



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR			
CARLIN COASTAL PERMIT, MINOR DESIGN REVIEW, USE PERMIT AND SECOND UNIT PERMIT			
Item No:	H1	Application No:	CP 08-44/DM 0-48/UP 10-6
Applicants:	Ken Clouse	Owners:	Jon Carlin
Property Address:	350 Ocean Parkway, Bolinas	Assessor's Parcels:	191-041-29
Hearing Date:		Planner:	Kristina Tierney
RECOMMENDATION:		Approve with Conditions	
APPEAL PERIOD:		5 working days to the Planning Commission	
LAST DATE FOR ACTION:		February 2, 2009	

PROJECT DESCRIPTION:

The applicant, Ken Clouse, on behalf of the owner Jon Carlin, is requesting approval to legalize several improvements including: 1) the construction of an additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); 2) a detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor; 3) approximately 400-square-foot attached garage; and 4) two detached accessory structures totaling 240 and 84.5 square feet. A Use Permit is required to permit the two detached accessory structures located on the rear, eastern property line to be located 3 feet from the rear property line where a 10-foot setback is required by the C-RA:B2 zoning district. In addition to legalizing existing structures, the project proposes to demolish the detached accessory structure located on the southern side property line as it is located over the property line. The improvements would be served by a new on-site septic system.

GENERAL INFORMATION

Countywide Plan: C-SF5 (Coastal single-family, 2-4 units/acre)
 Zoning: C-RA-B2 (Coastal, Agriculture Residential, 10,000 square foot minimum lot area)
 Lot size: 29,618 square feet
 Adjacent Land Uses: Open Space, Single-family residential
 Vegetation: Non-native landscaping and pine trees
 Topography and Slope: Flat to moderately sloping
 Environmental Hazards: None identified

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails the construction of additions to an existing single family residence greater than 50 percent of the permitted area.

PUBLIC NOTICE AND COMMENTS

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Two comments have been received; however they were regarding concerns about the proximity of the detached accessory structures to the road and the structures are located along the rear property line, which is not near a roadway.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Gridded Mesa Plan, and the Local Coastal Program, Unit 1. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

PROJECT ANALYSIS:

Project History

The proposed project would legalize several additions to an existing single family residence, and the construction of an attached garage, a detached accessory building containing a second garage and second unit, and two detached accessory structures located along the rear property line.

The single-family residence was originally permitted in 1952 and was 612 square feet in size. The current owner purchased the property in 1975 and constructed several additions to the residence in 1976 without the benefit of building permits, according to Marin County Assessor's records, including:

- 1) 502-square feet of living space by converting a wood porch to living space
- 2) 342-square feet of living space by adding to the rear of the original residence
- 3) 308-square-foot conversion of a carport into a garage

After 1976, the 308-square foot garage was converted to living space and in 1982, the owner applied for a building permit to construct a new 720-square-foot attached garage. A Coastal Exemption was processed for the project by Planning Staff. In 1984, the applicant converted the attic of the garage to living space with permits. The size of this conversion was not documented in the building permit; however, Marin County Assessor's records indicate that the conversion totaled 792 square feet.

In 1993, the owner constructed the following without building permits:

- 1) 400-square foot attached garage

- 2) Detached accessory structure containing a 420-square foot garage and 748 square foot second unit
- 3) 560 square foot patio above the new attached garage

The current application resulted from code enforcement action taken in 2007 for additions to the primary residence including a 90-square foot entryway and a 214.5 square foot dining room located above the entryway.

The application would effectively legalize all unpermitted construction and result in a 3,278 square foot residence.

In addition to the construction completed without the benefit of building permits, there are three small detached accessory structures located over the property lines. As part of this application, the encroachments would be rectified. The detached accessory structure located on the southern property line and partially on the neighboring property, APN 191-051-21, would be removed. The two remaining detached accessory structures are located on the rear property line and encroach onto APNs 191-041-30 and -24. Portions of these structures would be removed so that they are completely located on the subject property. The modifications would result in structures that maintained a 3-foot setback to the rear property line where 10-feet is required by the C-RA:B2 zoning district. As a result, a Use Permit is required for these structures.

Bluff Erosion Zone

The project site is located within the Bluff Erosion Zone established by the Bolinas Gridded Mesa Community Plan. The Bluff Erosion Zone extends approximately 295 feet inland from the edge of the bluff. Program LU 1.2 restricts development in the Bluff Erosion Zone to a one-time expansion of either 10 percent of the existing building area or 120 square feet, whichever is greater. In order to build above the limits of LU 1.2, homeowners can use Program LU 1.3, which allows for a professional to demonstrate that a specific property is geologically stable.

Program LU 1.3 states:

“The restrictions imposed by LU-1.1 and 1.2 can be waived on an individual basis if a site specific engineering report prepared by a licensed engineer can show that hazardous conditions do not exist on that site or that the site-related constraints can be adequately overcome and that construction on that specific site will not contribute to the cumulative negative effects, especially groundwater mounding, nitrate accumulation, and bluff erosion on the Mesa. Any construction (new construction or additions) within either bluff erosion zone will require that permit issuing agencies (e.g., the county, BCPUD) be held harmless for any loss due to erosion.”

The owner has submitted a Geologic and Geotechnical Engineering Stability Report by E. Vincent Howes, registered professional geotechnical engineer, documenting that the project complies with the site requirements contained in LU-1.3 (Attachment 6). The report determined that the project site is underlain by very stable bedrock and that bluff erosion has demonstrated to be, in effect, non-existent. It also states that nitrate accumulation would not occur as the groundwater gradient is very steep in the area and water from the septic leach field would not mound but flow directly to the stream leading to the beach. Further, the

geotechnical engineer has certified that the stability and expected retreat rate of the bluff affecting the property is adequate to provide a 100 year structural life expectancy.

The proposed project is consistent with the required findings for approval of a Coastal Permit contained in Chapter 22.56I, Design Review contained in Chapter 22.82I, and Use Permit contained in Chapter 22.88I of the Marin County Code.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Carlin Coastal Permit, Minor Design Review, and Use Permit.

- Attachments:**
1. Proposed Resolution recommending approval of the Carlin Coastal Permit, Minor Design Review, and Use Permit applications
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Geologic and Geotechnical Engineering Stability Report by E. Vincent Howes, September 30, 2009
 7. Marin County Department of Public Works Memo, 5/6/08
 8. Marin County Environmental Health Services Memo, 8/27/09
 9. Bolinas Community Public Utility District, 4/25/08
 10. Bolinas Community Public Utility District, 5/22/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-XXX

A RESOLUTION APPROVING THE CARLIN COASTAL PERMIT,
MINOR DESIGN REVIEW, AND USE PERMIT
350 OCEAN PARKWAY, BOLINAS
ASSESSOR'S PARCEL 191-041-29

SECTION I: FINDINGS

- I. WHEREAS Jon Carlin is requesting a Coastal Permit, Minor Design Review, and Use Permit to: 1) legalize the construction of an approximately 400-square-foot attached garage, 2) legalize construction of an detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor; 3) legalize additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); and 4) legalize the construction of two detached accessory structures totaling 240 and 84.5 square feet.

A Use Permit is required to permit the two detached accessory structures located on the rear eastern property line to be located 3-feet from the rear property line where a 10 foot setback is required by the C-RA:B2 zoning district. In addition to legalizing existing structures, the project proposes to demolish the detached accessory structure located on the southern side property line as it is located over the property line. The improvements would be served by a new on-site septic system.

The new additions would be served by the existing on-site septic system. **The subject property is located at 350 Ocean Parkway, Bolinas, and is further identified as Assessor's Parcel 191-041-29.**

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing December 17, 2009, to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 of the CEQA Guidelines because it entails development accessory to a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan, the Marin County Development Code, and the Bolinas Gridded Mesa Community Plan for the following reasons:
- A. The project would be consistent with the C-SF5 (Coastal single-family, 2-4 units/acre) land use designation;
 - B. The project would result in the expansion of an existing single-family residence and the construction of detached accessory structures that support the use of the property

for single-family residential development, a principally permitted use under the governing C-RA:B2 zoning district.

- C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard. A qualified geotechnical engineer has attested to the stability and lack of hazards at the project site;
 - D. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - F. The project would minimize soil disturbance and maximize the retention of existing vegetation.
 - G. The project would comply with the Bluff Erosion Zone policies contained in the Bolinas Gridded Mesa Community Plan.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The existing residence is currently served by the Bolinas Community Public Utilities District. The District has indicated that it has adequate capacity to serve the additions to the residence.

B. Septic System Standards

The residence would be served by a new onsite septic system, which has been permitted by the Marin County Environmental Health Services and deemed appropriate to serve the project.

C. Grading and Excavation

Grading and excavation would be limited to the amount necessary for installing the new septic system. Construction of the residential additions was completed and required minimal grading and excavation as they constituted minor addition to a developed property. The Department of Public Works, Land Use and Water Resources Division, has reviewed and approved the project to ensure consistency with Marin County requirements.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is located in an area of high

archaeological sensitivity. However, conditions of project approval would require that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required. Additionally, there are no mapped archeological resources located near the project site.

E. Coastal Access

The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit I, 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 would not negatively affect the housing stock of the Bolinas community.

G. Stream and Wetland Resource Protection

The proposed project is not situated in an area subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Bolinas Quadrangle of the U.S. geological Survey Maps.

H. Dune Protection

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

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program and the California Natural Diversity Database indicate that the subject property is not located in an area potentially containing rare wildlife species.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program and the California Natural Diversity Database indicates that the subject property is not located in an area containing rare plants.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline. It is, however, located within the Bluff Erosion Zone established by the Bolinas Gridded Mesa Community Plan. The applicant has submitted a Geologic and Geotechnical Engineering Stability Report by registered professional geotechnical engineer E. Vincent Howe documenting the stability of the project site. The report states that the property is

located on a very stable bedrock formation and bluff erosion is demonstrated to be, in effect, non-existent. Further, the geotechnical engineer has certified that the stability and expected retreat rate of the bluff affecting the property is adequate to provide a 100 year structural life expectancy.

L. Geologic Hazards

Review of the Alquist-Priolo Special Studies Zone maps indicates that the subject property lies outside the delineated boundaries of the San Andreas Fault zone. Therefore the project poses no safety threats relative to geologic hazards.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards

No land division is proposed as part of this project.

O. Visual Resources

The project entails the expansion of an existing single-family residence and the construction of several detached accessory structures. While the project would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities

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

Q. Historic Resource Preservation

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

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

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

The project is consistent with this finding because the accessory structures and addition to the primary residence would result in a structure with a height, mass, and

bulk proportionately appropriate to the site and neighboring development, and would not impact visual resources. The project is consistent with the Bolinas Gridded Mesa Community Plan with respect to bluff erosion policies and avoidance of hazardous conditions and therefore would not be incompatible with the neighborhood.

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

The project would maintain adequate setbacks from the front and side property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition, all development will be contained within the parcel and would not impact development on public lands or rights-of-way. A Use Permit is being processed concurrently for encroachment of two detached accessory structures into the rear yard setback.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

As proposed, the project is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties. Further, the project rectifies existing encroachments onto neighboring properties.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project is located on a developed, landscaped property and would require no tree removal and would conserve non-renewable energy and natural resources.

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

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the project has minimized the size of the accessory structures to reduce the appearance of mass and bulk, and to reduce visual impacts.

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

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

The additions to the existing single family residence and accessory structures have been designed to minimize adverse visual effects related to design and building massing. The new detached accessory structures are small, low-profile structures.

2. Drainage systems and appurtenant structures;

All project plans have been reviewed by the Department of Public Works. Appurtenant structures are in conformance with the Single-family Design Guidelines.

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

The proposed project has been designed to minimize the amount of grading.

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

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

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

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

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

The project would be required to meet Title 24 and Ordinance 3492 and would not require any tree removal.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed project, as conditioned, is consistent with all applicable regulations and as described in "F" above, meets the design guidelines, and would not be detrimental to the public or County.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory finding for a Use Permit (Section 22.88.020I.3 of Title 22 of the Marin County Code): “The establishment, maintenance, or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.”

The additions to the existing single-family residence will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of the surrounding community. More specifically, the additions would take place on a developed property containing no sensitive environmental resources and would not substantially change the visual character of the project site or the neighborhood. No views are blocked by the additions and they blend in well with the existing visual setting. Furthermore, the project will rectify several encroachments onto neighboring properties and improve the property’s conformance with the development standards of the C-RA:B2 zoning district by increasing setback to the rear and side property lines. Potentially hazardous conditions pertaining to the project’s location in the Bluff Erosion Zone have been adequately addressed by the geotechnical engineer’s certification that the project has adequate setbacks from the edge of the bluff to provide the property with over 100 year buffer based on the observed retreat rates of the project site. Therefore, the above finding can be made for the proposed project.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Carlin Coastal Permit (CP 08-44), Minor Design Review (DR 08-48), and Use Permit (UP 10-6) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits), 22.82.040I (Design Review), and 22.88.020I the Carlin Coastal Permit, Minor Design Review, and Use Permit are approved to:

- 1) legalize additions to the single-family residence totaling approximately 1,226 square feet (bringing the size of the residence to 3,287 square feet); 2) legalize construction of a detached accessory structure containing a 420-square foot garage on the first floor and an approximately 748-square-foot second unit on the second floor; 3) legalize the construction of an approximately 400-square-foot attached garage; and 4) legalize the construction of two detached accessory structures totaling 240 and 84.5 square feet.

The property is approved to be served by the existing on-site septic system. **The subject properties are located 350 Ocean Parkway, Bolinas, and are further identified as Assessor's Parcel 191-041-29.**

2. Plans submitted for building permits shall substantially conform to plans identified as “Exhibit A,” entitled, “Carlin Residence,” consisting of 8 sheets prepared by Ken’s Drafting Service, LLC and received October 5, 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 match the existing residence including:
 - a. Siding – wood siding
 - b. Windows – earth tone window and door cladding
 - c. Roof – Grey composition shingles

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 applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.
5. 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.
6. 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.
7. 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.
8. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin, the Bolinas Community Public Utilities District 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 Carlin Coastal Permit (CP 08-44), Minor Design Review (DM 08-48), and Use Permit (UP 10-6), for which action is brought within the applicable statute of limitations.
9. 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.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the rear 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 rear property lines based on the approved setbacks as shown on the Building Permit plans.

Code Enforcement

12. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the addition to the existing single-family residence. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
13. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community

Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

14. Within 240 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. 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.
16. A registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
17. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
18. Submit Erosion and Siltation Control plans.
19. Provide a drainage plan for the project.
20. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Marin County Environmental Health Services

21. Septic Permit #0-84A was issued April 9, 2009 for a five-bedroom septic design. This system is currently under construction. Complete construction and obtain Operating Permit.
22. The floor plan submitted by the applicant shows a total of seven bedrooms. The plans submitted with the Building Permit Application must show a floor plan limiting the total number of bedrooms in both the main residence and second unit to five.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining a Building Permit for the approved work and approval of a final inspection by the Building and Safety Division within the time limits specified in the conditions of approval. Requests for an extension to the time limits specified therein may be granted administratively by the Community Development Agency staff, in consultation with

the Code Enforcement Section, for good cause, such as delays beyond the applicant's control. In no event may such extensions be granted beyond two years from the effective date of this approval. Time extensions to vest the approval beyond two years and up to a maximum of four years may only be granted upon the filing of an extension application with required fees pursuant to Section 22.44.050.B and/or Section 22.56.050.B.3 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 **December 28, 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 17th day of December 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary