

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **PETER AND ALISON BAUMAN**

Application (type and number): Coastal Permit (CP 10-12), Design Review (DR 10-15)
And Variance (VR 10-6)

Assessor's Parcel Number: 195-340-05

Project Location: 276 Seadrift Road, Stinson Beach

For inquiries, please contact: Scott Greeley, Planner

Decision Date: January 14, 2010

DETERMINATION: Approved with Conditions

Minutes of the January 14, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

C1. COASTAL PERMIT (CP 10-12), DESIGN REVIEW (DM 10-15) AND VARIANCE (VR 10-6): PETER AND ALISON BAUMAN

SG

A proposal to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence. The addition will attain a height of 21 feet 7 inches and will maintain the following setbacks: 1) 31 feet from the front property line; 2) 96 feet from the rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. Variance approval is required because the finished floor elevation exceeds 18 feet above mean lower low water elevation. The zoning for this parcel is C-RSPS-2.9. The subject property is located at **276 Seadrift Road, Stinson Beach**, and is further identified as **Assessor's Parcel 195-340-05**.

In response to the Hearing Officer, staff acknowledged changes received from the Hearing Officer this morning and noted minor modifications relating to the project description, overall height, mean low water line and minor editorial details including a new policy finding supporting the project from the Stinson Beach Community Plan.

- **SECTION I: FINDINGS** – VI. A. Water Supply – add: “The lot is already served by the Stinson Beach County Water District.”
- **SECTION I: FINDINGS** – VI. B. Septic System Standards – add: “The existing residence with addition is served by an existing private on-site septic system.”
- **SECTION I: FINDINGS** – VI. L. Geologic Hazards – add: However, the site is located within one mile of the San Andres Fault Zone and would be subjected to strong ground shaking during a seismic event.”
- **SECTION I: FINDINGS** – VIII. A. – add: “The project site is located on the seaward side of Seadrift Road and abuts...”;
- **SECTION I: FINDINGS** – VIII. A. – add at the end: “The strict application of the zoning height standards for roof elevation (33 feet above Mean Lower Low Water (MLLW)) and finished floor elevation (23 feet MLLW) would not allow the proposed minor addition. In order not to jeopardize Marin County's participation in the Federal flood insurance program, it is necessary that the project be designed to conform to FEMA standards regarding minimum Base Flood Elevations (BFE) with a finished floor elevation of 23 feet MLLW. The same special circumstances still remain with this property and the findings can be made because Variance approval is necessary to comply with the FEMA standards.”
- **SECTION II: CONDITIONS OF APPROVAL** – I. add: “Pursuant to Chapters 22.56I (Coastal Permit), 22.82I (Design Review), and 22.86I (Variance) of the Marin County Interim Development Code, the Bauman Coastal Permit, Design Review, and Variance is approved to allow the construction of a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence on an approximately 12,000 square foot (net area, above the mean high water line) lot in the Seadrift Subdivision of Stinson Beach.. The addition shall have a maximum height of 21.58 feet above surrounding grade, or 35.5 feet above Mean Lower Low Water (MLLW), with a finish floor elevation of 23 feet above MLLW, and shall, not exceed the height of the existing residence and shall maintain the following minimum setbacks from property lines: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. The addition shall be finished to match the existing exterior finishes. The subject property is located at **276 Seadrift Road, Stinson Beach** and is further identified as **Assessor's Parcel 195-340-05**.”

- **SECTION II: NEW CONDITION OF APPROVAL – 5.** - add: “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 or flooding actions. The waiver of public liability shall be prepared by the Community Development Agency.”

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

The Hearing Officer concurred with staff’s analysis and approved the Bauman Coastal Permit, Design Review and 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 five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-100
A RESOLUTION APPROVING THE BAUMAN COASTAL PERMIT, DESIGN REVIEW, AND
VARIANCE
276 SEADRIFT ROAD, STINSON BEACH
ASSESSOR'S PARCEL 195-340-05

SECTION I: FINDINGS

- I. WHEREAS, Peter Bauman, is seeking Coastal Permit, Design Review, and Variance approvals to construct a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence on a 12,000 square foot (net area, above the mean high water line) lot in the Seadrift Subdivision of Stinson Beach. The addition will have a maximum height of 21.58 feet above surrounding grade or 35.5 feet above Mean Lower Low Water (MLLW), with a finish floor elevation of 23 feet above MLLW, and will maintain the following minimum setbacks from property lines: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. The addition will be finished to match the existing exterior finishes. **The subject property is located at 276 Seadrift Road in Stinson Beach, and is further identified as Assessor's Parcel 195-340-05.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 14, 2010, 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 a minor addition to an existing residence 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-SF5 (Coastal, Single Family, 2-4 units per acre) 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-3.m, EH-3.n, EH-4.c, Community Design Policies DES-1.1, DES-1.g, DES-4.c, DES-5.1);

- D. 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 project at building permit will need to comply with fire safety codes and standards enforced by the Stinson Beach Fire Protection District. (CWP Policies, Environmental Hazards Policies, EH-4.1 and EH-4.c);
 - E. The project is being built within the established building limit line and is minimal in scope and as such will not impact special status species habitats or established wildlife corridors (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.7);
 - F. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance due to the project needing to meet a Green rating under the Marin Green Home: Green Building Residential Certification Program CWP Policies, Energy and Green Building EN-3.1 and EN-3.a.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Stinson Beach Community Plan including:
- A. The project was transmitted to both the Stinson Beach Village Association and Seadrift Property Owners Association and comments have been received and included as an attachment to the staff report (Stinson Beach Community Plan, Land Use Policy J).
 - B. The project is being built within the established building line of development established with the creation of the Seadrift Subdivision, thereby protecting the beach and other natural resources (Stinson Beach Community Plan, Environmental Goals and Policies, General Goal).
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.
- A. Water Supply

The lot is already served by the Stinson Beach County Water District and the project has been conditioned so that prior to final inspection, the applicant will need to satisfy all water standards required by the Water District. Therefore, the project is consistent with this finding.
 - B. Septic System Standards

The existing residence, with addition, is served by an existing private on-site septic system. The project has been reviewed and accepted by the Stinson Beach County Water District. 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

The project is in an already highly developed part of Stinson Beach and therefore the discovery of archaeological resources on the site is unlikely. 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, while located adjacent to the shoreline, is a residentially-developed lot. The proposed addition does not affect existing 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 Stinson Beach community because it does not involve removing any existing housing stock. 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 a 101 square foot addition to an existing residence, and is within the building limit line for the parcel, which was established by the Seadrift Subdivision Map. There are no natural dunes in this area. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the community of Stinson Beach, which has been identified by federal and state authorities as being home to several federal and state listed species including the Snowy Plover and the Sandy Beach Tiger Beetle, both of which, if on the property, would be found away from the residence, on the beach. Neither species was seen on the site. In addition, the subject parcel is located in the Seadrift Subdivision in the community of Stinson Beach which has an established rear building limit line, which this project does not exceed. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, this region of Stinson Beach does not contain any recognized protected native plant communities. Therefore, the project is consistent with this finding. Therefore, the project is consistent with this finding.

K. Shoreline Protection

A rip-rap wall was constructed in 1983 by the Seadrift Property Owners Association which extends through the property and provides the necessary shoreline protection. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. However, the site is located within one mile of the San Andreas Fault Zone and would be subjected to strong ground shaking during a seismic event. The project has been designed to conform with safety standards required by FEMA. 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. In addition, a standard condition of approval has been applied to the project requiring that the applicant executes and records a waiver of liability holding the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. 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 Stinson Beach. The property, at its rear does face out towards the Pacific Ocean and is located in a visually prominent area, however the height and scale of the proposed addition will not be any taller than any other part of the existing residence and will be compatible with the surrounding community. 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 22.82.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF5 policies of the General Plan and the Stinson Beach Community Plan. Therefore, the project is consistent with this finding.

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

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project has been designed to be consistent with the design, color, scale, and material commonly found in the surrounding community and will not increase the perceived height or bulk of the residence. Therefore, the project is consistent with this finding.

