



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR			
MUIR BEACH COMMUNITY SERVICE DISTRICT (MBCSD) COASTAL PERMIT AND VARIANCE PERMIT			
Item No:	C1	Application No:	CP 10-32, VR 10-16
Applicant:	MBCSD	Owner:	MBCSD
Property Address:	87 Seacape Dr., Muir Beach	Assessor's Parcel:	199-262-11
Hearing Date:	March 11, 2010	Planner:	Veronica Corella-Pearson
RECOMMENDATION:		Approved with Conditions	
APPEAL PERIOD:		5 working days to the Planning Commission	
LAST DATE FOR ACTION:		April 9, 2010	

PROJECT DESCRIPTION:

The applicant and owner, Muir Beach Community Service District, has applied for Coastal Permit and Variance Permit approval for a new water tank that would be adjacent and to the west of the existing water tank. The tank would be 200,000 gallons and would serve both upper and lower Muir Beach. The existing tank would remain as a back-up reserve tank until it is un-repairable. The proposed new tank would be approximately 24.2 feet in height, and approximately 45 feet in diameter. It would be a tan color and approximately 10 feet from the existing tank, with the following setbacks from adjacent property lines: front (north) 17 feet, side (east) 61.4 feet, rear (south) 21.4 feet, and side (west) 23.3 feet. The project would result in the cut and fill of approximately 640 cubic yards and 180 cubic yards of material respectively, and the disturbance of approximately 3,000 square feet of area. Also proposed is a temporary access road.

GENERAL INFORMATION:

Countywide Plan: C-R-A:B-4 (Coastal, Residential, Agriculture, 1 acre minimum lot size)
 Zoning: C-SF3 (Coastal, Single-family Residential, 1 unit/1-5 acres)
 Lot size: 0.36 acres
 Adjacent Land Variances: Residential
 Vegetation: Mixed conifer and hardwood trees, non-native grass
 Topography and Slope: Moderate to steeply sloping lot
 Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a new water tank on a developed lot,

MBCSD (CP 10-32) and Variance Permit (VR 10-16)
 March 11, 2010
 DZA Hearing, Item # C-1

which would be located within an area of existing disturbance and would not result in adverse impacts to sensitive species.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. One comment has been received in support of the project.

PLAN CONSISTENCY:

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

EXISTING CONDITIONS:

The project site is developed with an existing 150,000 gallon redwood water tank. The existing water tank is 45 years old and has rot throughout the tank, and a number of repairs have been made to it during its lifetime. The existing tank is seismically unstable and there is evidence that during an earthquake the tank would fail. MBCSD has two water storage tanks to serve 147 residences. One of the tanks is located in the lower part of Muir Beach and can only serve the residences in that area, and the tank on the subject property is the only one that can serve the upper portions of Muir Beach. Prior to 1988, MBCSD had three water tanks, and in 1988 two of those water tanks failed, which were replaced by one tank that stored less than the original two. The new water tank would result in MBCSD being able to meet the pre-1988 water storage amounts, plus the required reserve to meet state standards. The existing water tank would remain to store water while the new storage tank is being constructed, allowing upper Muir Beach to continue being served and would remain until it is no longer serviceable.

PROJECT ANALYSIS:

The subject lot is a legal lot, created by grant deed in 1962. The Seacape Mutual Water Company was formed in 1966, developing the present Muir Beach water system, which was purchased in 1970 by the Muir Beach Community Services District. The existing water tank has been the primary use on the property since 1965.

Permit Requirements

The project is exempt from building permit approval pursuant to California Government Code Section 53091 (d), which states that building ordinances of a county or city shall not apply to the location or construction of facilities for the storage, treatment, or transmission of water by a local agency and Section 53091 (e) states that zoning ordinances of a county or city shall not apply to the location or construction of facilities for the storage of water. The project must comply with the California Coastal Act, which requires Coastal Permit approval, in accordance with the requirements of the Local Coastal Program, Unit 1. The Local Coastal Program - Unit 1 established the setbacks for the C-R-A:B-4 zoning district, and in order to provide relief from the established setbacks, Variance approval is required for encroachments of the water tank into the required setbacks.

The subject lot is 15,681 square feet in size, one third of the minimum lot size requirement of one acre. The C-R-A:B-4, requires the following minimum setbacks: front 30 feet, side 20 feet, and rear either a maximum of 25 feet or 20% of lot depth. The existing tank occupies the central portion of the property, and is 37 feet in diameter. The new tank would be 45 feet in diameter and requires space surrounding it for maintenance, and access to the tank. The lot is steeply sloping along its property lines, and since the current water tank cannot be removed while the new one is erected, and due to the large diameter of the new and existing water tank, the new tank is confined to being located in the setbacks.

Design

The proposed new water tank would have a maximum height of approximately 24.2 feet above grade and would be 45 feet in diameter. The existing tank is approximately 22 feet in height, and is 37 feet in diameter. The new tank would be an increase of 2.2 feet in height, which accounts for a code mandated allowance for sloshing of water during a seismic event. It would be tan in color, and would be excavated into the hillside to reduce its visual mass. The new water tank would not restrict views of the ocean since it adjacent to the parking lot on the east side, on the opposite side of the overlook, away from the ocean.

Biological Resources

The proposed project site was evaluated for potential listed species, and a review of the California Natural Diversity Database (CNDDDB, 2008a: CNNDDDB, 2008b) and U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species was conducted. A list of special status species that occur in the Point Bonita, San Rafael, and Bolinas USGS quadrangle was compiled and it was determined that the required habitat for all potential species would most likely not occur on the project site. No special status species were observed during site surveys, and no wetlands or streams are present on the property. There is potential for migratory birds to nest on the property. No nests were observed during a site survey. The applicant has removed all shrubs within the site of the proposed tank after a bird survey was conducted, and it was carried out in accordance with the biologist's recommendations.

CONCLUSION:

Staff finds that the findings for Variance approval can be made for the proposed project since special circumstances apply to the property due to size and shape of the subject property. The granting of the variance will not be detrimental to the public welfare. The water tank is greatly needed to protect the water supply of the region, and the project would result in MBCSD being able restore its water storage to 1988 levels. The project would not result in unintended growth in the community since the existing tank would only remain for a few more years, and would serve as a reserve water tank and an emergency backup. The new water tank would be located to avoid visual impacts from public viewsheds, and has been designed to be of a similar size as the existing tank. The new tank would take three months to construct, and it's important that the existing tank remain during this time to serve upper Muir Beach. With the proposed conditions of approval, the new tank would be located entirely on the subject property and would be located a substantial distance from adjacent neighbors and would not result in adverse visual impacts to neighbors. The project is not located within an area of sensitive natural resources, and with the conditions of approval would not impact rights-of-way, or negatively impact future development in the vicinity. In addition the project would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity since it was created in its existing size and configuration prior to the Seacape Subdivision and is less than half of the other surrounding lots

in square footage, and the use of the lot was established prior to the C-R-A:B-4 zoning district, and the lot was created for the use of a public government entity.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Muir Beach Community Service District Coastal Permit (CP 10-32) and Variance Permit (VR 10-16).

Attachments:

1. Proposed Resolution recommending approval of the Muir Beach Community Service District Coastal Permit (CP 10-32) and Variance Permit (VR 10-16)
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Plans Sheets, 5 sheets
6. Email from MBCSD, dated 1/20/10
7. Email from MBCSD, dated 2/3/10
8. Letter from Robertson Engineering, dated 2/1/10
9. Department of Public Works, Land Development, memorandum received 2/9/10
10. Environmental Health Services, Water and Sewage, memorandum dated 2/4/10

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE MUIR BEACH COMMUNITY SERVICE DISTRICT COASTAL PERMIT (CP 10-32) AND VARIANCE PERMIT (VR 10-16)
87 SEACAPE DRIVE, MUIR BEACH
ASSESSOR'S PARCEL 199-262-11

SECTION I: FINDINGS

- I. WHEREAS the applicant, Muir Beach Community Service District, has applied for Coastal Permit approval for a new water tank that will be adjacent and to the west of the existing water tank. The tank will be 200,000 gallons and will serve both upper and lower Muir Beach. The existing tank will remain as a back-up reserve tank until it is un-repairable. The proposed new tank will be approximately 24.2 feet in height, and approximately 45 feet in diameter. It will be a tan color and approximately 10 feet from the existing tank, with the following setbacks from adjacent property lines: front (north) 17 feet, side (east) 61.4 feet, rear (south) 21.4 feet, and side (west) 23.3 feet. The project will result in the cut and fill of approximately 640 cubic yards and 180 cubic yards respectively, and the disturbance of approximately 3,000 square feet of area. Also proposed is a temporary access road. The subject property is located at 87 Seacape Drive, Muir Beach, and is further identified as Assessor's Parcel 199-262-11.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on March 11, 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 15303, Class 3 of the CEQA Guidelines because it entails construction of a new water tank on a developed lot, which will be located within an area of existing disturbance and will not result in adverse impacts to sensitive species.
- IV. WHEREAS the project is exempt building permit approval pursuant to California Government Code Section 53091 (d), which states that building ordinances of a county or city shall not apply to the location or construction of facilities for the storage, treatment, or transmission of water by a local agency. Section 53091 (e) states that zoning ordinances of a county or city shall not apply to the location or construction of facilities for the storage of water.
- V. WHEREAS the Marin County Deputy Zoning Administrator has determined that the project must comply with the California Coastal Act, which requires Coastal Permit approval, in accordance with the requirements of the Local Coastal Program, Unit 1. The Local Coastal

Program - Unit 1 established the setbacks for the C-R-A:B-4 zoning district, and in order to provide relief from the established setbacks, Variance Permit approval is also required.

- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
- A. The project as conditioned is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3).
 - B. The project as proposed is in conformance with Policy BIO 1.7 and the project complies with natural systems policies supporting vegetation and wildlife disease management programs and promoting the Variance of native plant species (CWP Policies BIO-1.4, BIO-1.5, BIO-1.6 and BIO-1.7).
 - C. The project will not result in impacts to special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
 - D. The project will not significantly impact ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
 - E. No wetlands or stream conservation areas will be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - F. The project as conditioned will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
 - G. The project avoids hazardous geological areas and will be designed to County earthquake standards (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
 - H. The project design and improvements ensure adequate fire protection (CWP Policy EH-4.1), removal of hazardous vegetation (CWP Policy EH-4.2), water for fire suppression (CWP Policy EH-4.c), and defensible space and complies with Marin County fire safety standards (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
 - I. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
 - J. The project is consistent with requirements for energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (CWP Policy DES-1.h).
 - K. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
 - L. The project will does not need to comply with the Marin County Single-Family Dwelling Energy Efficiency Ordinance (CWP Policy EN-1.c).

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

- A. The project will involve the construction of a new water tank that is accessory to the existing Variance and is in the governing C-RA:B-4 zoning district with Variance Permit approval.
- B. The project will be compatible with its surroundings, is not unsightly in design, and will not create substantial disharmony with its locale and surroundings.
- C. The project will protect the water supply of the community.
- D. The project will not impact recreational opportunities in the area because the property serves as the water storage location for Muir Beach Community Service District.

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

A. Water Supply

The Muir Beach Community Service District currently providing water service to the 147 residences and the proposed water tank is essential to meet the needs of the community. Currently the existing upper water tank will fail during a seismic event and has rot throughout the tank that undermines its stability.

B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project acceptable as proposed provided that it maintain a setback of 5 feet from the sewage disposal system, that includes the vault toilets near the overlook.

C. Grading and Excavation

The proposed project will result in the cut and fill of approximately 640 cubic yards and 180 cubic yards respectively, resulting in the off-haul of approximately 460 cubic yards of soil and by excavating into the hill, the water tank to be tucked into the slope, resulting in a reduction of the visual mass of the tank. The project has been designed in conformance with the recommendations of the drainage plan report and the project as conditioned will be constructed to minimize runoff, and proposes a minimum amount of grading and impervious surface. The project has also been conditioned to prohibit grading or other work outside of the property lines and within access easements, unless recorded documentation is furnished showing that the proposed use is acceptable. A geotechnical investigation was conducted and all exposed slopes will be protected by retaining walls were required. The structure will also be constructed to withstand a seismic event and to retain the volume of the proposed new tank during an event.

D. Archaeological Resources

The proposed project is located within an area of high archaeological sensitivity. An archeological literature search and a site visit were conducted. During the literature search no previous archaeological surveys of either the proposed tank location or the existing tank or parking lot were found. There are no recorded historic or prehistoric sites

within a thousand feet of the project site. During the site visit, the project site was inspected for any visual evidence of prehistoric cultural deposits and none were found. The project as conditioned will ensure that during excavation if any archeological effects are found, construction will stop and all protection measures will be employed.

E. Coastal Access

The project site is located adjacent to the Muir Beach Overlook and is located outside of views of the ocean from public trails and the overlook.

F. Housing

The proposed project does not entail any new housing or the removal of an existing residence that will result in a change in housing stock. Nor would the project allow for additional housing to be built in the community.

G. Wetland and Stream Conservation Protection

No wetlands or streams are located on, or near the subject property.

H. Dune Protection

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

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. A review of the California Natural Diversity Database (CNDDDB, 2008a: CNDDDB, 2008b) and U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species was also conducted. A list of special status species that occur in the Point Bonita, San Rafael, and Bolinas USGS quadrangle was compiled and it was determined that the required habitat for all potential species will most likely not occur on the project site. No special status wildlife species were observed during the site surveys. There is potential for migratory birds to nest on the property. No nests were observed during a site survey. In accordance with the biologist recommendations, the applicant removed all shrubs within the site of the proposed tank after the bird survey was conducted, and outside of the bird nesting season. Therefore the proposed project will not result in adverse impacts to migratory birds.

J. Protection of Native Plant Communities

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB, 2008a: CNDDDB, 2008b) and U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species. A list of special status plant species that occur in the Point Bonita, San Rafael, and Bolinas USGS quadrangle was compiled and it was determined that the required habitat for all potential species will most likely not occur on the project site. No special status plant species were observed during the site surveys.

K. Shoreline Protection

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

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program, and is not located within the

delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

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

N. Land Division Standards

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

O. Visual Resources

The height, scale and design of the proposed water tank is compatible with the character of the surrounding environment. The proposed development will be sited so that it will not obstruct public views from public trails or the Muir Beach Overlook.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project will 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 Variances.

Q. Historic Resource Protection

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

IX. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to grant a Variance (Section 22.86.025I) of the Marin County Code and California Government Code Section 65906).

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

The subject lot is 15,681 square feet in size, one third of the minimum lot size requirement of one acre. It was created in its existing size and configuration prior to the Seacape Subdivision and is half the size of the other surrounding lots, and the use of the lot was established prior to the C-R-A:B-4 zoning district, for the existing use. The C-R-A:B-4, requires the following minimum setbacks: front 30 feet, side 20 feet, and rear either a maximum of 25 feet or 20% of lot depth. The existing tank occupies the central portion of the property, and is 37 feet in diameter. The new tank would be 45 feet in diameter and requires space surrounding it for maintenance, and access to the tank. The lot is steeply sloping along its property lines, and since the current water tank cannot be removed while the new one is erected, and due to the large diameter of the new and existing water tank, the new tank is confined to being located in the setbacks. Therefore, the constraints created by the steeply sloped lot, existing water tank, and substandard lot size are unique physical features that constrain development on the subject property and prevent development within the building envelope prescribed by the C-R-A:B-4 zoning

district. These constraints deny the property owners privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

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.

The project would not be detrimental to the public. It would protect the public by ensuring that its water supply is protected during a seismic event, and would ensure continued water service to the Muir Beach community. The project would not result in unintended growth in the community since the existing tank would only remain for a few more years, and would serve as a reserve water tank and an emergency backup. The new water tank would be located to avoid visual impacts from public viewsheds, and has been designed to be of a similar size as the existing tank. The new tank would take three months to construct, and it's important that the existing tank remain during this time to serve upper Muir Beach. With the proposed conditions of approval, the new tank would be located entirely on the subject property and would be located a substantial distance from adjacent neighbors and would not result in adverse visual impacts to neighbors. The project is not located within an area of sensitive natural resources, and with the conditions of approval would not impact rights-of-way, or negatively impact future development in the vicinity.

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.

The granting of a Variance for the property does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity under an identical zoning district because, as explained in Finding IX above, development on the property is constrained by the steeply sloped lot, existing water tank, and substandard lot size. The lot is also half the size of other lots in the vicinity and the grant of a Variance for an encroachment into the front and side setbacks does not constitute a special privilege in comparison to other properties in the surrounding community that are of a larger lot size, and do not need to work around existing development that is essential to the water supply of the community.

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 governing C-R-A:B-4 zoning district is a single-family residential and limited agriculture designation. The existing use of the lot for water storage is a legal non-conforming use, and was established prior to the Local Coastal Program, and the current development standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Muir Beach Community Service District Coastal Permit (CP 10-32) and Variance Permit (UP 10-10) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.88I (Variance Permit) of the Marin County Code, the Muir Beach Community Service District is approved for a new water tank that will be adjacent and to the west of the existing water tank. The tank will be 200,000 gallons and will serve both upper and lower Muir Beach. The existing tank will remain as a back-up reserve tank until it is no longer repairable. The proposed new tank will be approximately 24.2 feet in height, and approximately 45 feet in diameter. It will be a tan color and approximately 10 feet from the existing tank, with the following setbacks from adjacent property lines: front (north) 17 feet, side (east) 61.4 feet, rear (south) 21.4 feet, and side (west) 23.3 feet. The project will result in the cut and fill of approximately 640 cubic yards and 180 cubic yards respectively, and the disturbance of approximately 3,000 square feet of area. Also approved is a temporary access road. The subject property is located at 87 Seacape Drive, Muir Beach, and is further identified as Assessor's Parcel 199-227-11.
2. PRIOR TO VESTING, Plans shall be submitted that comply with the Conditions of Approval and shall substantially conform to plans entitled, "Robertson Engineering, Inc.," consisting of 3 sheets, prepared by Robertson Engineering, Inc., received January 12, 2010, and on file in the Marin County Community Development Agency.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Muir Beach Water Tank Project," received January 12, 2010 by the Community Development Agency.
4. PRIOR TO VESTING, the applicant shall provide the Community Development Agency, Planning Division with the required Variance Permit fees of \$4,360. The Community Development Agency will not work on other Muir Beach Community Service District projects until this fee has been received.
5. PRIOR TO VESTING, the applicant shall provide the Community Development Agency, Planning Division with written verification demonstrating how each of the conditions of approval from the Department of Public Works and Environmental Health Services have been met.
6. All construction activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

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. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
8. 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 measures 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 measures 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.

9. 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.
10. The owners hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Muir Beach Community Service District Coastal Permit and Variance Permit for which action is brought within the applicable statute of limitations.
11. 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.

Department of Public Works, Land Development

PRIOR TO VESTING:

12. Provide the property metes and bounds on the site plan.
13. Provide a Recorded easement for the waterlines that extending across Parcel 199-262-10 other parcels.
14. The 2007CBC-App§J.109.4 prohibits drainage and drainage facilities to cross property boundaries.
15. No grading or other work is allowed outside property boundaries.
16. There is significant grading proposed within the 20-ft access easement along the western property boundary. The proposed grading will significantly alter the grade within the easement and will render it unusable for its intended use. Please provide a copy of the recorded quit claim deed showing all rights from other parties have been relinquished.
17. Retaining walls of wood construction along uphill roadsides shall not exceed 3-ft in height (measured from the road surface) [MCC§24.04.130(b)].
18. An encroachment permit shall be required for work within the Seacape Drive right-of-way.
19. The plans should be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer.

Environmental Health Services

20. Apply for a new water tank permit. Tank additions or replacements of greater than 100,000 gallons require a permit amendment process, as stated in the Waterworks Standards (Sec. 64556). The Waterworks Standards require the following:

- A. Construct the tank according to American Water Works Association (AWWA) Standards, specifically Standard D110-04 (Wire-and Strand-Wound, Circular, Prestressed Concrete Water Tanks).
- B. Any coatings shall be approved materials for water contact surfaces and listed under NSF Std. 61.
- C. Covers, vents, inlet-outlet configurations, drain and other valves, isolation valves, sample taps, water level monitoring equipment, etc. and applicable subsurface installation requirements shall be installed, and in accordance to the Waterworks Standards.
- D. Maximum day demand and peak hourly demand calculations will be required during the permit amendment review.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Muir Beach Community Service Coastal Permit (CP 10-32) and Variance Permit (UP 10-16) approval by receiving a water tank permit and constructing the project in compliance with the conditions of approval before **March 22, 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 Sections 22.56.120I and 22.88.050I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on March 5, 2009**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 11th day of March, 2010.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary