which stipulates the size of the inclusionary housing unit and rental terms and covenants.

**PROJECT ANALYSIS:**

The subject property is a vacant lot created by the Bar-Or Subdivision, approved in 2006. The subdivision designated building envelopes for each of the 5 created lots so that future development could be sited within the least visually and environmentally sensitive location. The proposed project is located within the designated envelope for Lot 4, and the two single-family residences maintain setbacks that are greater or equal to the required setbacks of C-R-A:B-3 zoning district. The plans have been designed to be in keeping with the rural, agricultural character of the community, and incorporate colors and materials that are earth toned, and would blend into the natural environment, and are similar to others in the vicinity. The project includes a landscape plan that incorporates the use of native grasses and xeriscape perennials, and an erosion control plan that were required as mitigation measures for the subdivision. The septic system has been reviewed by Environmental Health Services and meets the location requirements of the Bar-Or Subdivision. In addition the North Marin Water District has reviewed the project, and has indicated that water service is available subject to the conditions of approval.

## **CONCLUSION**

Staff finds that the proposed two single-family residences have been designed to be architecturally compatible with the surrounding environment, and utilizes exterior building materials and colors that blend into the natural environment. The proposed residence has been sited to not adversely affect views, light or privacy, and conform to the requirements of the Bar-Or Subdivision, Bar-Or Use Permit, and the Bar-Or Housing Agreement.

## **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Bar-Or (Hoppe) Coastal Permit and Design Review.

### Attachments:

1. Proposed Resolution recommending approval of the Bar-Or (Hoppe) Coastal Permit (CP 09-23) and Design Review (DR 09-42)
2. CEQA Exemption
3. Assessor's Parcel Map
4. Map of Bar-Or Subdivision (sheet 4)
5. Notice of Decision: Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment, and Use Permit, April 4, 2009 (25 pages)
6. Affordable Housing Agreement (3 pages)
7. Design Plans (18 sheets)
8. Exterior Colors and Materials (4 sheets)
9. Lighting specifications
10. Environmental Health Services – Water and Sewage, transmittal dated 8/10/09
11. Department of Public Works, Land Development, transmittal dated 8/6/09
12. North Marin Water District, letter dated 8/31/09
13. Marin County Fire Department, letter dated 9/16/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION APPROVING THE BAR-OR (HOPPE) COASTAL PERMIT (CP 10-5) AND  
DESIGN REVIEW (DR 10-15)  
ASSESSOR'S PARCEL 119-182-26  
54 VIENTO WAY, POINT REYES STATION

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Andrew Faust, has applied on behalf of the owners, Gal Bar-Or and Cheryl Hoppe, for Coastal Permit and Design Review approval for two single-family residences on a vacant 1.71 acre parcel, created as Lot 4 of the Bar-Or Subdivision, approved December 2006. One of the proposed residences is designed to meet the affordable housing requirements of the subdivision. Both of the proposed residences would attain a maximum height of 17 feet, 6 inches above grade and would be 1,455 square feet in size. The inclusionary housing unit would have 3 bedrooms and would maintain a front (west) setback of over 50 feet, a side yard setback of 19 feet and would have light beige siding, with dark grey accent siding, and dark brown doors and windows. The main residence would have 2 bedrooms, and would maintain a front (west) setback of approximately 40 feet, and a side (south) setback of 19 feet, and would have medium grey siding, with dark grey accent siding, and dark brown doors and windows. Although the property is governed by conventional C-R-A:B-3 zoning, Design Review approval is required by the Bar-Or Subdivision. The subject property is located at 11815 State Route One, Point Reyes Station, and is further identified as Assessor's Parcel 119-182-27
  
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on November 12, 2009 to consider the merits of the project, and hear testimony in favor of, and in opposition to the project.
  
- III. WHEREAS the Marin County Deputy Zoning Administrator finds per Section 15150 of the *CEQA Guidelines*, all plans, technical documents and reports relative to the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors, and all mitigation measures are incorporated into the project and conditions of approval for the Bar-Or (Hoppe) Coastal Permit (CP 10-5) and Design Review (DR 10-15).
  
- IV. WHEREAS, the Marin County Deputy Zoning Administrator finds per Section 15162 of the *CEQA Guidelines*, that the situations stipulating when the preparation of a subsequent EIR or Negative Declaration shall be prepared do not apply to the Bar-Or (Hoppe) Coastal Permit (CP 10-5) and Design Review (DR 10-15) project. These situations are summarized as follows:
  - A. There are no subsequent changes proposed in the project which will require important revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - B. There are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the 2006 Negative Declaration;

- C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2006 Negative Declaration was adopted, including;
  - a. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - b. Mitigation measures or alternatives which are considerably different from those analyzed in the 2006 Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

III. 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 as conditioned is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources and incorporates measures required in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors to prevent possible impacts to these areas (CWP Policies BIO-1.1 and BIO-1.3).
- B. The project as conditioned is in conformance with Policy BIO 1.7 and complies with natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species and incorporates measures required in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors to prevent impacts to wildlife or natural habitats (CWP Policies BIO-1.4, BIO-1.5, BIO-1.6 and BIO-1.7).
- C. The project will not result in impacts to special-status species as determined in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
- D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement as determined in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors (CWP Policies BIO-2.3 and BIO-2.4).
- E. No wetlands or stream conservation areas will be significantly impacted by the project and the project incorporates measures required in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors to protect these habitats (CWP Policies BIO-3.1 and CWP BIO-4.1).
- F. The project has been reviewed by the Department of Public Works and will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff and the project incorporates an erosion control plan and landscape plan as required pursuant to the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact

adopted by the Marin County Board of Supervisors. The conditions of approval also include requirements that correspond to mitigation measures required in the Negative Declaration to address stormwater runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).

- G. The project avoids hazardous geological areas as determined in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Initial Study (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
- H. The project design and improvements will be reviewed during the Building Permit process to ensure compliance with applicable sections of the Uniform Building Code pertaining to fire protection (CWP Policy EH-4.1), removal of hazardous vegetation (CWP Policy EH-4.2), water for fire suppression (CWP Policy EH-4.c), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
- I. The project has been designed in conformance with the Bar-Or Subdivision and is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
- J. The project will require energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (CWP Policy DES-1.h).
- K. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
- L. The project will comply with the Marin County Single-Family Dwelling Energy Efficiency Ordinance (CWP Policy EN-1.c).

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Point Reyes Community Plan due to the following factors.

- A. The proposed project would minimize disturbance of the natural environment by locating all new development within the area approved in the Bar-Or Subdivision.
- B. The project would not be located in an area that would block existing views of major visual resources.
- C. The project would provide adequate setbacks to all property lines and would preserve sun light, views and privacy of adjacent properties.
- D. The project is designed to be in keeping with the existing rural community character and the residences do not exceed the primary building height of 25 feet, and combined are less than 4,000 square feet in size, and maintain adequate setbacks from property lines and surrounding development.
- E. The project is consistent with the policy to encourage affordable housing, and is consistent with the density requirements of the CWP.
- F. The project entails a landscape plan which includes the use of native plants and does not propose invasive species, and an erosion control plan has been provided.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:

A. Water Supply

The North Marin Water District is able to provide domestic water service, but a condition of approval requires the applicant to submit applicable fees.

B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project acceptable as shown, subject to the conditions of approval.

C. Grading and Excavation

The proposed project is located on a relatively level to moderately sloping lot, and will not require an excessive amount of grading. The applicant has provided an erosion control plan, and integrating native grass and vegetation in compliance with the mitigation measures of the Bar-Or Subdivision.

D. Archaeological Resources

The Bar-Or Subdivision established the existing building envelopes so that future development would not be located within an area of archeological importance, and the proposed project would be located within the approved building envelope, and therefore will not disturb any archeological resources. However, conditions of approval require that, in the event that cultural resources are uncovered during site preparation, all work shall be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access

The subject property is not located between the sea and the first public road or located where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project entails the construction of a two new residence, one which would be an inclusionary housing unit, subject to the conditions of the Housing Agreement for the Bar-Or Subdivision.

G. Wetland and Stream Conservation Protection

The location of the development is consistent with the building envelope reviewed in the Initial Study prepared for the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit and adopted in the Mitigated Negative Declaration of Environmental Impact to protect wetland habitats, and is consistent with the mitigation requirements required for protection of permanent disturbance to wetlands and allowed work in protected areas.

H. Dune Protection

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



I. Wildlife Habitat

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base, prepared by the State Department of Fish indicates that the property is not located in an area potentially containing listed wildlife species. In addition, the Bar-Or Subdivision established the existing building envelopes, so that future development would not be located within an area of sensitive habitat or impact listed species, and the proposed project would be located within the approved building envelope, and therefore would not disturb any wildlife species or sensitive habitat.

J. Shoreline Protection

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

K. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map and was evaluated in the 2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Initial Study, which determined that the project is not located with a geologically hazardous area.

L. Public Works Projects

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

M. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

N. Visual Resources

The height, scale and design of the proposed single-family residences are compatible with the character of the surrounding environment with a modest size, and the use of earth toned colors and materials. The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties.

O. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

P. Historic Resource Protection

The project site is located outside of the historic preservation boundaries identified in the Marin County Historic Study for the Local Coastal Program, and does not entail impacts to any historic resources.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons:

**A. The project is consistent with the countywide plan and local coastal program:**

The proposed project is consistent with the Marin Countywide Plan, Local Coastal Program – Unit II, and the Point Reyes Station Community Plan as outlined in Sections IV, V, and VI above.

**B. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the two new residences have been designed to meet the design standards of the C-R-A:B-3 zoning district requirements for a primary structure with a height of 17 feet 6 inches above grade, meet the setback requirements of the zoning district, and comply with the requirements of the Bar-Or Subdivision. The colors and materials are appropriate for the surrounding environment, and is of a design similar to other neighboring development.

**C. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project would maintain adequate setbacks from all property lines, and would be located in the recorded Building Envelope identified in the Bar-Or Subdivision, 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.

**D. 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 as conditioned would not result in development which would impact future improvements to the surrounding properties.