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

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project, as it is located and designed, will not limit potential development on neighboring properties and should not have an impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence. The project, based on it not developing beyond the established building limit line, its limited scope, overall 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 proposed project will not result in the removal of any trees or protected vegetation. 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 a 101 square foot addition and interior remodel to an existing residence. The addition has been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and will not increase the overall height or perceived bulk of the residence.

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 a 101 square foot addition and interior remodel to an existing residence. 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;

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence, which shall not result in an increase of the overall size of the residence. The project as proposed would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties.

Therefore, the project would be consistent with this finding.

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

The proposed project entails the construction of a 101 square foot addition and interior remodel to an existing residence, in a Residential Planned zoning district. The materials, coloring, design, and scale are consistent with the existing residence as well as 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.

VIII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Variance per Section 22.86.025I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Variance, based on the following findings:

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

The project site is located on the seaward side of Seadrift Road and abuts the Pacific Ocean. The property is zoned C-RSPS-2.9. Pursuant to Section 22.57.094I of the Interim Marin County Code, for Seadrift Subdivisions 1 & 2, finished floor elevation shall not exceed 18 feet above mean lower low water. In addition, total height of the structure shall not exceed 33 feet above mean lower low water. In July 1990, the parcel received Coastal Permit (90-052), Design Review (90-124), and Variance (90-011) approvals for a residence which exceeded both of these. Findings were made that because of requirements made by FEMA and the need to exceed Base Flood Elevation by 1 foot or more, that meeting the height requirement outlined by the Interim County Code was not otherwise achievable. A Variance was granted allowing the residence to exceed the 18 feet finished floor elevation, as well as the total height of 33 feet. The applicant is now requesting a Variance to allow a 101 square foot addition and interior remodel which does not exceed the current height of the structure and matches the heights permitted with the original Variance. No other Variance requests are being made at this time. The strict application of the zoning height standards for roof elevation (33 feet above Mean Lower Low Water (MLLW)) and finished floor elevation (23 feet MLLW) would not allow the proposed minor addition. In order not to jeopardize Marin County's participation in the Federal flood insurance program, it is necessary that the project be designed to conform to FEMA standards regarding minimum Base Flood Elevations (BFE) with a finished floor elevation of 23 feet MLLW. The same special circumstances still remain with this property and the findings can be made because Variance approval is necessary to comply with the FEMA standards.

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

With exception to the deviation of the height limit, the proposed addition would comply with all other development standards applicable to the governing zoning district. In addition, as noted above in Section I: Findings, Subsections IV, V, and VII, the proposed project complies with the C-SF5 policies of the Countywide Plan and the Stinson Beach Community Plan. The 21.58-foot visible height of the proposed one-level 101 square foot addition is consistent with the existing residence resulting in a residence that would be of comparable in height, size, and scale with other more recently approved nearby residences that have been developed in compliance with FEMA standards. The project's maximum height would not result in significant detrimental effects on the public welfare and surrounding properties.

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

Approving the application would not constitute a grant of special privilege because other properties in Stinson Beach under the C-RSPS-2.9 zoning district are not faced with the same physical constraints as the subject property. The purpose of the development standards for the C-RSPS-2.9 zoning district is to minimize adverse affects to the surrounding area that would otherwise result from inappropriate development. New improvements that comply with the current FEMA BFE standards cannot be constructed without a Variance approval; therefore, approval of the Variance to allow the proposed addition would not be a grant of a special privilege that is inconsistent with the limitations placed on other surrounding properties in the Seadrift Subdivision. The proposed project that complies with FEMA standards would not result in inappropriate development.

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

The property is zoned C-RSPS-2.9, which is a planned single family residential zoning district. The granting of a Variance for the additional height would not authorize a use or activity that is not authorized by the governing C-RSPS zoning district. The proposed project entails the construction of a 101 square foot addition to an existing residence, a principally permitted use, consistent with the provisions of the zoning district.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit), 22.82I (Design Review), and 22.86I (Variance) of the Marin County Interim Development Code, the Bauman Coastal Permit, Design Review, and Variance is approved to allow the construction of a 101 square-foot addition, along with an interior remodel to an existing, two level, 4,037 square foot single family residence on an approximately 12,000 square foot (net area, above the mean high water line) lot in the Seadrift Subdivision of Stinson Beach.. The addition shall have a maximum height of 21.58 feet above surrounding grade, or 35.5 feet above Mean Lower Low Water (MLLW), with a finish floor elevation of 23 feet above MLLW, and shall, not exceed the height of the existing residence and shall maintain the following minimum setbacks from property lines: 1) 31 feet from the northerly front property line; 2) 96 feet from the southerly rear property line; 3) 6 feet from the westerly side property line; and 4) 6 feet from the easterly side property line. The addition shall be finished to match the existing exterior finishes. The subject property is located at **276 Seadrift Road, Stinson Beach** and is further identified as **Assessor's Parcel 195-340-05**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Bauman Residence," consisting of nine sheets prepared by Steve Wisenbaker AIA - Architects & Planners, dated September 1, 2009 and originally received on September 22, 2009, with revisions dated November 6, 2009 and received on November 10, 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 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.
4. 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.
5. 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 or flooding actions. The waiver of public liability shall be prepared by the Community Development Agency.
6. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
7. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties

8. 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.
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. 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.
11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the

approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Public Works Department, Land Development Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans which provide the elevation of the lowest horizontal structural member in NAVD-88. The project is in a Special Flood Hazard Area, Zone-VE, as show on the FEMA Flood Insurance Rate Map (FIRM Community-Panel Number 06041C0441D, May 4, 2009). The Base Flood Elevation (BFE) has been determined to be 23-feet NAVD-88. FEMA requires that the lowest horizontal structural member to be at or above the BFE within V-designated Flood Hazard Zones.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans which show the VE-Line. The FEMA Maps have been updated as of May 4, 2009 and in some instances hazard zone delineations have changed. The latest VE-Zone delineation is approximately 25-feet to the east (toward Seadrift Road) from the line shown on the original September 1, 2009 Site Plan.

Stinson Beach Fire Protection District

15. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Marin County Fire Department that all requirements have been met.

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 January 14, 2012, 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 January 22, 2010.**

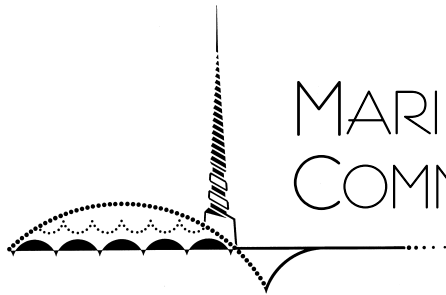
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

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: **MAIN**

Application (type and number): Design Review (DR 09-59) and Land Division (LD 09-3)

Assessor's Parcel Number: 045-233-09

Project Location: 1001 Smith Road, Mill Valley

For inquiries, please contact: Neal E. Osborne, Planner

Decision Date: January 14, 2010

DETERMINATION: Approved with Conditions

Minutes of the January 14, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-30.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

- H1. A. **NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT:
 MAIN DESIGN REVIEW (DR 09-59) AND LAND DIVISION (LD 09-3)**
 B. **MAIN DESIGN REVIEW (DR 09-59) AND LAND DIVISION (LD 09-3)**

A proposal to consider the Main Land Division Tentative Map and paper street Design Review. The project is a proposal to divide a developed 1.73-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where an existing unpaved road terminates and a trail provides access into the lands of GGNRA. Pursuant to Marin County Code Section 22.42.040, the project shall be subject to Design Review because the proposed driveway extension would be through a paper street. The property is within R1:B1 and A2:B2 zoning districts. The project address is **1001 Smith Road, Mill Valley and the proposed lot would be 1005 Marin Drive, Mill Valley, California.** The subject property is further identified as **Assessor's Parcels 049-233-09 and -13.**

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. He acknowledged creating an errata sheet to correct some typographical errors in the Initial Study.

The public testimony portion of the hearing was opened.

Lanse Davis, neighbor, spoke regarding concerns with:

- The road widening that may encourage the public to park in that section;
- Statement by Dean Raffaini, Fire department staff, that recommend painting the curb red to allow passage for emergency vehicles; and
- Widening of the paper road will provide additional parking for the GGNRA and affect privacy of adjacent properties.

Duncan McLeod, applicant, stated that the Mains would agree to posting the common driveway as a no parking zone fire land.

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, Michel Jeremias, Department of Public Works, stated that part of the road is public and part of the dirt road will remain private. The intent is not to allow parking in the common driveway and we have no objection to posting no-parking signs.

In response to the Hearing Officer, staff stated that he has not recommended a Condition of Approval for parking, because it was not required by the Fire Department due to limited identified risks. It would be illegal to park there because it is not wide enough. The Hearing Officer questioned how the public would know there is no parking allowed without a sign.

- **SECTION II: CONDITIONS OF APPROVAL – 7.**, add: ...(Parcel A and Parcel B), shall include design elements.....:
- **SECTION II: CONDITIONS OF APPROVAL – 13.**, add: ...”All retaining walls, concrete driveway, flashing....” And add to the end of the paragraph, “Lamp black or other tint shall be added to the concrete to blend the appearance of the walls and driveway into the surroundings.”
- **SECTION II: NEW CONDITION OF APPROVAL – 14:** “No trees shall be removed from Parcel B before Design Review approval of the new residence unless determined necessary for fire safety and approved by Planning Division staff.”;
- **SECTION II: CONDITIONS OF APPROVAL 18** renumbered as 19, add: “BEFORE RETAINING WALL FOUNDATION INSPECTION, the applicant shall relocate the existing GGNRA swing gate and allow for continued access to the Fire Road and trail within the GGNRA to the satisfaction of GGNRA staff.....”
- **SECTION II: CONDITIONS OF APPROVAL 20** renumbered as 19, add to the end of the paragraph: “The applicant shall post “No parking” signs along the common driveway after consultation with, and approval from, the Southern Marin Fire Protection District and the Department of Public Works.”
- **An additional correction for the Errata Sheet:** Three future residences should read “one”; and
- **An additional correction for the Errata Sheet:** Clarify as a standard Condition of Approval during future Design Review, a tree replacement plan will be required.

The applicant concurred with the changes and asked if some eucalyptus trees could be removed before the Design Review for fire safety purposes. The Hearing Officer agreed and directed the applicant to work with staff and obtain approval before commencing the work.

The Hearing Officer adopted the Negative Declaration of Environmental Impact for the Main Design Review and Land Division.

The Hearing Officer approved the Main Design Review and Land Division, based on the Findings and subject to the Conditions as set forth in the modified 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 10-101

A RESOLUTION GRANTING A NEGATIVE DECLARATION

OF ENVIRONMENTAL IMPACT

FOR THE MAIN LAND DIVISION AND DESIGN REVIEW

ASSESSOR'S PARCELS 049-233-09, and -13

1001 SMITH ROAD, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS Duncan McLeod submitted, on behalf of Elliot and Denise Main, the Main Land Division and Design Review application. The project is a proposal to divide a developed 1.84-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. The property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.
- II. WHEREAS the Marin County Community Development Agency prepared an Initial Study for the project that determined no significant effects would occur, and there is no evidence that the project may have a significant effect on the environment.
- III. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- IV. WHEREAS on October 29, 2009, an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 20-day public review period for review and comment on the Negative Declaration, and a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.

V. WHEREAS, after the close of the 20-day public review period on November 17, 2009, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the draft Negative Declaration, Initial Study, and comments and responses thereto.

SECTION 2: ACTION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.
2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Marin County Deputy Zoning Administrator.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

LET IT BE FURTHER RESOLVED that the Marin County Deputy Zoning Administrator hereby grants the Negative Declaration of Environmental Impact for the Main Land Division and Design Review application as an adequate and complete environmental document for purposes of approving the project and declares that the Negative Declaration has been completed and considered in conjunction with the comments thereto, in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

SECTION 3: DECISION

GRANTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

JOHANNA PATRI
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 10-102

**A RESOLUTION APPROVING
THE MAIN LAND DIVISION AND DESIGN REVIEW WITH CONDITIONS**

ASSESSOR'S PARCELS 049-233-09, and -13

1001 SMITH ROAD, MILL VALLEY

SECTION 1: FINDINGS

- I. WHEREAS, Duncan McLeod submitted, on behalf of Elliot and Denise Main, the Main Land Division and Design Review application to divide their property into two lots. The project is a proposal to divide a developed 1.84-acre lot into two (2) lots with 57,434 square feet (Parcel A), and 22,891 square feet (Parcel B), land areas respectively. The existing common driveway from Smith Road that provides access to the residence on Parcel A would be widened to a 16-foot width, and a new 185 lineal foot 16-foot wide driveway with a fire truck turnaround would provide access to vacant Parcel B. The fire truck turnaround and driveway on Parcel B would have retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. An existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. Pursuant to Marin County Code Section 22.42.040, the project shall be subject to Design Review because the proposed driveway extension would be through a paper street. The property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 14, 2010, 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 reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and determined, subject to the conditions of project approval contained herein, that this project will not result in any potentially significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
 - A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;

- B. The proposed project would result in the division of property into two lots consistent with the density range of two units to seven units per acre under the governing SF5 and SF6 Countywide Plan land use designation;
 - C. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
 - D. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation, wetlands, and drainage courses.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Tamalpais Area Community Plan because:
- A. The proposed project involves a two-lot Land Division and paper street Design Review, and future construction of one single-family residence, which are principally permitted uses on the property consistent with the R1:B1 and A2:B2 zonings. The floor area ratio of the existing residence, second unit, and accessory structures on Parcel A would be approximately 10% where the standard allows a maximum of 30%.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, habitats, or drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and access from Smith Road and Marin Drive.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Tentative Map (Marin County Code Section 22.84.060) because:
- A. The proposed project involves a two-lot Land Division and paper street Design Review, and future construction of one single-family residence, which is a principally permitted use on the property consistent with the Marin Countywide Plan and the Tamalpais Area Community Plan. No findings for denial in Subsection D can be made.
 - B. In the interest of the public health and safety, as a prerequisite to the orderly development of the surrounding area, the construction of road improvements are not required within a specified time frame.
 - C. The findings for waiver of Parcel Map are not applicable to this project.
 - D. The findings requiring denial cannot be made pursuant to State Subdivision Map Act Section 66474 as follows:

1. The proposed Land Division would be consistent with the Marin Countywide Plan, the Tamalpais Area Community Plan, and zoning standards because the two proposed residential lots on 1.84-acre would result in an overall density of one unit per 0.8 acre (34,848 square feet). The Land Use Designations allows for a maximum of two to seven units per acre, and the zoning allows for minimum lot sizes of 6,000 square feet to 10,000 square feet.
2. The 1.84-acre site is suitable for division into two building sites with 57,434 square feet of land area and 22,891 square feet of land area, respectively. The proposed lot sizes would comply with the minimum lot sizes based on Lot Slope pursuant to the Subdivision Design standards in Table 6-1 of Marin County Code Section 22.82.050
3. The design of the land division and access improvements would not cause substantial environmental damage or injure fish, wildlife, or their habitat.
4. The design of the land division would not cause serious public health or safety problems.
5. The design of the land division and access improvements will not conflict with easements.
6. The land division is consistent with all applicable provisions of the Development Code, other County Codes, and the Map Act.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a paper street Design Review (Marin County Code Sections 22.42.040 and 22.42.060) because:

- A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would include retaining walls of 1-foot to 6 feet tall facing into the property with minimal effect to the surrounding community. The existing gate at the trailhead into GGNRA would be relocated or replaced in conformance with GGNRA standards.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area will be set down into the existing grade and will not eliminate light exposure, views, vistas, or privacy to adjacent properties. The project would not result in changes to light or glare, and would not adversely affect the Marin Drive right-of-way or access to the trail within the GGNRA.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would result in the removal of two trees and would be designed to comply with fire safety standards for width, slope, surfacing, and turnaround dimensions as verified by the Southern Marin Fire Protection District and the Department of Public Works.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would require 156 cubic yards of excavation and 134 cubic yards of fill to comply with the slope standards for a common driveway and fire truck turnaround area. The 1-foot to 6-foot tall retaining walls are the minimum height and extent to comply with the development standards for slope and dimensions.

- E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The design of the proposed common driveway improvements, paper street and fire truck turnaround area comply with the grading, road access, and retaining wall standards with minimal grading, common driveway improvements, access to the trail, and the height and orientation of retaining walls.

- F. The project is designed to conserve energy and natural resources by meeting the green building standards in Table 4-6 of the Marin County Code.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would not have floor area and therefore the green building standards in Table 4-6 are not applicable.

- G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The design of the proposed common driveway improvements, paper street and fire truck turnaround area would have appropriate scale and designs consistent with the single-family residential uses of the applicable land use designation and zoning districts, and will not be detrimental to the public interest, health, safety, and welfare of the County.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Main Land Division and paper street Design Review application subject to the following conditions:

1. Pursuant to Marin County Development Code Section 22.84.060, this Tentative Map for Land Division permits the division of the subject 1.84-acre property into two lots with 57,434 square feet (Parcel A) and 22,891 square feet (Parcel B) of land areas, respectively. The Design Review approval, pursuant to Marin County Code Sections 22.42.040 and 22.42.060, permits widening of the existing common driveway from Smith Road through the Marin Drive right-of-way to a 16-foot width, and construction of a new 185 lineal foot 16-foot wide driveway with a

fire truck turnaround to provide access to Parcel B. The approval permits the fire truck turnaround and driveway on Parcel B with retaining walls up to 4.5 feet tall on the downslope (east) side and up to 6 feet tall on the upslope (west) side. The existing Golden Gate National Recreation Area (GGNRA) gate at the end of Marin Drive would be moved approximately 75 feet to the south where a trail provides access into the lands of GGNRA. The subject property is located at 1001 Smith Road, Mill Valley, and is further identified as Assessor's Parcels 049-233-09, and -13.

2. Except as modified herein, plans submitted for Parcel Map, Design Review, Grading Permit, and Building Permits for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Tentative Parcel Map", consisting of one sheet prepared by Langford Land Surveying and four sheets prepared by Rupel Geizler McLeod Architecture.
3. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, Planning Division an in-lieu participation fee for the construction of affordable housing. The fee shall be determined at the time the Parcel Map is filed in accordance with the provisions of Marin County Development Code Chapter 22.22 (Affordable Housing Regulations), which requires that proposed projects resulting in the development of two or more units or parcels shall provide 20 percent of the total number of units or parcels for the development of affordable housing.
4. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, a park fee in-lieu of land dedication for future park improvements. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) that provide the formula for determining the in-lieu fee based upon the fair market value of land that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements.
5. BEFORE RECORDATION OF THE PARCEL MAP, the Notice of Decision shall be recorded on the title of the subject property.
6. The applicant shall submit a Design Review application for the development of Parcel B with a single-family residence.
7. The future residential designs for each lot (Parcel A and Parcel B) shall include design elements that conform to, or exceed, Chapter 7A of the 2007 California Building Code for Materials and Construction Methods for Exterior Wildfire Exposure in a Wildland Urban Interface Fire Area including, but not limited to:
 - a. Stucco siding or Hardiplank siding with solid underlayment/sheathing, tile roof, or similar fire resistant exterior materials.
 - b. Sealed vents under eaves.
 - c. Non-pyrophytic landscaping, and hardscape instead of decks or arbors.
8. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the approved lots shall be as follows:

Lot	Street Address
Parcel A	1001 Smith Road, Mill Valley
Parcel B	1005 Marin Drive, Mill Valley

9. The applicant must submit Parcel Map Checking applications separately to the Community Development Agency Planning Division and to the Department of Public Works Land Use and Water Resources Division. Approval of the Parcel Map is required from the Planning Division and from Department of Public Works County Surveyor. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder to record the Land Division map as approved. The required Parcel Map must be in substantial conformance with Exhibit A, including, but not necessarily limited to, the proposed lot lines and easements. The legal description for Parcel A shall be revised to indicate one parcel of land as was intended with the Smith and Bussin Lot Line Adjustment pursuant to the Record of Survey in Book 18 Page 76 and recorded October 12, 1983. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code.
10. The Main Land Division Tentative Map approval must be vested with the filing of the required Parcel Map in compliance with all conditions of approval within three years after the date it is conditionally approved by the County of Marin. A timely filing is made when all parties having record title interest in the real property submit written consent, and a fully executed Mylar complying with all conditions of approval, including executed versions of all required agreements and paying all required fees, are submitted to the County Surveyor. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division Tentative Map approval may also be permitted pursuant to applicable State laws.
11. Pursuant to California Government Code Section 66474.9(b), the County of Marin shall require that the applicant defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers and employees to attack, set aside, void, or annul, the approval by the County of the Main Land Division and Design Review, which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the applicant of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
12. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

13. All retaining walls, concrete driveway, flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded, and the minimum light intensity necessary for safety. Lamp black or other tint shall be added to the concrete to blend the appearance of the walls and driveway into the surroundings.
14. No trees shall be removed from Parcel B before Design Review approval of the new residence, unless determined necessary for fire safety and approved by Planning Division staff.
15. All construction activities shall comply with the following standards:
 - c. 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.
 - d. 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.
16. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be constructed underground from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
17. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division 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, Planning Division staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
18. BEFORE ISSUANCE OF BUILDING PERMITS AND THE COMMENCEMENT OF GRADING ACTIVITIES, the applicant shall submit comprehensive geotechnical engineering reports for the common driveway and retaining walls, properly designed drainage improvements, and structurally engineered structures to provide stability for the site improvements and adjacent landforms.
19. BEFORE RETAINING WALL FOUNDATION INSPECTION, the applicant shall relocate the existing GGNRA swing gate and allow for continued access to the Fire Road and trail within the GGNRA to the satisfaction of GGNRA staff. The applicant shall submit a letter from GGNRA staff verifying satisfactory completion of the gate relocation.

20. The project shall not impede access to the Fire Road and trail within the GGNRA. The applicant shall post "No Parking" signs along the common driveway after consultation with, and approval from, the Southern Marin Fire Protection District and the Department of Public Works.
21. The applicant shall cooperate with GGNRA staff to address their concerns regarding the proposed fire access road, relocation of the swing gate, erosion control and subsidence, an integrated drainage plan, consistency with NPS landscaping guidelines, a fire management plan, and adherence to the NPS dark skies initiative.

Department of Public Works, Land Use and Water Resources

22. PRIOR TO ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, the applicant shall submit or comply with the following:
 - a. Provide a driveway profile starting at centerline of Smith Road through proposed hammer head to proposed garage. Also provide cross-slope information on proposed driveway and hammer head.
 - b. 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.
 - c. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
 - d. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
 - e. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
 - f. Provide a letter verifying GGNRA acknowledgment and agreement of existing gate relocation within Marin Drive road right of way.
 - g. A Recorded Notice of Acknowledgement would be required for any structures proposed within Marin Drive right of way.
 - h. Applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

Southern Marin Fire Protection District

23. Driveways off access roads serving dwelling units shall meet Marin County Slope Standards related to dimensions, surfacing and slope. Driveways shall not exceed a slope of 25% and be of an all-weather surface. Slope in excess of 18% shall be surfaced with ribbed concrete.
24. Vertical overhead clearance of 13 feet 6 inches shall be maintained free of obstructions above any road bed (trees, brush, etc.).
25. Prior to Framing, provide one fire department approved fire hydrant to be spaced at 350 feet intervals and capable of providing a flow at the site of 1,000 gallons per minute. Hydrant

placement (including water main extension) shall be reviewed and approved by the Southern Marin Fire Protection District and the Marin Municipal Water District.

26. A fire sprinkler is required in all new construction.
27. The address shall be posted in accordance with the requirements of the California Fire Code.
28. Smoke detectors shall be installed in accordance with the California Building Code.
29. All new roofs shall be non-combustible Class A roof as defined in the California Building Code.
30. The applicant shall comply with the California Fire Code and Public Resources Code 4291 requirements relating to the clearance of flammable brush and weeds. A minimum clearance of 30 feet from structures and 10 feet from roads and property lines shall be maintained.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Main Design Review approval by obtaining a Building Permit and/or Grading Permit and substantially completing the approved work for the common driveway and fire truck turnaround before January 14, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Agency Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Main Land Division by filing a Parcel Map before January 14, 2013, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Agency Director approves it.

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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on January 29, 2010.

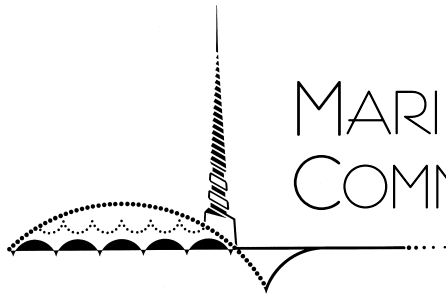
SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

JOHANNA PATRI
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: **ALLEN SANTOS**

Application (type and number): Coastal Permit (CP 09-29) and Design Review (DR 09-61)

Assessor's Parcel Number: 195-104-04

Project Location: 4 Francisco Patio, Stinson Beach

For inquiries, please contact: Lorene Jackson

Decision Date: January 14, 2010

DETERMINATION: Approved with Conditions

Minutes of the January 14, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-40.

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

**H2. COASTAL PERMIT (CP 09-29) AND DESIGN REVIEW (DR 09-61):
ALLEN SANTOS**

A proposal to consider the Santos Coastal Permit and Design Review to construct a new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. (The previous hearing was held on November 12, 2009.) The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Associated site elements would include 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 not required since the revised project would no longer exceed a 30% FAR. Note: The current project includes the following revisions from previously considered plans: 58-square foot reduction in floor area, elimination of the easterly second floor cantilevered deck, maximum height reduced 10 inches, increased rear and east side setbacks, and reduced mass and bulk, particularly on the easterly side property line. The previously referred to carport meets the Building Code definition of a garage and was modified to meet code requirements. 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**.

In response to the Hearing Officer, staff summarized the supplemental memorandums dated January 7, and January 13, 2010 regarding the revised project description without a Variance, and addressing concerns with the mass and bulk, privacy, traffic and parking, and landscaping. The memorandum of January 13th addressed the step back guidelines in the Single Family Residential Design Guidelines B-1.1.

The public testimony portion of the hearing was opened.

Mark Hulbert, architect, spoke regarding the changes made to the project in response to direction from the previous hearing. The design was altered to address bulk and mass, the cantilevers on the back and the side deck were eliminated. He further addressed the concerns about the height, parking, storage and laundry facilities, and the location of the septic system.

Scott Tye, Stinson Beach Village Association, spoke regarding the applicant's progress in reducing the size of the house. He expressed concerns about cumulative impacts, keeping the character of the community, parking, fire and safety, pre-grading of the site, and drainage.

Kevin Donahue, Dave Rosenlund, and Rodger Faulkner, neighbors, spoke regarding concerns with:

- Encroachment into the front yard setback;
- Two houses should not be allowed to be built on the small lots at 4 and 6 Francisco Patio;
- Parking and traffic;
- Size of the Septic system;
- Visual impacts regarding light, privacy, and obstructed views;

- Character of the neighborhood; and
- Drainage.

Mark Hulbert, spoke on behalf of the applicant pointing out the following:

- Even if the Sanitary District approves a 750-square foot house, the project is now smaller. Additionally, septic systems are typically not designed for less capacity than what would serve a 1000-square foot house.
- The pre-application grading was to remove invasive grasses and there is a site survey that verifies the natural grade of the lot;
- FEMA regulations force an increased height of the structure;
- Drainage plans have drainage moving forward;
- The letter read by Bruce Wachtell at the last hearing was not written on behalf of The Stinson Beach Village Association; and
- Santos will bear the burden of the increased density. The two adjoining neighbors in opposition do not face the project.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that situations like this are difficult when the neighbors are used to enjoying a vacant lot often causing friction between the neighbors. He further noted that the applicant has made significant changes and modifications to the project to conform to the design guidelines and the project meets all County Codes. The premature grading was addressed in the Design Review and the Coastal Permit, and meets the recommendations of the LCP with conditions from the Department of Public Works.

The Hearing Officer concurred with staff's analysis and approved the Santos 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. 10-103

A RESOLUTION APPROVING
THE SANTOS COASTAL PERMIT AND DESIGN REVIEW
4 FRANCISCO PATIO, STINSON BEACH
ASSESSOR'S PARCEL 195-104-04

SECTION I: FINDINGS

- I. WHEREAS Mark Hulbert, on behalf of the owner Allen Santos, is seeking Coastal Permit, Variance, and Design Review approval 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%. **The subject properties are located 4 Francisco Patio, Stinson Beach, and is further identified as Assessor's Parcel 195-104-04.**
- 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. At the hearing, the applicant agreed to a continuance to January 14, 2009 so they could respond to concerns raised about visual impacts and the FAR.
- III. WHEREAS Mark Hulbert, on behalf of the owner Allen Santos, submitted revised plans seeking Coastal Permit and Design Review approval to construct a new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Associated site elements would include 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 not required since the revised project would no longer exceed a 30% FAR.
- IV. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 14, 2010 to consider the merits of the project and hear testimony in favor of and in opposition to the project.
- V. 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(a), Class 3 of the CEQA Guidelines because it entails construction of a single-family residence in a residential zone that would not result in potentially significant impacts to the environment.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
- G. The project would be consistent with the SF6 (Single-family, below 10,000-square foot minimum lot area, 4-7 units/acre) land use designation.
 - H. 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.
 - I. 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.
 - J. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic, and circulation, or other services.
 - K. The project would minimize soil disturbance and incorporate adequate landscaping to displace the existing and invasive bamboo.
- VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Stinson Beach Community Plan because:
- A. The proposed project involves construction of a single-family residence, which is a principally permitted use on the property.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site drainage.
 - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - D. The proposed project is less than the 25-foot maximum building height. As conditioned, the proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from Francisco Patio, and building design, mass, and bulk.
- VIII. 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 Stinson Beach County Water District, which will serve the subject property, has reviewed and approved the proposed project.

B. Septic System Standards

The Stinson Beach County Water District regulates individual sewage disposal systems in the area of the subject property. The Stinson Beach County Water District has reviewed and approved the proposed project.

C. Grading and Excavation

The subject property is level and minimal grading is proposed. Excavation would occur for construction of the foundation for the residence and garage slab areas. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, minimal grading is proposed and would not disturb cultural resources. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access

The project is not located adjacent to the shoreline and would not impede the coastal access provided by existing rights-of-way.

F. Housing

The proposed project would not involve the demolition of housing affordable to households of lower or moderate income.

G. Stream and Wetland Resource Protection

The project site is not located near a creek or in an area subject to the streamside conservation policies of the Marin Countywide Plan or Local Coastal Program.

H. Dune Protection

The project site is not located near dunes or in a dune protection area of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for special status species. However, Monarch Butterfly (*Danaus plexippus*) is known to reside in trees in Stinson Beach. The project site is outside the area identified as buffer zone, does not contain any trees, and does not provide suitable habitat for the Monarch Butterfly. The project will have a minimal impact to the habitat value of the site because there are no existing trees on-site and the project involves the construction of a single-family residence on a disturbed site surrounded by developed parcels. In addition, human activity on and around the subject property would likely discourage species from nesting in the area. Based on these factors, development of the proposed residence would not significantly alter or disturb potential wildlife habitat.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the vicinity of habitat area for the following special status species: Showy Indian Clover (*Trifolium amoenum*), Marin Hesperian (*Vespericola mariensis*), Point Reyes Bird's Beak (*Cordylanthus maritimus ssp palustris*), Coastal marsh vetch (*Astragalus pycnostachyus var. pycnostachyus*), Lyngbei's sedge (*Carex lyngbyei*), Dune Gilia (*Gilia capitata ssp. chamissonis*), and Tiburon paintbrush (*Castilleja affinis ssp. neglecta*). However, the habitat value of the proposed development site for these plants is low because the site has been covered for some time with invasive bamboo, recently grubbed to clear the bamboo, and is resprouting bamboo. Further, the proposed project is located on a small, vacant, infill lot that is surrounded by developed parcels and would not have an adverse impact on the habitat or individual plants.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline.

L. Geologic Hazards

The project site is located within 6,000 feet of the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the Uniform Building Code. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards or activities on the subject property.

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 23.2-foot height of the new residence complies with the 25-foot height limitation of the governing C-R-1:B-D zoning district. In accordance with Local Coastal Plan policies, the project would not obstruct public views of the coast or shoreline vistas. The height, scale, and design of the proposed development will be compatible with the character of the surrounding community. The approved setback would not result in significant visual, privacy, and light impacts to surrounding residences. The exterior facades of the residence would be articulated with porches, fenestration, and varied building forms. The exterior materials would be varied and unobtrusive earthtone colors. As conditioned, landscaping will provide screening for adjacent neighbors. Conditions of approval require that all utilities serving the project site to be placed underground and all exterior lighting to be shielded.

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.

IX. 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:

H. 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 it would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

I. 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 side and rear 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. By maintaining required rear and side yard setbacks, reducing the proposed structure to a 30% floor area ratio, providing adequate on-site parking, and landscaping, the propose project will allow full use and enjoyment of neighboring parcels.

J. 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.

K. 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 property has been previously graded and covered with invasive bamboo with no remaining trees. The proposed project includes a new garden with native and Mediterranean plants that will adequate landscape the property and, as conditioned, provide sufficient screening to adjoining property. The design includes windows, sky lights, and solar panels to conserve energy and resources.

L. 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 developing an articulated design, incorporating varied materials, and utilizing earth tone colors that would blend with the character of the community.

M. 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 proposed project has been designed to minimize adverse visual effects related to design and building massing. The project meets the required setbacks along side and rear property lines abutting neighboring structures. As conditioned, the project would be adequately landscaped to preserve privacy for the single-story residence at 2 Francisco Patio. The project incorporates articulations, porches, fenestration, varied materials, and roof angles, which minimize overall mass and bulk. There are no large, unbroken vertical walls on the structure.

2. Drainage systems and appurtenant structures;

Conceptual plans have been reviewed by the Department of Public Works with no adverse comments.

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

The subject property is level and minimal grading is proposed. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

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, with conditions, the project would not result in the loss of light, views, or privacy to adjacent properties.

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

As conditioned, the proposed project would exceed the required 60 points Certified Green Building Rating by 40 points, and include the installation of solar panels. As a small home, it will require less resources and energy for construction and maintenance. Further, construction will be required to meet Title 24 and Ordinance 3492. F

O. 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 Santo Coastal Permit (CP 09-29) and Design Review (DR 09-61) subject to the following conditions:

Marin County Community Development Agency, Planning Division

2. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Santo Coastal Permit and Design Review are approved to construct a new 664-square foot single-family residence and 325-square foot attached garage on a 2,212-square-foot vacant lot. The two-story, 23.2-foot high structure would result in a 30% floor area ratio (FAR) and maintain the following setbacks: (1) 9.3 feet from the southerly front property line; (2) 6.9 feet from the easterly side property line; (3) 6 feet from the westerly side property line; and (4) 13.5 feet from the northerly rear property line. Approved site elements include rooftop solar panels, septic system, and landscaping. The subject property is located at 4 Francisco Patio, Stinson Beach, and is further identified as Assessor's Parcel 195-104-04.
3. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A4**, entitled "4 Francisco Patio" consisting of 5 sheets prepared by Preservation Architecture, received December 29, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
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 A5** and shall supersede Exhibit A4.
 - a. Revised landscape plan to include tall shrubs along the easterly side property lines selected and allowed to grow to sufficient height to screen the adjoining property at 2 Francisco Patio from the northeasterly upper floor exterior deck.
 - b. Hardscaping for the driveway and garage shall be of pervious materials and called out on the building permit plans.

- c. Relocate the propane tank to minimize visibility from the street. Alternatively, with fire department approval, the propane tank may be situated where it is shown on the plans if it is sunken into the ground so that it does not exceed a height of 18 inches above grade.
5. Approved exterior building materials and colors shall substantially conforming to the Exterior Color Schematic in **Exhibit A** (sheet A1.2) and color/materials samples identified as **Exhibit D**, both received March 18, 2009, and **Exhibit D1** received October 22, 2009, all on file with the Marin County Community Development Agency including:
- a. Foundation – Concrete, Dark brown
 - b. Siding Lower Floor (around entire house) – Cement board, Kelly Moore Faded Ochre
Siding Upper Floor – Cedar shingles, clear stain
 - c. Roof - Rolled composition, Timberline Hickory
 - d. Window Frame and Door – Aluminum clad wood, Tuscany Brown (dark brown)
 - e. Wood Trim – Kelly Moore Foxborough Gold
 - f. Skylights – Dark tinted
 - g. Decking – TimberTech, Earthwood grooved plank, Tropical Walnut

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

6. Finished floor and roof elevations shall be based on existing or finished elevations, whichever is more restrictive with respect to height. Existing elevations shall be based on the site survey presented in **Exhibit B** prepared by Treu North Surveying, Inc., dated November 10, 2004 and received March 18, 2009, and on file with the Marin County Community Development Agency.
7. The garage shall remain open on two sides to comply with the 30% floor area ratio limit and FEMA requirements. All fixtures and outlets shall comply with FEMA standards.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review conditions of approval as notes.
9. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties. Cut sheets of proposed lighting fixtures shall be included in the building permit submittals.
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.
 - e. 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.
12. 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.
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 an approval of this application, for which action is brought within the applicable statute of limitations.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
16. BEFORE FINAL INSPECTION, the applicant shall 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.
17. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the all 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 property lines based on the approved setbacks as shown on the Building Permit plans.

18. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building's finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may request that the Building and Safety Inspection staff conduct a laser level survey to verify compliance with this condition.
19. 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.
20. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
21. 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.
22. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
23. BEFORE FINAL INSPECTION, the applicant shall enter into a landscape maintenance agreement with the Community Development Agency that is secured by a financial deposit that is equivalent to one and one-half times the value of the labor and materials for all landscaping. The agreement shall be for a period of two years from the date of occupancy, during which time the applicant shall agree to maintain the landscaping in a healthy and vigorous condition. At the end of the two-year landscape maintenance period, any specimen which has not survived or is in poor or declining health, as determined by the Community Development Agency staff, shall be replaced with a specimen with a comparable size.
24. BEFORE FINAL INSPECTION AND UPON VESTING OF THE PROJECT, the Community Development Agency shall file this resolution, with the Marin County Recorder's Office to advise future property owners all these conditions of project approval.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

25. The property is within a Special Flood Hazard Area, Zone-A0, as show on the Flood Insurance Rate Map (FIRM Community-Panel Number 606173 0419B, November 19, 1986 and, effective May 4, 2009, FIRM Community-Panel Number 06041C0441D). The Base Flood Elevation (BFE) for Zone-A0 on both FIRM Maps is a depth of 3-ft (above highest adjacent grade). All finish floor levels of habitable space shall be at or above the BFE. All improvements shall conform to Marin County Code §23.09, Floodplain Management. DPW recommends use of the FEMA Coastal Construction Manual for design of all structures within a coastal flood hazard zone. Note that MCC §23.09 prohibits fill to be used for structural support of buildings and man-made alteration of sand dunes which would increase potential flood damage is prohibited.
26. All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered civil engineer or architect or meet or exceed the following minimum criteria:
 - a. Either a minimum of two openings having a total net area of not less than one square-inch for every square -foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; or
 - b. Be certified to comply with a local flood-proofing standard approved by the Federal Insurance Administration.
27. Revise plans to show all exterior parking spaces to be 8.5ft x 18ft, min. Interior parking space for the garage shall be 9ft x 20ft.
28. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
29. Construction of floor joists, floor insulation, and HVAC components below the BFE shall meet the requirements of FEMA Technical Bulletins 2-93 and 11-01. Electrical and sanitary utilities shall also meet FEMA Technical Bulletins.
30. Submit an Erosion and Siltation Control Plan for the construction phase of the project.
31. Provide a grading & drainage plan showing surface drainage away from the foundation a minimum of 5% for 10 ft [2007 CBC].
32. 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.
33. Provide approval from the Stinson Beach Community Water District for parking over the septic system.
34. Provide utility tie-in points for water supply.

- 35. Propane tanks shall be securely anchored to resist flotation or lateral movement.
- 36. All design recommendations made by the Geotechnical engineer in the June 25, 2009 report by Earth Mechanics consulting Engineers shall be incorporated into the plans. References to the Geotechnical report within the plans shall not be accepted.
- 37. 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.

Stinson Beach County Water District

- 38. BEFORE FINAL INSPECTION, the applicant shall verify that the septic system has been installed in compliance with the septic system design approved by the Stinson Beach County Water District in November 2008.
- 39. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service has been connected.

Stinson Beach Fire Department

- 40. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all Fire Department requirements have been met.

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 **January 14, 2012**, 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 January 22, 2010**.

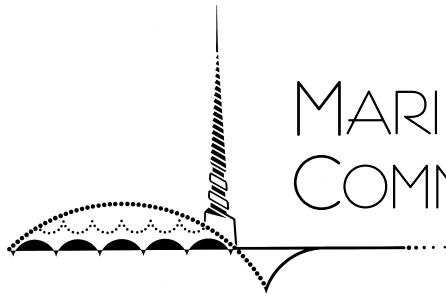
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

Jeremy Tejirian
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans, DZA Secretary



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **PALACE MARKET (Dorothy Kotula)**
Application (type and number): Coastal Permit (CP 09-28), and Design Review (DR 09-60)
Assessor's Parcel Number: 119-225-10
Project Location: 11300 State Route 1, Point Reyes Station
For inquiries, please contact: Kristina Tierney, Planner
Decision Date: January 14, 2010

DETERMINATION: Approved with Conditions

Minutes of the January 14, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

Jeremy Tejrjian, AICP
Hearing Officer

**H3. COASTAL PERMIT (CP 09-28), AND DESIGN REVIEW (DR 09-60):
PALACE MARKET (Dorothy Kotula)**

A proposal to consider the Kotula Coastal Permit and Design Review proposing to legalize the installation of a new condenser is located in the rear of the Palace Market, between the rear wall of the market and the existing dumpster and measures 5 feet tall, seven feet wide and 4 ½ feet deep. It is located approximately 19 feet from the rear (east) property line, 28 feet from the side (south) property line), 2 feet from the rear wall of the Palace Market, and 15 feet from the existing mechanical equipment shed. A noise study conducted by the property owner indicated the equipment to generate noise levels at or near 70dB. The zoning for this parcel is C-VCR-B2. The subject property is located at **11300 State Route 1, Point Reyes Station**, and is further identified as **Assessor's Parcel 119-225-10**.

In response to the hearing Officer, staff acknowledged comments received by the Point Reyes Village Association approving the project.

The public testimony portion of the hearing was opened.

Dennis Langer, applicant, spoke regarding noise levels that meet County code. He explained the emergency situation when the condenser failed and a new one was put in. Phase one of his project would replace the replacement condenser and will be quieter. Phase two would relocate all the condensers to the rooftop which would significantly reduce the noise. Two phases are needed because of the cost and he asked for an extension of time for Phase 2.

Mark Switzer, Point Reyes Village Association, spoke regarding the proposed application and how the committee was not aware of the extent of resident and business concerns with noise levels until hearing concerns at the December 10, 2009 meeting. He further noted that they have no way of evaluating the effectiveness of the program and rely on the Community Development Agency to provide technical evaluation. He expressed concern that the new installation was made without permits and wants assurance that Phase 1 effectively achieves and monitors the noise issues.

In response to the Hearing Officer, Mark Switzer stated that he would agree to an extension if Phase 1 achieves a substantial reduction in the noise.

P. J. Hollern, neighbor, spoke regarding concerns with the noise and submitted his own noise meter readings. He asked for readings to be done in the summer and wants the condenser issue solved to stop the disruption of their lives.

Jim Simon and James Maestri, neighbors, spoke regarding concerns with the noise and the lack of response from the applicants.

Harold Goldberg, RGDL Acoustics, spoke regarding the methods and weighting scales used to take noise measurements in both daytime and nighttime and in the summer.

The public testimony portion of the hearing was closed.

In response to the Hearing Officer, staff requested to maintain the time frame stipulated in the staff and noted that the project has two parts. The first phase will address the Code Enforcement issue and will return the noise level to where it was before the condenser was installed so the neighbors will have immediate relief. She further noted that Phase 2 would bring the market into compliance with the Marin County Interim Zoning Code and given the economy, they should be able to have extra time.

The Hearing Officer noted that the main issues are the monitoring and the need for a performance standard. The noise measurements should be taken at the property line.

Harold Goldberg, RGDL Acoustics, explained that measurements were taken at the nearest effected property which is further than the sidewalk at the back of the store. The impact is not to the public, but to the neighbors who live there all the time. He further noted that they measured at the nearest effected property which is father than the sidewalk at the back of the store. The same numbers can not be applied to a closer location.

The Hearing Officer approved the project with modifications to the monitoring, using the language from the noise study. Staff expressed concerns that the comparisons will not be applicable

The Hearing Officer approved the project with the following modification to the resolution:

- Condition of Approval #8: "BEFORE FINAL INSPECTION OF PHASE 1 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed measures by an independent third party verifying the noise levels along Mesa Road and at 3rd St. If the project amendments don't reduce noise levels to 54 dBA at the location the baseline measurement were taken, additional measures must be proposed to and accepted by Marin County Planning Department for Phase 2."; and
- Condition of Approval #9: "BEFORE FINAL INSPECTION OF PHASE 2 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed Phase 2 measures (and any additional measured deemed necessary by the Marin County Planning Department) by an independent third party verifying the noise levels along Mesa Road and at 3rd St. If the project amendments don't reduce noise levels to 41 dBA at the location the baseline measurement were taken, additional measures must be proposed to and accepted by Marin County Planning Department";

The Hearing Officer concurred with staff's analysis and approved the Palace Market (Kotula) 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. 10-104

A RESOLUTION APPROVING THE KOTULA COASTAL PERMIT AND DESIGN REVIEW
11300 HIGHWAY 1, POINT REYES STATION
ASSESSOR'S PARCEL 119-225-10

SECTION I: FINDINGS

I. WHEREAS Bill Kirsch is requesting a Coastal Permit and Design Review to legalize the installation of a new condenser to support operations of the Palace Market. The condenser is located in the rear of the Palace Market, between the rear wall of the market and the existing dumpster and measures 5 feet tall, seven feet wide and 4 feet deep. It is located approximately 19 feet from the rear (east) property line, 28 feet from the side (south) property line), 2 feet from the rear wall of the Palace Market, and 15 feet from the existing mechanical equipment shed. A noise study conducted by the property owner indicated the equipment to generate noise levels at or near 62 dB.

The subject property is located at 11300 Highway 1, Point Reyes Station, and is further identified as Assessor's Parcel 119-225-10.

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing January 14, 2009, to consider the merits of the project and hear testimony in favor of and in opposition to the project.

III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 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 Point Reyes Station Community Plan for the following reasons:

- A. The project would be consistent with the C-NC (Coastal Neighborhood Commercial/Mixed Use 1-20 units/acre) land use designation and the noise requirements established by the Marin Countywide Plan;
- B. The project would support the continued use and operation of the Palace Market in a manner consistent with the development standards of the C-VC-R 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;

- 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 not cause soil disturbance or remove any vegetation.
 - G. The project would comply with the policies of the Point Reyes Station 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 equipment under review does not alter water use of the property or require access to a water supply.

B. Septic System Standards

The subject refrigeration equipment would not need a septic system as it would merely support the ongoing use of the property for the Palace Market.

C. Grading and Excavation

No grading or excavation would be required as the project involves the installation of refrigeration equipment on a completely paved and 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 not located in an area of high archaeological sensitivity. Further, as the project involves no grading or excavation there is no potential for any such resources to be disturbed.

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 II, 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 does not include housing and would not negatively affect the housing stock of the Point Reyes Station 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 II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness 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 II of the Local Coastal Program.

I. Wildlife Habitat

The project would involve the installation of new refrigeration equipment on a site is completely developed and paved. Therefore it would no affect any rare wildlife species.

J. Protection of Native Plant Communities

The project would involve the installation of new refrigeration equipment on a site is completely developed and paved. Therefore it would no affect any rare plant species.

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 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 replacement of refrigeration equipment at the Palace Market. The project site is commercial in nature and the proposed equipment would match the current use of the property. While the new equipment would be visible to neighbors, it would not impact any neighbors or visual resources in the area.

P. Recreation/Visitor Facilities

The proposed project supports the continued use of the property for a commercial facility, the Palace Market. The continued use of the property for the market is consistent with the governing 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 located within the historic preservation boundaries of the Point Reyes Community as identified in the Marin County Historic Study for the Local Coastal Program; however, the proposed project does not entail alterations to a structure that was constructed prior to 1931 and the Palace Market is not identified in as a historic structure.

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 Phase 1 and Phase 2 of the project are consistent with this finding because the refrigeration equipment would not change the height, mass, and bulk of the existing structures and are proportionately appropriate to the site and neighboring development. The equipment would not impact visual resources and would support the continued use of the property for the Palace Market.

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 (Phase 1 and 2) 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. The proposed modifications to the existing equipment represent a public benefit as they will substantially reduce the noise generated by the market.

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 (Phase 1 and 2) is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

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

The proposed project (Phase 1 and 2) is located on a developed 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 (Phase 1 and 2) conforms to the planned district development standards by being minimally visible to passerbys and neighboring properties. The project design blends the project into the existing project site.

- 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 proposed project (Phase 1 and 2) has been designed to minimize adverse visual effects related to height.

- 2. Drainage systems and appurtenant structures;**

All project 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 does not require any 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. In fact, the project will be a benefit to neighbors as it will reduce noise created by the Palace Market.

- 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.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Kotula Coastal Permit (CP 09-28) and Design Review (DR 09-60), 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 22.82.040I (Design Review), the Kotula Coastal Permit and Design Review are approved to implement Phase 1 and Phase 2 of modifications to the Palace Market including:

Phase 1:

- 1) Install a new Larkin Model LNQ condenser with special quiet fan blade shape and a fan speed of 540 RPM behind the Palace Market. It is anticipated to measure approximately 38 inches wide, 165 inches long, and 49 inches tall and would be located approximately 18 feet from the rear (north) property line, 23 feet from the side (east) property line, 66 feet from the side (west) property line and 2.5 feet from the back of the Palace Market.
- 2) Install acoustical louvers at the openings in the exterior wall that are required for airflow. Use acoustical louvers having a low-pressure drop design and a minimum 8 dB transmission loss in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Model Noishield LP 12-inch deep acoustical louvers).
- 3) Eliminate one of the equipment room ventilation hoods and upgrade the remaining ventilation fan with a quiet centrifugal type fan to accommodate the additional flow resistance created by the louvers and the elimination of one of the hoods. The new fan should be selected to have a noise level of 55 dBA or less at a distance of 10 feet.
- 4) Line the inside faces of the existing barrier around the existing rooftop condenser with a sound absorptive material having a minimum noise reduction coefficient (NRC) of 0.95. The material should also be applied to the face of the exterior wall behind the condenser.

Phase 2:

- 5) Create a 18 foot by 40 foot rooftop frame, ranging in height from approximately 8 feet to 4.5 feet with sound absorbing sound barrier walls 75 feet from the Mesa Street edge of the main roof. It can be constructed of steel framing with an open bottom for airflow. They should be constructed of metal insulated panels having a solid side facing away from the equipment and a have a perforated side facing the equipment. They should have a minimum sound transmission class (STC) of 25 and a minimum noise reduction coefficient (NRC) of 0.95. The top of the barrier walls should be 2 feet higher than the top of the condensers. The bottom of the barrier walls should be within 4 inches of the roof. It may not be possible to use the sound absorptive panels for the lower foot or two of wall. For these areas a solid sheet of

16 gauge sheet metal is sufficient. To limit the vibration transfer, the barrier walls should be supported independent of the rooftop frame. Final specifications are subject to approval by the Marin County Planning Department.

- 6) Replace the remaining condensers with quiet equipment and relocate all condensers to the rooftop.
 - a. The condensers should be mounted to the frame with vibration isolators (Mason Type ND). The size, number and locations should be selected based on the weight of the equipment to provide a static deflection of 0.35 inches. The condensers should be located at sufficient distances from the barriers to allow adequate airflow. The manufacturer's installation guidelines are attached to this report. The refrigeration contractor should review the sketches in this report and consider the manufacturer's guidelines when locating the equipment.
 - b. Replace the existing rooftop condenser and the equipment room condensers with Larkin Model LNQ condensers that have a special quiet fan blade shape and a fan speed of 540 RPM. Because the fan speed is significantly lower, it will be necessary to use a larger condenser to achieve adequate cooling capacity. The final selection of mechanical equipment should be made by the refrigeration contractor. The equipment is anticipated to measure approximately 80 inches wide, 165 to 218 inches long, and 49 inches tall.
- 7) Improve the construction of the exterior wall of the mechanical room, where necessary, to a minimum 2x4 stud wall with plywood on the exterior side, one layer of gypsum board on the interior side and batt insulation in the stud cavity.
- 8) Minimize and treat ventilation openings in the mechanical room with 3 foot long silencers having a minimum insertion loss of 25 dB in the 500 Hz octave band (e.g. Industrial Acoustics Company (IAC) Type S). It may be necessary to upgrade the ventilation fans in the equipment room with centrifugal type fans to accommodate the additional flow resistance created by the silencer.

The subject property is located 11300 Highway 1, Point Reyes Station, and is 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, "Palace Market," consisting of 8 sheets prepared by Bill Kirsch, Architect and received October 5, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

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

3. 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. BEFORE FINAL INSPECTION OF PHASE 1 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed measures by an independent third party verifying the noise levels along Mesa Road and at 3rd St. If the project amendments don't reduce noise levels to 54 dBA at the location the baseline measurement were taken, additional measures must be proposed to and accepted by Marin County Planning Department for Phase 2."

9. BEFORE FINAL INSPECTION OF PHASE 2 IMPROVEMENTS, the applicant shall submit an acoustical analysis upon implementation of all proposed Phase 2 measures (and any additional measured deemed necessary by the Marin County Planning Department) by an independent third party verifying the noise levels along Mesa Road and at 3rd St. If the project amendments don't reduce noise levels to 41 dBA at the location the baseline measurement were taken, additional measures must be proposed to and accepted by Marin County Planning Department.

Code Enforcement

10. Within 30 days of this decision, the applicant must submit Building Permit applications to implement Phase 1 improvements, as outlined above. 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.
11. Within 60 days of this decision, a Building Permit for all Phase 1 improvements 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.
12. Within 90 days, the applicant must complete the approved Phase 1 improvements/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.
13. Within 120 days of this decision, the applicant must submit Building Permit applications to implement Phase 2 improvements, as outlined above. 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, a Building Permit for all Phase 2 improvements 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.
15. Within 360 days, the applicant must complete the approved Phase 2 improvements/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.

SECTION III: VESTING 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 22.56.050.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 January 21, 2010.**

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of January 2010.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

H4. COASTAL PERMIT (CP 10-11): MARC DWAILEEBE

A proposal to consider the Dwaileebe Coastal Permit proposing to construct a new 1,997 square foot single-family residence and 540 square foot detached two-car garage on a 25,992 square foot vacant lot. The residence will be served by a new onsite sewage disposal system and three onsite water wells that would be converted from agricultural use to domestic use. The residence would attain a maximum height of 24 feet six inches above grade and the garage would be 14 feet six inches tall. Two plum trees (approximately 6 inches in diameter) would be removed to accommodate the new development. Also proposed are water storage tanks for fire suppression purposes, a pump house, and a propane tank. The residence would maintain the following property line setbacks: 53 feet to the front (south) property line, 80 feet to the side (east) property line, 74 feet to the side (west) property line, and 40 feet to the rear (north) property line. The zoning for this parcel is C-RA:B2. The subject property is located at **210 Elm Road, Bolinas**, and is further identified as **Assessor's Parcel 191-031-33**.

This item has been postponed to the hearing of Thursday, February 25, 2010