

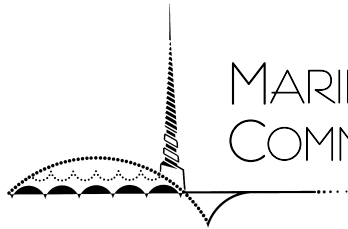
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – November 12, 2009

Hearing Officer Jeremy Tejirian, AICP
 Johanna Patri, AICP, Consulting Planner

Staff Present: Lorene Jackson, Planner
 Dani Hamilton, Planner
 Scott Greeley, Planner
 Veronica Corella Pearson, Planner

Joyce Evans, Recording Secretary

Convened at 9:12 A.M.
Adjourned at 11:38 A.M.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **NEIL WHITEHOUSE**

Application (type and number): Coastal Permit (CP 10-3), Design Review (DR 10-12)

Assessor's Parcel Number: 114-231-06

Project Location: 145 Laurel Street, Inverness

For inquiries, please contact: Lorene Jackson

Decision Date: November 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the November 12, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-28.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**C1. COASTAL PERMIT (CP 10-3), AND DESIGN REVIEW (DR 10-12):
NEIL WHITEHOUSE**

LAJ

A proposal to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck that would be accessory to an existing 1,875 square foot single-family residence. The one-story, 15-foot high structure would result in a 1.8% floor area ratio and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line. [Note: A 540-square foot second unit and 500-square foot garage were approved for the subject property in September 1993 as part of approval for the current single-family residence, but never constructed.] Zoning for the proposed site is C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres.) The subject property is located at **145 Laurel Street, Inverness**, and is further identified as **Assessor's Parcel 114-231-06**.

The Hearing Officer noted that there were no speaker cards for this item.

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 recommendations and approved the project with the following modifications to the resolution:

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- Finding IV (F) add: "The accessory structure would not exceed a height of 15 feet above natural grade";
- Finding V (F) add: "because it does not involve the demolition of an existing residence"; and delete: "~~As conditioned, a deed restriction would be recorded on the property specifying that the guest house will not be converted into a second unit by adding any food preparation facilities.~~"
- Finding V (G) revise to read: "The proposed project site is not situated subject to the Coastal stream buffer policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream indentified on the U.S. geological Survey Maps. Further, the site is not located on or within 100 feet of any wetlands;"
- Finding V (I) revise to read: "The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for special statue species *Ardea heodias* (great blue heron) and *Ardea alba* (great egret). Further, a northern spotted owl nest was previously in the vicinity of the project site. On August 25, 2009, biologist Rich Stallcup conducted a survey of the subject property and determined that none of these species would be negatively affected by the proposed project because there is no nesting habitat for these species on the site or in close proximity to the site. (Please see Attachment 6.)";
- Finding V (J) revise to read:"The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated the possible location of *Dirca occidentalis* (western leatherwood.) The biologist's site

visit determined this species was not present on the project site. Further, the project site is not suitable riparian habitat required for this species.

The site is characterized by a moderately dense mixed coastal woodland. The proposed project calls for the removal of an 8-inch diameter Coast live oak (*Quercus agrifolia*) and the planting of a new oak, a sufficient offset given the density of the remaining woodland”;

- Finding VI (A) add: “would result in a structure with a height, mass, and bulk proportionately appropriate to the site and further, as conditioned, a deed restriction would be recorded on the property specifying that the guesthouse will not be converted into a second unit by adding any food preparation facilities”;
- SECTION II: CONDITIONS OF PROJECT APPROVAL: 3, (a) add: “It is noted that the approved location is a slight revision of the initially submitted project. To better protect an 18-inch diameter oak tree, the project has been moved 10 feet north, closer to the street, and 5 feet away from the easterly side property line. Story poles reflected this modification”;
- SECTION II: CONDITIONS OF PROJECT APPROVAL: 6, delete,;
- SECTION II: CONDITIONS OF PROJECT APPROVAL: 13, 14, and 15, move up and renumber as 6, 7, and 8;
- SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS, correct date from November ~~19~~, to November 12, 2011.

The Hearing Officer concurred with staff’s analysis and approved the Whitehouse Coastal Permit, and Design Review, based on the Findings and subject to the conditions in the revised 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 NO. 09-143

A RESOLUTION APPROVING THE WHITEHOUSE COASTAL PERMIT AND DESIGN REVIEW
145 LAUREL STREET, INVERNESS
ASSESSOR'S PARCEL 114-231-08

SECTION I: FINDINGS

- I. WHEREAS Paul Korhummel, on behalf of owners Neil Whitehouse and Lina Prairie, is seeking Coastal Permit and Design Review approval to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck that would be accessory to an existing 1,875-square foot single-family residence. The one-story, 15-foot high structure would result in a 1.8% floor area ratio and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line. **The subject properties are located 145 Laurel Street, Inverness, and is further identified as Assessor's Parcel 114-231-08.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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 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 an accessory structure 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 and The Inverness Ridge Communities Plan for the following reasons:
 - A. The project would be consistent with the C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres) land use designation.
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic, and circulation, or other services.
 - E. The project would minimize soil disturbance and maximize the retention of existing vegetation.
 - F. The accessory structure would not exceed a height of 15 feet above natural grade.

- 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

A Common Water System, operating since at least 1989, currently provides water to the subject property from an off-site well located on the adjacent parcel to the west (APN 114-231-07). Water for the subject property is stored on-site in a 6,000-gallon tank (2,500 gallons for domestic use and 3,500 gallons for fire protection.) As a condition of approval, the applicant is required to obtain an updated domestic water permit from the Marin County Community Development Agency – Environmental Health Services (EHS). This process will ensure adequacy of water quality and storage capacity, including water needs for fire control.

B. Septic System Standards

The subject property is currently served by a on-site water disposal system. As a condition of approval, the applicant would be required to submit an inspection report verifying the tank is in good condition and the system functioning properly.

C. Grading and Excavation

Grading and excavation would be minimal, limited to the amount necessary to drill piers and level the approach for the garage. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources

Review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of archaeological sensitivity. Nonetheless, standard project approval requires that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

E. Coastal Access

Not applicable. The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community because it does not involve the demolition of an existing residence.

G. Stream and Wetland Resource Protection

The proposed project site is not situated subject to the Coastal stream buffer policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream identified on the U.S. geological Survey Maps. Further, the site is not located on or within 100 feet of any wetlands.

H. Dune Protection

The proposed project is not located in a dune protection area as identified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for special status species *Ardea herodias* (great blue heron) and *Ardea alba* (great egret). Further, a northern spotted owl nest was previously in the vicinity of the project site. On August 25, 2009, biologist Rich Stallcup conducted a survey of the subject property and determined that none of these species would be negatively affected by the proposed project because there is no nesting habitat for these species on the site or in close proximity to the site. (Please see Attachment 6.)

J. Protection of Native Plant Communities

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated the possible location of *Dirca occidentalis* (western leatherwood.) The biologist's site visit determined this species was not present on the project site. Further, the project site is not suitable riparian habitat required for this species.

The site is characterized by a moderately dense mixed coastal woodland. The proposed project calls for the removal of an 8-inch diameter Coast live oak (*Quereus agrifolia*) and the planting of a new oak, a sufficient offset given the density of the remaining woodland.

K. Shoreline Protection

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

L. Geologic Hazards

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property is situated outside the high risk area for seismic activity of the San Andreas Fault Zone. Chapter 7.5, Section 2621.8 of the Alquist Priolo Special Studies Act exempts construction of single-family residences from requirements to prepare a seismic assessment of the project site. Furthermore, through the building permit application process, construction of the proposed development will be reviewed for compliance with all applicable building codes adopted by the County. As a condition of approval, the Department of Public Works may require geotechnical Site Class and determination of seismic design parameters pursuant to the 2007-CBC seismic requirements.

While the lot is steeply sloped (approximately 27-30% slope), the subject property received a slope stability rating of 1 in the 1977 Wagner Slope Stability Study Map, indicating a relatively stable area.

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 height, scale, and design of the proposed development is compatible with the character of the surrounding community. The proposed structure will not obstruct public views of the coast and will be screened by topography and existing tree canopies. A condition of approval requires that all utilities serving the project site to be placed underground.

P. Recreation/Visitor Facilities

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

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

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

G. 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 structure would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development. The project would step down the hillside, resulting in minimal visibility to the public or neighbors. Further, as conditioned, a deed restriction would be recorded on the property specifying that the guesthouse will not be converted into a second unit by adding any food preparation facilities.

H. 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 sufficient setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- I. **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.

- J. **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;**

A new 15-gallon sized Coast Live Oak will be planted to replace the 8-inch diameter oak tree to be removed. No other trees would be removed, except those identified to comply with local and State fire safety regulations and to prevent reasonable safety hazards to people and property. Further, the project has been moved 10 feet north, closer to the front property line, and 5 feet away from the easterly property line to protect an 18-inch diameter oak and retain the 8-inch bay. The proposed guesthouse would be well insulated and blend into the hillside.

- K. **The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design, which steps down the hillside and away from the street, minimizing mass, bulk, and visual impacts. The project utilizes colors and materials that match the existing single-family residence and blend with the character of the community.

- L. **The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

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

As with the existing single-family residence, the proposed project has been designed to minimize adverse visual effects related to design and building massing. The proposed structure would step down the hillside so that the structure is approximately 12.5 feet above grade on the northerly uphill side facing the road. The project incorporates articulations and height changes, which minimize overall mass and bulk, and roof mass. There are no unbroken vertical walls on the structure.

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

All conceptual plans have been reviewed by the Department of Public Works.

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

The proposed project has been designed to avoid grading and fill. The minimal soil removed from pier drillings would be spread on-site.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles. Since the proposed project would develop only 0.6% of the 3.5-acre parcel, there would be no significant impact on the circulation of animals.

5. **Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

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

M. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The applicant is proposing construction that would meet the Green Building Rating of "Silver," and the project would be required to meet Title 24 and Ordinance 3492.

N. 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 Whitehouse Coastal Permit (CP 10-3) and Design Review (DR 10-12) 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 Whitehouse Coastal Permit and Design Review are approved to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck accessory to an existing 1,875-square foot single-family residence. The one-story structure is approved to attain a maximum height of 15 feet and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line. **The subject property is located 145 Laurel Street, Inverness, and is further identified as Assessor's Parcel 114-231-08.**
2. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A1**, entitled "Studio/Garage for Lena Prairie & Neil Whitehouse" consisting of 4 sheets prepared by Paul Korhummel, dated and received September 8, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A2** and shall supersede Exhibit A1.
 - a. Revise site plan to reflect approved setbacks and location of project. *It is noted that the approved location is a slight revision of the initially submitted project. To better protect an 18-inch diameter oak tree, the project has been moved 10 feet north, closer to the street, and 5 feet away from the easterly side property line. Story poles reflected this modification.*
 - b. Revise site plan to accurately indicate the allocation of water in the 6,000-gallon storage tank - 2,500 gallon for domestic use and 3,500 gallons for fire protection.
 - c. Revise Sheet 4 to show the retention of the 8-inch bay tree immediately south of the new deck.
4. Approved exterior building materials and colors shall match the existing house, substantially conforming to the color/materials sample board identified as **Exhibit B**, received July 10, 2009 and on file with the Marin County Community Development Agency including:
 - a. Stucco Siding –“Rock Green”
 - b. Metal Roof –“Spruce Green”
 - c. Window Frame/Trim – Thermo-set Acrylic, “Porch White”

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.

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 Coastal Permit and Design Review 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 property owners shall record a notarized deed restriction stipulating that the detached studio located 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.

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 and vegetation 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. 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.
10. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.** No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
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 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 this application, 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 or exceed the required green building rating level.
15. Only those trees identified in **Exhibit A2** are approved for removal for this project. s
16. PRIOR TO FINAL INSPECTION, all soils disturbed by development of the project shall be reseeded to control erosion with native grasses, wildflowers, or other means as approved by the Planning Division. The applicant shall verify to the Community Development Agency that disturbed soils have been covered and the new oak tree planted with automatic drip irrigation installed.
17. If the presence of the northern spotted owl (*Strix occidentalis caurina*) is found at or near the site during the construction process, all construction activities shall cease, and the Community Development Agency staff shall be notified. A qualified wildlife biologist shall assess the site and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect the owls and the nesting activity. 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 the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. An amendment to the permit may be required to protect the owl species.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

18. Provide a site plan with a minimum scale of 1/8"=1.0' or 1:10.
19. Provide a surface drainage plan. Surface drains and foundation/retaining wall drains shall be separate systems. 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. Note that as per 2007-CBC, all surface drainage from foundations shall be a minimum of 5% slope for 10-ft away from the foundation.
20. Submit Erosion and Siltation Control plans.

21. 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.
22. A geotechnical Site Class and determination of seismic design parameters may be required pursuant to the 2007-CBC seismic requirements.
23. 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.

Environmental Health Service - Domestic Water

24. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant must update the domestic water permit to document the Common Water System (obtain a new domestic water permit). The current domestic water permit is issued to only one lot. However, information is available to show that a Common Water System has been operating at least since 1989. Address the following during the permit amendment process:
 - a. Identify the size of the storage tank or tanks connected to the water system in total and specify how much storage is required to meet TOTAL fire control requirements for both lots (including new fire requirements for the proposed project, if any.) Provide a reasonable estimate of the sustained, safe operating flow rate from the well. Storage capacity, available for domestic use only, will be determined accordingly.
 - b. Provide current test results sampled from RAW WATER for the following:
 - Bacteria (report any positive results as enumerated results)
 - Nitrate as NO₃, and nitrite
 - Aluminum, pH, and nickel
 - c. Submit a completed Treatment Proposal Form as part of the application submittal for the updated domestic water permit to document the existing treatment and distribution system. The form is available with the application packet.
 - d. Submit a water system plan that shows the entire system from well to tanks to all uses.

Environmental Health Service – Sewage

25. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant must submit a septic inspection report by either a qualified service provider or a registered septic consultant. The report must be current (within the last twelve months) and must include the following:
 - a. Confirmation that the tank is in good condition and that the water is at the expected working level in the tank.
 - b. The results of a hydraulic load test. There should be no apparent signs of septic system malfunction or failure.

Marin County Fire Department

26. BEFORE ISSUING A BUILDING PERMIT, Fire Department approval must be granted for the defensible space zone (minimum of 30-100 feet) and vegetative management plan. At a minimum, the vegetation management plan 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(s) delineated, plant types and spacing. The vegetation management plan must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list. Refer to the Marin County Fire Department Prevention Bureau defensible Space Standard, which may be downloaded from www.marincountyfire.org.
Note: Any trees proposed for removal beyond those shown on the approved plans must receive prior approval from Planning.
27. BEFORE FOUNDATION INSPECTION, the defensible space zone must be in place. Trees shall not be planted in a location that, when mature, will contact overhead power lines or impede access/egress. Vegetation scheduled for planting shall be in accordance with the fire resistant plant species list. Schedule a site meeting with the Fire Department prior to construction.
28. BEFORE FINAL INSPECTION, all Fire Department requirements must be met, including, but not limited to the following:
- a. Vegetation adjacent to driveways and access roads must be cleared to a minimum of 15 feet vertically and 10 feet horizontally.
 - b. Fire sprinkler design approval and inspection to be completed by County Building and Safety. As part of the sprinkler system installation, a spare sprinkler head cabinet containing two spare sprinkler heads, and the applicable sprinkler head wrench shall be required prior to final approval of the sprinkler system.
 - c. Provide smoke detectors per UBC/UFC.
 - d. Fire Department approval is required for gates on driveways. If the gate is locked in any fashion, a MCFM Knox rapid entry system is mandatory.
 - e. The street address shall be posted with three inches minimum letters with 3/8 inches stroke and a background of contrasting color.

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 **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 Section 22.56.120I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on **November 12, 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.

Jeremy Tejirian
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans, DZA Secretary

H1. COASTAL PERMIT (CP 09-29), VARIANCE (VR 09-10) AND DESIGN REVIEW (DR 09-61): ALLEN SANTOS

A proposal to construct a new 722-square foot single-family residence on a 2,212-square-foot vacant lot. The two-story, 24-foot high structure would result in a 32.6% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 10.7 feet from the northerly rear property line. Associated site elements would include a carport, rooftop solar panels, septic system, and landscaping. A propane tank would be located in the front southeast corner of the property with zero setbacks from the front and side property lines. Design Review is required because the proposed project is located within the 25-foot front yard setback on a parcel that is 70% smaller than required in the applicable zoning district. A Variance is required since the project would result in a FAR greater than 30%. Zoning for the proposed site is C-R1 (Coastal Single-family, Residential, 7,500 square foot minimum lot area.) The subject property is located at **4 Francisco Patio, Stinson Beach**, and is further identified as **Assessor's Parcel 195-104-04**.

The Hearing Officer acknowledged a supplemental memorandum dated November 10, 2009 from staff regarding her responses to letters from the neighbors. Staff summarized the comments and her written responses.

The public testimony portion of the hearing was opened.

Members of the public objecting to the project included:

Bruce Winchell, Stinson Beach Village Association who also spoke for Scott Tye, Lucinda Callaway, Kate Donahue, Roger Faulkner, Gwen Donahue, Mark Huburt, Kim Welch, Kevin Donahue, Lynn Stickrod, Dave Rosenlund, and Nick Lawrence.

Objections were noted by members of the public, including but not necessarily limited to the following:

- Object to selling one of the parcels and then requesting relief from the 30% floor area ratio (FAR) for the remainder parcel;
- There was enough room for a home before one of the parcels was sold;
- Do not want to set a precedent for aggressive development in the area;
- Proposed building footprint is too large for the small parcel;
- Proposed height would adversely effect sunlight and privacy of neighboring properties;
- Excessive mass and bulk for a small lot;
- Carport is within the footprint of the dwelling and is enclosed on two sides; project should be conditioned so that it can not be converted to habitual space;
- The site was graded flat, which would affect finished height of the house;
- Allowing encroachment within a setback will set a precedent;
- Lack of contact from the applicant;
- The two adjoining properties should be merged;
- Applicant took a chance when he sold the adjoining parcel, creating a substandard lot;
- Traffic and parking are a concern;
- Possible lack of adequate water to the site;
- A tree larger than 10 inches was removed; and
- Community feels that smaller, more affordable structures are a better use of the land.

Owner Allan Santos and applicant Mark Hulbert spoke about favorable elements of the project, including but not necessarily limited to the following:

- Their efforts to keep the Stinson Beach Village Association informed of their progress and included in any discussions;
- They were told that the subject parcel was a legal, buildable lot;
- Already reduced the proposed home from 922 square feet to 720 square feet, which is smaller than the size of a second unit for Marin County;
- Setback requirements were met except for the front yard;
- The requested project is only 58 square feet greater than what is requested by a 30% floor area ratio (FAR);
- The project is under the maximum height limit and;
- The applicant met with the Stinson Beach Village Association Saturday, and did not receive the negative response presented by Bruce Winchell.

Bob Helmberger clarified that he and Santos are not partners on the adjoining property at 6 Francisco Patio. Santos sold one lot so he could finance the proposed project.

The public testimony portion of the hearing was closed.

The Deputy Zoning Administrator made several comments pertaining to the project, including but not necessarily limited to the following:

- The adjoining parcels probably should have been developed as a single merged lot; and
- Express concerns for the mass and bulk, carport design, height impact, parking and, previous grading.

Staff responded to questions from the DZA to clarify several issues including, but not necessarily limited to the following:

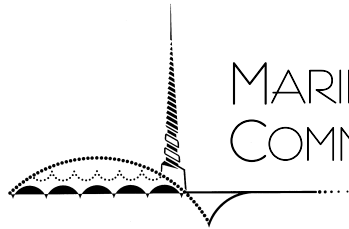
- A recommended Condition of Approval stated that the 2004 survey would be used as a baseline for the natural grade;
- Some of the other setbacks are dissimilar to what would be required if developed today.
- The County has no authority to require the applicant's neighbor to submit a concurrent application for design review;
- With Design Review, County Code provides relief for substandard lots; and
- A Variance should not be granted for a self imposed hardship.

The Hearing Officer noted that Variance findings are set by the State and he can not support a floor area ratio (FAR) Variance for a self imposed hardship. The irregular shape of the parcel supports Design Review findings to allow encroachment within the front yard setback. There are no significant issues regarding the Coastal Permit, but noted that the balcony that looks towards the hills also looks into the yard of the adjacent neighbor. The mass and bulk of the design is increased by having a carport underneath, but it is important to maintain on-site parking spaces.

The Deputy Zoning Administrator indicated that the single-family residential design guidelines provided guidance for determining whether the project is consistent with the Design Review findings. Design Guideline B-1.1 (Building setbacks and stepbacks) encourages upper level stepbacks to reduce the mass and bulk of residences. The Deputy Zoning Administrator indicated that the applicant should consider design modifications that would better reflect this guideline and address concerns related to the mass and bulk of the proposed residence.

The Hearing Officer asked the applicant to revise project plans to increase the upper level setbacks and consider removing the carport from the building envelope. The Hearing Officer encouraged the applicant to work with the Department of Public Works to satisfy the parking requirements.

The applicant and owner agreed to continue this project to January 14, 2010.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **TRACI HORIE**
Application (type and number): Variance (VR 10-3)
Assessor's Parcel Number: 070-011-25
Project Location: 85 Corte Dorado, Greenbrae
For inquiries, please contact: Daniella Hamilton
Decision Date: November 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the November 12, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-16.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

H1. VARIANCE (VR 10-3): TRACI T. HORIE

A proposal to raise the roof of the existing residence for a total height of 24 feet 8 inches above grade, and remove and replace an existing staircase. All work would be located within the existing footprint of the residence. The Variance is necessary because the work would take place within the front yard and side yard setbacks. The proposed project would maintain the following setbacks from corresponding property lines: 1) 6 feet 2 inches from the southwestern front property line, 2) 60 feet 7 inches from the eastern rear property line, 3) 7 feet 6 3/4 inches from the western side property line, and 4) 120 feet from the northern side property line. The subject property is located at **85 Corte Dorado in Greenbrae** in the R-1:B-2 zone, further identified as **Assessor's Parcel 070-011-25**.

The Hearing Officer acknowledged a supplemental memorandum from staff dated November 10, 2009 regarding three Conditions of Approval that were omitted from the Resolution. Staff summarized her comments and will revise the resolution to incorporate the changes.

The public testimony portion of the hearing was opened.

Alec Wilson, applicant was present and stated that he had spoken to David Sternberg of the Greenbrae Property Owners Association and agreed to extend the horizontal guardrail down to the street.

The public testimony portion of the hearing was closed.

The Hearing Officer, after making a site visit, concurred with staff's recommendations and approved the project with the following modifications to the resolution:

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- New Condition of Approval 6: "Site plan shall show 10 foot Public Utility Easement along the rear of the property and provide information regarding the existing drainage patterns and improvements";
- New Condition of Approval 7: "Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures under Resources for: Construction: Construction Brochures: Minimum Erosion Control Measures and Pollution Prevention- It's Part of the Plan, among others. Plans shall indicate total acreage of site disturbance;

The Hearing Officer concurred with staff's analysis and approved the Horie Variance, based on the Findings and subject to the conditions in the revised Resolution.

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-144

A RESOLUTION APPROVING THE HORIE VARIANCE
ASSESSOR'S PARCEL 070-011-25

SECTION I: FINDINGS

- I. WHEREAS the applicant, Tracie T. Horie, on behalf of the owners, Wilfred and Renee Horie, is requesting Variance approval to raise the roof of the existing residence 4 feet 4 inches for a total height of 24 feet 8 inches above grade, and remove and replace an existing staircase. All work would be located within the existing footprint of the residence. The Variance is necessary because the work would take place within the required front yard and side yard setbacks. The proposed project would maintain the following setbacks from corresponding property lines: 1) 6 feet 2 inches from the southwestern front property line, 2) 60 feet 7 inches from the eastern rear property line, 3) 7 feet 6 ¾ inches from the western side property line, and 4) 120 feet from the northern side property line. The subject property is located at **85 Corte Dorado in Greenbrae** in the R-1:B-2 zone, further identified as **Assessor's Parcel 070-011-25**.
- 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 regarding 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 (CEQA), per Section 15301, Class 1 of the CEQA Guidelines because it would not result in significant tree removal, grading, drainage alterations or other adverse impacts on the environment.
- IV. WHEREAS The proposed project, as modified by the conditions of approval, is consistent with the goals and policies of the Marin Countywide Plan as discussed below:
 1. The project 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 (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of native trees and the project site was previously developed.
 2. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of plants or animals.

3. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
 4. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
 5. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the project would not involve grading or disturbance of soil, nor would it increase the impermeable area on the site, and the existing drainage system complies with the standards and best management practices required by the Department of Public Works.
 6. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 7. The project design and conditions of approval ensure adequate 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*).
 8. The project would meet energy efficient standards for exterior lighting, and would reduce excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 9. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would be consistent with the Marin County Single-family Residential Design Guidelines.
 10. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the project will be compatible with community design standards, local topography, community character and community appearance, the project complies with Kentfield/Greenbrae Community Plan Land Use Policies for Subarea "I".

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Variance approval (Section 22.54.050 of the Marin County Code) as described below.

A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

Due to constraints unique to the project site, including the unusual shape of the lot, the steepness of the rear portion of the site, and the utility easement bisecting the property, strict application of the Code denies the property owner privileges enjoyed by owners of less constrained properties in the vicinity.

B. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

The project involves alterations to an existing residence, a principally permitted use in the R-1:B-2 zone district. Therefore the project would not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

C. That granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.

The project would not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located. Rather, the project would allow the property owner to enjoy the same privileges as enjoyed by owners of neighboring properties, and typical properties located in the R-1:B-2 zone district. The project involves alterations to an existing residence of a nature (use and design) that is consistent with the residential character of the surrounding neighborhood.

D. That granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The development would not have detrimental effects on public interest, health, safety, convenience or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located because it involves alterations to an existing residence in a residential zone. The project would cause no injury to the property nor to improvements in the vicinity or the zone district., and is of compatible design with respect to single family homes along Corte Dorado.

SECTION II: CONDITIONS OF PROJECT APPROVAL (VR 10-3)

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Horie Variance application subject to the following conditions:

1. Pursuant to Marin County Code sections 22.54.050, this approval authorizes raising the roof of the existing residence for a total height of 24 feet 8 inches above grade, and removal and replacement of an existing staircase. All work shall be located within the existing footprint of the residence. The Variance is necessary because the work will take place within the front yard and side yard setbacks. The approved project shall maintain the following setbacks from corresponding property lines: 1) 6 feet 2 inches from the southwestern front property line, 2) 60 feet 7 inches from the eastern rear property line, 3) 7 feet 6 ¾ inches from the western side property line and 4) 120 feet from the northern side property line. The subject property is located at **85 Corte Dorado in Greenbrae** in the R-1:B-2 zone, further identified as **Assessor's Parcel 070-011-25**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "85 Corte Dorado," consisting of 12 sheets prepared by Aleck Wilson Architects Inc., dated 9/22/2009 and received October 19, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Aleck Wilson Architects, received August 12, 2009, and on file with the Marin County Community Development Agency including:
 - a. Siding
 - b. Roof
 - c. Window frame and handrail

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
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. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front yard, and the distance of the building from the nearest property line at the closest point.
6. Site plan shall show 10 foot Public Utility Easement along the rear of the property and provide information regarding the existing drainage patterns and improvements.

7. Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures under Resources for: Construction: Construction Brochures: Minimum Erosion Control Measures and Pollution Prevention- It's Part of the Plan, among others. Plans shall indicate total acreage of site disturbance.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Design Conformance contained in the Green Building Residential Certification Form demonstrating that the project meets or exceeds the required green building rating "Silver."
9. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
10. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
11. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

Comment [TL1]: Please e or the more specific requirem lights that is in special conditi

12. 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 or exceed the required green building rating level.
13. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code Sections 24.04.625 and 24.04.627.
14. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
15. Applicant shall obtain all necessary permits from other agencies.
16. 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.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by November 12, 2011, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. 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 such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

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 Planning Department, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on November 30, 2009.

Comment [TL2]: Use this the application was NOT sub enforcement case. Pick the ap requirements and delete those Select one or both of the 2 co for extensions - Section 22.44 Precise Development Plans ar 22.56.050.B.3 applies to all o Tentative Maps. . (Note: F coastal zone where the Coast permit jurisdiction over the C appropriate extension citation Zoning Ordinance: eg. 22.82 Review, 22.77.040(7) for Tid 22.86.070 for Variance.)

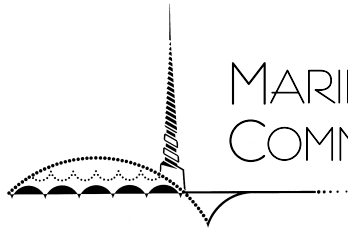
SECTION IV: DECISION

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.

JOHANNA PATRI, AICP
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: **BAR-OR (HOPPE)**
Application (type and number): Coastal Permit (Cp 10-5) and Design Review (DR 10-15)
Assessor's Parcel Number: 119-182-26
Project Location: 54 Viento Way, Point Reyes Station
For inquiries, please contact: Veronica Corella Pearson, Planner
Decision Date: November 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the November 12, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-22.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

H3. COASTAL PERMIT (CP 10-5) AND DESIGN REVIEW (DR 10-15): BAR-OR (HOPPE)

A proposal to consider the construction of 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. The subject property is located at **54 Viento Way, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-182-26**.

In response to the Hearing Officer, staff acknowledged a phone call regarding the prior subdivision. She will include a Condition of Approval to allow one of the approved lots to have an inclusionary housing unit. There are two residences on the lot and a new address will be assigned and added to the resolution.

The applicant was present and had no questions.

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

The Hearing Officer concurred with staff's analysis and approved the Bar-Or Coastal Permit and Design Review, based on the Findings and subject to the conditions in the revised 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 09-145

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

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.
- V. 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).
- VI. 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 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.

VII. 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.

VIII. 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."

15. The Inclusionary Housing Unit shall be addressed 56 Viento Way, Point Reyes Station and shall the address for both units shall be posted in conformance with the latest adopted version of the California Fire Code.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

16. 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].
17. 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.
18. 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.
19. An encroachment permit shall be required for work within the road right-of-way.
20. 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.
21. 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

22. 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.**

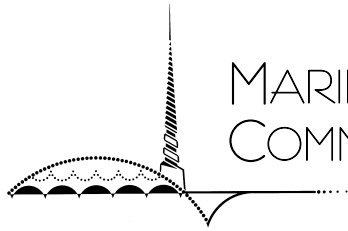
SECTION IV: ACTION

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.

JOHANNA PATRI, AICP
MARIN COUNTY 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: **REDWOOD LANDFILL INC**
Application (type and number): Use Permit Extension
Assessor's Parcel Number: 125-160-13
Project Location: 8950 Redwood Highway, Novato
For inquiries, please contact: Scott Greeley
Decision Date: November 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the November 12, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-11.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C4. USE PERMIT EXTENSION): REDWOOD LANDFILL INC

A proposal to consider renewal of a telecommunications Use Permit 96-404 and Design Review 96-403. This will authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. 6 panel antennas are mounted to the existing monopole which has a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are being considered at this time. The zoning for this parcel is A-60. The subject property is located at **8950 Redwood Highway, Novato**, and is further identified as **Assessor's Parcel 125-160-13**.

In response to the Hearing Officer, staff summarized his supplemental memorandum dated November 12, 2009 regarding changes made to Section I: Findings V and VI. A clerical error had the wrong location marked and a corrected area map was also attached.

The Hearing Officer concurred with staff's analysis and approved the Redwood Landfill, Inc. Use Permit Extension, based on the Findings and subject to the conditions in the revised Resolution.

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

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-146
A RESOLUTION APPROVING THE REDWOOD LANDFILL INC USE PERMIT RENEWAL
8950 REDWOOD HIGHWAY, NOVATO
ASSESSOR'S PARCEL 125-160-13

SECTION I: FINDINGS

- I. WHEREAS, T-Mobile West Corp, the applicant, is seeking a Use Permit renewal which will authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. Six panel antennas are mounted to the existing monopole which has a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are being considered at this time. **The subject property is located at 8950 Redwood Highway in Novato, and is further identified as Assessor's Parcel 125-160-13.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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 that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails continuing a previously permitted use with no new expansion and 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:
 - A. The project would be consistent with the AG1 (Agriculture, 31-60 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. (CWP Policies, Noise Policies NO-1.2, NO-1.3);
 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies, Environmental Hazards Policies EH-3.1, EH-4.1, Community Design Policies DES-4.1);
 - 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, Environmental Hazards Policy EH-4.1);
 - E. The project 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 Novato Fire Protection District will

ensure compliance with fire safety codes and standards. (CWP Policies, Environmental Hazards Policy EH-4.1, EH-4.2, EH-4.c, EH-4.d);

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin County Telecommunications Facilities Policy Plan (TFPP) and with the criteria for wireless communications facilities contained therein, as follows:

- A. The facility would allow T-Mobile West Corp. to continue to provide cellular coverage in the northern portion of the County and would allow the carrier to continue to provide a reliable source of wireless communications to residents, businesses, and emergency service providers in the County.
- B. The facility does not create significant lighting impacts on surrounding areas because no lighting is proposed for the site.
- C. Vehicular access and parking for the proposed project site is provided from an existing road right-of-way. No additional road or parking area construction would be required for the operation of the facility.
- D. Noise levels associated with the operation of the facility would not exceed the ambient noise levels. With exception to routine maintenance visits by a cellular site technician, the facility would not generate other traffic trips to the property, therefore, the proposed facility would neither generate significant levels of noise nor traffic.
- E. The project does not significantly impair the visual conditions on and surrounding the subject property because the T-Mobile West Corp. equipment would be clustered near other telecommunication facilities on the property, thereby consolidating equipment to minimize visual impacts. The project would not require removal of existing vegetation which partially screens the facilities from off-site views.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Airport Land Use Plan for the Marin County Airport at Gness Field, as follows:

- A. The project is compatible with being located in an area subject to otherwise higher than normal ambient sound levels and potential safety risk zones (Airport Land Use Plan 4.1.3).
- B. The project is consistent with the permitted land uses for the A-60 zoning district in the 'Traffic Pattern Zone', found in Table 4.1 of the Compatibility Matrix and Safety Zone Policies SZ-4.1 and SZ-4.2.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Use Permit Renewal (Section 22.48.040 of the Marin County Code) as specified below.

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

The proposed project is a permitted conditional use for the A-60 zoning district and complies with all other applicable provisions of the Use Permit ordinance. Therefore, the project is consistent with this finding.

B. The proposed use is consistent with the Countywide Plan and any applicable Community Plans and Local Coastal Program;

The proposed project complies with the policies and permitted uses for the AG1 land use designation of the Countywide Plan. The project is also located outside of the identified boundaries of the Local Coastal Program. Therefore, the project is consistent with this finding.

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

The proposed project has been determined to be Categorical Exempt from CEQA per Section 15301, Class 1 of the CEQA Guidelines because it entails no new expansion of the already permitted facilities. Therefore, the project is consistent with this finding.

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

The existing telecommunications facility is located within the Redwood Landfill and is well concealed from view due to the parcel size and overall size of the telecommunications facility. No changes or additions have been proposed. In addition, Design Review and Use Permit findings have been made for prior telecommunications facilities onsite which are larger than the T-Mobile site. Therefore, the project is consistent with this finding.

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

The proposed project is to renew a use permit for an existing facility. No changes in use or additions have been proposed. The proposed use is permitted with a Use Permit in the A-60 zoning district and given the size of the lot and its location from the nearest public road, the height of the facility, and the existing and surrounding uses there is no architectural conflict with the zoning district. Therefore, the project is consistent with this finding.

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

The project is located in the Redwood Landfill. The adjacent properties are parklands and similarly zoned, large lot, low density agriculturally-based properties. No changes or additions have been proposed to the telecommunications facility. The project has been determined to have no potential health risks based on its location, coupled with the type of telecommunications facilities which do not result in the generation of hazardous levels of non-ionizing electromagnetic radiation. Therefore, the project is consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

2. Pursuant to Chapter 22.48 (Use Permit), the Redwood Landfill Inc approval to authorize the continued operation of a telecommunications facility operated by T-Mobile at the Redwood Landfill. The facility includes an unstaffed, wireless Personal Communication Services (PCS) facility on an existing monopole. Six panel antennas are mounted to the existing monopole which have a height of 35 feet, along with 2 ground-mounted equipment cabinets. No changes to the facilities are authorized by this decision. The subject property is located at **8950 Redwood Highway, Novato** and is further identified as **Assessor's Parcel 125-160-13**.
3. The project shall substantially conform to plans identified as "File Copy," entitled, "TMO CA/NV, LLC DBA T-Mobile 101/Burdell BA00328," consisting of three sheets prepared by Streamline Engineering and Design, Inc., dated May 5, 2009 and May 8, 2009 and received July 31, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
4. The approved facility must be dismantled and removed from the premises if it has been inoperative or abandoned for a one-year period. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a standard performance agreement with the County and post a suitable security in order to guarantee removal of an abandoned facility. Upon expiration of the Use Permit, all equipment, structures, and antennas shall be removed and the site shall be returned to its preexisting conditions.
5. The approved facility shall operate in compliance with the noise exposure standards contained in the Marin Countywide Plan. Normal testing and maintenance activities shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Sunday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunications and maintenance equipment is audible from nearby sensitive receptors may occur at all times. Back-up generators shall comply with the above-reference noise standards, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance.
5. All utility connections and extensions serving the project shall be installed underground.
6. No exterior lighting is approved on or in the vicinity of the antennas, supporting monopole, equipment cabinets, or fencing as part of this application.
7. 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 project, for which action is brought within the applicable statute of limitations.

8. 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.
9. This Use Permit is subject to revocation procedures contained in Section 22.120.30 of the Marin County Code in the event any terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
10. Approval of the Redwood Landfill Inc Telecommunications Facility Use Permit shall expire ten years from the date of project approval unless a Use Permit renewal is authorized by the Marin County Community Development Agency, which allows the operation of the facility to continue.

Novato Fire Protection District

11. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Novato Fire Protection District.

SECTION III: APPEAL RIGHTS

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 November 30, 2009.**

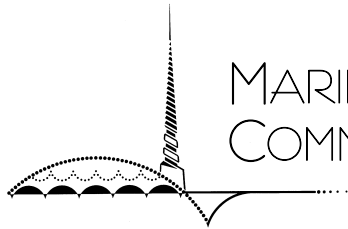
SECTION IV: ACTION

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.

JOHANNA PATRI
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: **KRISTINA PHIPPS**
Application (type and number): Coastal Permit (Cp 09-7) And Design Review (Dm 09-16)
Assessor's Parcel Number: 112-254-07
Project Location: 125 Bay View Way, Inverness
For inquiries, please contact: Scott Greeley
Decision Date: November 12, 2009

DETERMINATION: Approved with Conditions

Minutes of the November 12, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-25.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**H2. COASTAL PERMIT (CP 09-7) AND DESIGN REVIEW (DM 09-16):
KRISTINA PHIPPS**

A proposal to construct a detached 136 square foot office and a detached 431 square foot guest dwelling, along with a 6 foot high fence. The office area would attain a maximum height of 11 feet 3 inches and the guest dwelling would attain a maximum height of 13 feet. The office would maintain the following setbacks from corresponding property lines or road right of way edge: 16 feet 8 inches from the northwesterly front property line; 63 feet from the southeasterly rear property line; 7 feet from the northeasterly side property line; and 92 feet from southwesterly side property lines. The guest dwelling would maintain the following setbacks from corresponding property lines or road right of way edge: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. The property is in a C-RSP-1 zoning district. The subject property is located at **125 Bay View Way, Inverness**, and is further identified as **Assessor's Parcel 112-254-07**.

In response to the Hearing Officer, staff acknowledged additional e-mail from the applicant regarding the modified plan they planned to submit and if the neighbors were agreeable.

The public testimony portion of the hearing was opened.

Rob Kelley, speaking for George Phipps, owner, explained how he addressed the neighbors concerns regarding light, privacy and view impacts. The guest house building was moved out of the view shed. Although the office can be seen, it is a minor concern and believes its proposed location to be acceptable. He further discussed how he minimized the guest house with a new roof line to make it compatible with neighboring properties. He requested to be allowed to have a slight rotation of the guest house to have it look at the main house instead of the garage.

Kristina Phipps, owner, spoke regarding meetings she had with the neighbors to reach a compromise. The office location minimized the impact on the community where it is sited now. She felt the design as proposed was consistent with other designs in the neighborhood and will replace the landscape that had been removed.

Ellen Shehadeh, neighbor, spoke regarding her concerns with the design of the guest house, property line developments and the siting of the office. She was pleased with the changes to the guest house.

David Bunnett spoke regarding being presented with a new design just before the hearing and not having time to review it. The northward expansion of the bulk of the building is still the same; however he feels that an alternative hip roof design will open up a triangle of sky which is a benefit.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that the applicant reduced the size of the guest house and every property owner has the right to their design and to balance out the concerns of the neighbors, staff and the community. The proposed changes by the applicant were found to be minor. The office maintains a minimum setback on all corners of ten feet; six feet for the guest house and ten feet for the office at all corners. The tweaking of the orientation of the guest house is approved and the modifications are acceptable.

The Hearing Officer concurred with staff's analysis and approved the Phipps Coastal Permit, and Minor Design Review, based on the Findings and subject to the conditions in the revised 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 NO. 09-147
A RESOLUTION APPROVING THE PHIPPS COASTAL PERMIT AND DESIGN REVIEW
125 BAY VIEW WAY, INVERNESS
ASSESSOR'S PARCEL 112-254-07

SECTION I: FINDINGS

- I. WHEREAS, Robert Kelly, is seeking Coastal Permit and Design Review approvals to construct a detached 136 square foot office and a detached 431 square foot guest dwelling, along with a 6 foot high redwood fence. The office area would attain a maximum height of 11 feet 3 inches and the guest dwelling would attain a maximum height of 13 feet. The office would maintain the following setbacks from corresponding property lines or road right of way edge: 16 feet 8 inches from the northwesterly front property line; 63 feet from the southeasterly rear property line; 7 feet from the northeasterly side property line; and 92 feet from southwesterly side property lines. The guest dwelling would maintain the following setbacks from corresponding property lines or road right of way edge: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. **The subject property is located at 125 Bay View Way in Inverness, and is further identified as Assessor's Parcel 112-254-07.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly-noticed public hearings on September 17, 2009, October 1, 2009, and again 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 that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails construction of two accessory structures subordinate to the primary residential use on a residentially developed property and 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:
 - 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 less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);
 - C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Environmental Hazards Policies EH-2.1, EH-2.3, EH-4.1, EH-4.2, EH-4.c, EH-4.d, Community Design Policies DES-1.1, DES-1.2, DES-4.c, DES-5.1);

- D. According to the biological assessment performed, the project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.2);
- 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 review and approval of a vegetation fire management plan. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.d);
- 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 will remove potentially flammable vegetation, but still retain a significant amount of mature, native trees and vegetation.
 - B. The project will utilize colors and materials that is consistent with those found throughout the community.
- 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

Prior to final inspection, the applicant will need to satisfy all water standards required by the Inverness Public Utility District. Therefore, the project is consistent with this finding.
 - B. Septic System Standards

The project has been reviewed and accepted by EHS. Prior to building permit issuance, the applicant will need to verify the existing septic system conforms to Environmental Health standards and confirm that the minimum setbacks from the septic system are being met. Therefore, the project is consistent with this finding.
 - C. Grading and Excavation

The project, as designed and conditioned, will keep grading to the minimum amount necessary. 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. Alex DeGeorgey, archaeologist, with North Coast Resource Management, examined the site. In his analysis, Mr. DeGeorgey determined that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. In addition, 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 involve removing any existing housing stock. In addition, the guest house could conceivably be converted into a second unit someday as long as design standards for second units are met. 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 two, detached accessory structures, an office and guest dwelling, and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the rural, northern community of Inverness, which has been identified by federal and state authorities as being home to numerous federal and state listed species. In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment by Jules Evens, a biologist with Avocet Research Associates. Mr. Evens addresses wildlife habitat, with additional information on a list of special-status wildlife species that have potential for occurrence on pages 1 and 2 of his report. In his conclusion, Mr. Evens finds that the applicant's proposed design will have less than significant to no potential impact on special status wildlife species, including the Northern Spotted Owl. His findings are based on the fact that the site is not appropriate for sensitive species that have sometimes been found in the area. In addition a standard condition of approval has been included, as Condition of Approval 6, which addresses sites found within a ½-mile of a previously identified Northern Spotted Owl nest. The condition requires that a biologist examine the site and make recommendations if he or she finds additional protective measures need to be considered. Mr. Evens recommendations in the protection of the Northern Spotted Owl have also been made part of the conditions of approval. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on Mr. Evens biological assessment, it has been determined that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the environmental site conditions are not appropriate for the sensitive plant species that have sometimes been found in the area. 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 located outside of the Alquist-Priolo Special Study Zone. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold 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. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect 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 project is located in a residentially dense portion of Inverness and is not located in a visually prominent area, such as a ridgeline, nor is it located in such a place as to obstruct a coastal view. The height and scale of the proposed structures will comply with the standards of the governing zoning and will be compatible with the surrounding community. In addition, the guest dwelling has been reduced in floor area and relocated to the easterly corner of the lot, to be less visible to neighboring residences in order to be consistent with the Design Review Findings. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

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 22.82.0401 of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

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

The proposed project entails the construction of two, detached accessory structures, an office and guest dwelling. 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 proposed project entails the construction of two, detached accessory structures, an office and guest dwelling. The project has been designed to be consistent with the design, color, scale, and material commonly found in the surrounding community. To further address concerns raised by the Deputy Zoning Administrator at the September 17, 2009 and October 1, 2009 public hearings, the applicant has reduced the height of both structures and also reduced the overall area of the guest dwelling. 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 project as designed and conditioned would be consistent with this finding. The project has been conditioned to maintain a 10 foot minimum setback for the office. In addition, the guest dwelling has been relocated to the easterly side/rear corner of the lot which will act to minimize any impacts to development use or enjoyment of neighboring properties or the larger community. 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 two, detached accessory structures, an office and guest dwelling. The project, based on its design and as it is conditioned,

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.

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

The applicant is not proposing to remove any mature trees. 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 project entails the construction of two, detached accessory structures, an office and guest dwelling. The structures have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community. Since the September 17th public hearing before the Deputy Zoning Administrator, the guest dwelling has been reduced in floor area by over 36%, from 683 square feet to 431 square feet. In addition, the office and guest dwelling attain a maximum height of 11 feet 3 inches and 13 feet, which is less than the maximum height allowed in the Coastal zone for accessory structures of 15 feet.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. 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 site is not subject to steep slopes and the proposed project 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 two, detached accessory structures, an office and guest dwelling. This is entirely upon the owner's property and will not result in an increase in overall traffic and 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;

Since the September 17, 2009 hearing before the Deputy Zoning Administrator, the proposed project has been modified with regards to scale, height, and setbacks. The project entails the construction of two, detached accessory structures, an office and

guest dwelling, which shall attain maximum heights of 11 feet 3 inches and 13 feet. The guest dwelling has been reduced in area by 36% to 431 square feet. Concern, however, with regards to both the guest dwelling and the office has been raised about not meeting the finding relating to diminution or elimination of sun and light exposure, as well as impacts to views, vistas and privacy upon neighboring properties at both prior public hearings by the Hearing Officer. The guest dwelling has been relocated towards the easterly side/rear corner of the property which will help minimize any such impacts. The office however has remained in the same location as that proposed at the October 1st hearing. In order to minimize impacts, the project has been conditioned for the office to maintain a minimum 10 foot setback from the northeasterly and southeasterly property lines. Alternatively, the applicant may relocate the office immediately adjacent to the existing garage or just off or connected to the existing residence with a 10 foot setback from the northwesterly front and southwesterly side property lines. All efforts shall be made to protect existing mature native trees found onsite.

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 proposed project entails the construction of two, detached accessory structures, an office and guest dwelling, in a Residential Planned zoning district. The materials, coloring, design, and scale are consistent with others found in the surrounding community. The project will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. 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 Phipps Coastal Permit (09-7), and Minor Design Review (09-16), 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 Phipps Coastal Permit and Design Review approval to construct a detached 136 square foot office and a detached 431 square foot guest dwelling, along with a 6 foot high redwood fence. The office area shall attain a maximum height of 11 feet 3 inches and the guest dwelling shall attain a maximum height of 13 feet. The office shall maintain the following setbacks from corresponding property lines or road right of way edge: approximately 16 feet 8 inches from the northwesterly front property line; approximately 61 feet from the southeasterly rear property line; a minimum setback of 10 feet from the northeasterly side property line; and 93 feet from southwesterly side property lines. Alternatively, the applicant may relocate the office immediately adjacent to the existing garage or just off or connected to the existing residence with a 10 foot setback from the

northwesterly front and southwesterly side property lines. The guest dwelling shall maintain the following setbacks from corresponding property lines or road right of way edge: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. The subject property is located at **125 Bay View Way, Inverness** and is further identified as **Assessor's Parcel 112-254-07**.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "New Secondary Structures," consisting of two sheets prepared by Kelly & Abramson Architecture, dated May 14, 2009, September 22, 2009, and October 12, 2009 and received October 15, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1," received September 4, 2008, and on file with the Marin County Community Development Agency.
4. 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 A-1" and shall supersede "File Copy."
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. All future development of the site must be consistent with the findings and recommendations of the biologist's report prepared by Jules Evens, a biologist with Avocet Research Associates.
7. All utility connections and extensions serving the project shall be installed underground.
8. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
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 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 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.
 1. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor

jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
10. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side and rear northeasterly and southeasterly property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the side and rear property lines based on the approved setbacks as shown on the Building Permit plans.
12. 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 conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.

13. 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 Phipps Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
14. 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.

Marin County Public Works Department, Land Development Division

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or any site disturbance is to occur between October 15 and April 15.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for work within the road right-of-way.

Marin County Community Development Agency, Environmental Health Services

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide to EHS, a notarized deed recording stating that the office room is not a bedroom. The office room may be considered a bedroom per regulation's definition of a bedroom. In order to eliminate this room from the total bedroom count the building plans must verify no plumbing in the office.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the septic system leachfield location is inaccurate on the submitted plans for the new secondary structures. The building plans must depict the accurate leachfield location.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the proposed second unit foundation design must demonstrate no cuts greater than 2 feet and no foundation drainage as the required setback between a foundation drain and a leachfield is 50 feet minimum.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide verification from the Building Division that the primary residence is a 3-bedroom residence. Any greater number of bedrooms (rooms affording privacy) would require a larger septic system and a modified septic permit.
23. The applicant shall protect the septic system with temporary fencing during construction.

Inverness Public Utility District

24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a Vegetation Management Plan to the Inverness Public Utility District 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.
25. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Inverness Public Utility District.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before 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 Section 22.88.050I 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 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.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

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