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

The proposed project is located on a vacant parcel that is primarily grassland, and the applicant proposes to plant additional native grasses and xeriscape perennials. No trees will be removed.

**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 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 residences area located within the designated building envelope and meet all size requirements of the Point Reyes Community Plan, the MCC size requirements for structures within the C-R-A:B-3 zoning district, and would be constructed of colors and materials that are in keeping with the natural environment and the surrounding community.

**2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works and the project as conditioned would be in conformance with Title 24 requirements. In addition, the project will minimize runoff created by the development of the project by integrating native grass and vegetation and an erosion control plan in compliance with the mitigation measures of the Bar-Or Subdivision.

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

The residence and driveway will require a minimum amount of grading and does not require the construction of retaining walls or bulkheads.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

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

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

**G. The Project 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 applicant is proposing construction which would meet the highest Green Building Rating of "Platinum," and the project would be required to meet Title 24 and Ordinance 3492.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bar-Or (Hoppe) Coastal Permit (CP 10-5) and Design Review (DR 10-15) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Bar-Or Coastal Permit (CP 10-5) and Design Review (DR 10-15) is approved for two single-family residences on a vacant 1.71 acre parcel, created as Lot 4 of the Bar-Or Subdivision, approved December 2006. One of the proposed residences is designed to meet the affordable housing requirements of the subdivision. Both of the proposed residences will attain a maximum height of 17 feet, 6 inches above grade and will be 1,455 square feet in size. The inclusionary housing unit will have 3 bedrooms and will maintain a front (west) setback of over 50 feet, a side yard setback of 19 feet and will have light beige siding, with dark grey accent siding, and dark brown doors and windows. The main residence will have 2 bedrooms, and will maintain a front (west) setback of approximately 40 feet, and a side (south) setback of 19 feet, and will have medium grey siding, with dark grey accent siding, and dark brown doors and windows. Also included in the development is a new mound septic system. The location of all proposed development is within the building envelope reviewed and approved in the Bar-Or Subdivision.

The subject property is located at 54 Viento Way, Point Reyes Station, and is further identified as Assessor's Parcel 119-182-26.

2. Plans submitted for a building permit shall substantially conform to plans entitled, "Hoppe Units," consisting of 19 sheets, prepared by Scott Landry Design and White and Prescott, dated July 9, 2009 and September 9, 2009, and on file in the Marin County Community Development Agency.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Design Review Submittal," received July 17, 2009 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide documentation from the North Marin Water District, that all required fees have been paid.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall erect fencing at the perimeter of the private conservation area that includes the defined wetland area and a 100-foot buffer from the delineated edge of the wetland (2006 Bar-Or Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact, Mitigation Measure 7b-2).
8. All construction activities shall comply with the following standards:

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.

9. 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 in the event that any human remains, artifacts, or other indicators of prehistoric or historic use of the parcel are encountered during site preparation or construction activities on any part of the project site, all work at the vicinity of the discovered site shall stop and the project sponsor shall contact the Marin County Environmental Coordinator immediately. If human remains are encountered, the County Coroner must also be contacted. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written evaluation to the Agency Director advancing appropriate conditions to protect the site and the resources discovered. State law designates procedures should human remains be encountered. If the remains are deemed to be Native American and prehistoric, the Coroner must contact the Native American Heritage Commission so that a "Most Likely Descendant" can be designated. No work at the site may recommence without approval of the Agency Director (2006 Bar-Or

Subdivision, Coastal Permit, Lot Line Adjustment and Use Permit Mitigated Negative Declaration of Environmental Impact, Mitigation Measure 7b-2).

11. 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.
12. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Bar-Or (Hoppe) Coastal Permit and Design Review 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.
14. BEFORE FINAL INSPECTION, the applicant 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 the green building rating of "Platinum."

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. A Geotechnical Report must be submitted, prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of placing a building on the site, the suitability of excavating for the retaining walls, and identify any drainage or soils problems that the design of the project must accommodate. Also, the seismic Site Class shall be determined with subsequent seismic design parameters [2007CBC §1802].
16. 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.
17. Revise the drainage plan for the project to include a 5% slope for a minimum of 10-ft from foundations [2007CBC §1803.3]. Also, the outfall of all roof gutter downspouts shall be a minimum of 10-ft from the foundation.
18. An encroachment permit shall be required for work within the road right-of-way.
19. The applicant shall prepare a Surface Runoff Pollution Control Plan for approval by the County of Marin DPW. The Plan shall identify all measure to be installed during site construction to maintain long-term site runoff water quality and shall include dry well, infiltration trenches, or other Best Management Practices. Indicate the type of drainage to be used for runoff diversion around leach fields (e.g. grassy swales). Plans shall indicate the total acreage of site disturbance.

20. 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.

North Marin Water District

21. The owner must submit the remaining fees required in the letter dated August 31, 2009.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Bar-Or (Hoppe) Coastal Permit (CP 10-5) and Design Review (DR 10-15) approval by obtaining a Building Permit for the approved work and substantially completing all work before **November 12, 2011**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 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 November 19, 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 12th day of November, 2009.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary