

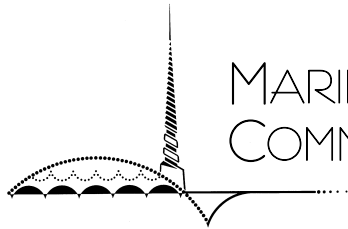
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – April 28, 2010

Hearing Officer Johanna Patri, AICP, Consulting Planner

Staff Present: Scott Greeley, Planner

Joyce Evans, Recording Secretary

Convened at 9:00 A.M.
Adjourned at 9:50 A.M



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **STEPHEN HODGE**
Application (type and number): Coastal Permit (CP 10-10)
Assessor's Parcel Number: 192-121-32
Project Location: Alder Road and Dogwood Road, Bolinas
For inquiries, please contact: Scott Greeley, Planner
Decision Date: April 29, 2010

DETERMINATION: **Approved with Conditions**

Minutes of the April 29, 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

C1. COASTAL PERMIT (CP 10-10): STEPHEN HODGE

SG

A proposal to consider the Hodge Coastal Permit (CP10-10) proposing to construct a 168 square foot deck as well as relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road, in Bolinas, to Assessor's Parcel 192-121-32. The applicant is also attempting to legalize two accessory structures already present on the site, a 180 square foot "Bedroom/Bath" and a 120 square foot "Office/Studio". In addition, the applicant is proposing to install a septic system, new landscaping and hardscape, a 6' high redwood fence, propane tank, water meter with connection to the residence and two accessory structures, and two driveways with two parking spaces each coming off of Cedar Road (main driveway) and Alder Road (secondary driveway). The site plans identify two additional accessory structures on site, a tool shed and garden shed, which are to be removed. The residence will reach a maximum height of 15 feet 6 inches above grade and would have the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line. The Studio/Office has an area of 120 square feet, with a maximum height of 12 feet 8 inches above grade and would have the following setbacks: 1) 149 feet from the easterly front property line; 2) 35 feet 6 inches from the westerly rear property line; 3) 49 feet from the northerly side property line; and 4) 37 feet from the southerly side property line. The Bedroom/Bath has an area of 180 square feet, with a maximum height of 10 feet 6 inches above grade and would have the following setbacks: 1) 35 feet from the easterly front property line; 2) 139 feet from the westerly rear property line; 3) 22 feet 6 inches from the northerly side property line; and 4) 58 feet from the southerly side property line. The zoning for this parcel is C-R-A:B-2. The subject property is located at **Alder Road, between Cedar Road and Dogwood Road, Bolinas**, and is further identified as **Assessor's Parcel 192-121-32**.

Because of a number of issues that have been raised, the Hearing Office moved Item C1. **COASTAL PERMIT (CP 10-10): STEPHEN HODGE** to a hearing item.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. He clarified that the Bedroom/bath detached accessory structure has a height of ten feet six inches.

The applicant was present, has reviewed the staff report, and had no questions.

The public testimony portion of the hearing was opened.

In response to the Hearing Officer, the applicant, Stephen Hodge, explained the color palette as shown in Exhibit B-1. He said he was told by the County fire department that the building code requires a fire resistant type of paint for the finishes. The Hearing Officer directed staff to condition the sink in the office as a wetbar sink, because the building should not have cooking facilities. Further discussion with CDA and DPW staff, the applicant and the Hearing Officer followed regarding the removal of fencing, the gate, and existing accessory structure within the road right-of-way along Alder Road and reconstruction of a new six-foot high fence.

Staff clarified that the fence on Alder is in the road right-of-way and will be removed along with the storage building, and a new fence will be constructed. A new section of the fence now attached to the tool shed will be pulled back onto private property. The site plan on Sheet 2 shows a gate that will be removed with the shed.

Michel Jeremias, Department of Public Works concurs that the obstruction in the road right-of-way, including the gate, tool shed, and portions of the fence must be removed, and any reconstruction of the long section of fence that runs along Alder Road shall be constructed on private property.

The Hearing Officer directed staff to modify the Conditions of Approval to show the removal of 16 feet of gate and fencing; the removal of the shed; and the removal of the fence to the corner of the property within the road right-of-way within 60 days of the date of approval and any construction of new fencing and gate to be on the property. DPW staff stated that in the future, should the remaining fence along Alder Road be reconstructed, it must be reconstructed on the property

In response to the Hearing Officer, the applicant does not have a landscape plan, but is required to plant three 15-gallon trees along Alder Road to create a visual screen.

The Hearing Officer questioned the applicant about removal of the second shed off Cedar Road that has no foundation and may have to be removed due to the proximity of the septic field. The Hearing Officer will not require the removal.

In response to the Hearing Officer, the applicant stated that the bedroom/bath accessory building has no internal opening between the bedroom and bath because it is accessed through the courtyard and will be used as a second bathroom.

The public testimony portion of the hearing was closed.

The Hearing Officer directed staff to add a Condition of Approval that no accessory structure will be used as a separate living unit without first obtaining County permits.

The Hearing Officer made the following changes to the resolution:

- Condition of Approval #1: Strike, "new landscaping.
- Condition of Approval #1, second paragraph: "Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the...~~strike residence~~ ...and add "property"that is approved herein shall be 305 Cedar Road, Bolinas."
- Condition of Approval #4: "Exterior lighting shall be... ~~strike located and/or shielded~~...."

The Hearing Officer questioned the will serve letter requirement from Environmental Health Services that was not included in the conditions. Staff explained that Environmental Health Services stated that they had passed along correspondence from BCPUD and received e-mail correspondence from Environmental Health Services (which was not provided as an attachment in the staff report) which stated this Condition of Approval had been already satisfied. No revised merit comment from Environmental Health Services was received. Staff agreed to incorporate the Condition of Approval in the final resolution.

In response to the Hearing Officer, the applicant explained that the main building will be moved on to the property during summer time after the foundation is constructed. The Hearing Officer stated that a Building Permit will be needed and a septic system permit may be needed first. She suggested that a Building Permit for both of the accessory structures be applied for at the same time that the permit of the main residence is applied for.

The Hearing Officer added a Condition of Approval to the resolution:

The applicant shall obtain building permits for the existing detached accessory structures and the proposed single-family residence no later than October 29, 2010 (6 months from project approval) or the detached accessory structures, built without County permits, shall be removed. The Community Development Agency – Planning Division may grant an extension of time for cause.

The Hearing Officer concurred with staff's analysis and recommendation and approved the Hodge Coastal Permit, with an address of 305 Cedar Road, based on the Findings 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 (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-117
A RESOLUTION APPROVING THE HODGE COASTAL PERMIT
305 CEDAR ROAD (ADJACENT TO ALDER ROAD AND DOGWOOD ROAD), BOLINAS
ASSESSOR'S PARCEL 192-121-32

SECTION I: FINDINGS

- I. WHEREAS, Stephen Hodge, is seeking Coastal Permit approval to relocate a one story, 640 square foot residence from 56 Horseshoe Hill Road (Assessor's Parcel 192-121-32) in Bolinas to Assessor's Parcel 192-121-32, as well as construct a total of 168 square feet of decking on the front and rear elevations. The applicant is also proposing to legalize two detached accessory structures already present on the site, consisting of a 180 square foot "Bedroom/Bath" and a 120 square foot "Office/Studio". In addition, the applicant is proposing to install a septic system, new hardscape, a 6' high redwood fence, propane tank, water meter with connection to the residence and two accessory structures, and two driveways with two parking spaces each coming off of Cedar Road (main driveway) and Alder Road (secondary driveway). The site plans identify two additional accessory structures on site, a tool shed and garden shed, which are to be removed. The residence would reach a maximum height of 15 feet 6 inches above grade and would have the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line. The Studio/Office has an area of 120 square feet, with a maximum height of 12 feet 8 inches above grade and would have the following setbacks: 1) 149 feet from the easterly front property line; 2) 35 feet 6 inches from the westerly rear property line; 3) 49 feet from the northerly side property line; and 4) 37 feet from the southerly side property line. The Bedroom/Bath has an area of 180 square feet, with a maximum height of 10 feet 6 inches above grade and would have the following setbacks: 1) 35 feet from the easterly front property line; 2) 139 feet from the westerly rear property line; 3) 22 feet 6 inches from the northerly side property line; and 4) 58 feet from the southerly side property line. **The subject property is located on Cedar Road, and adjacent to Alder Road and Dogwood Road, in Bolinas and is further identified as Assessor's Parcel 192-121-32.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing on January 28, 2010 and continued the hearing to April 29, 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 relocation of an existing residence and legalizing two existing accessory structures in Bolinas 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 pertinent land use policies of the Bolinas Gridded Mesa Plan including:

- A. The project is not near the bluffs or subject to significant erosion (Policy LU-1.1).
- B. The project is consistent with the minimum parcel size for the area (Policy LU-5 and Program LU-5.1).

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 project has been reviewed and accepted by the Bolinas Community Public Utility District. A letter has been provided by the District which states that the transfer of a water meter has been approved for the subject property. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by Environmental Health Services. In addition, the project has been conditioned so that the applicant must obtain a septic system permit before building permit issuance. 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 the Gridded Mesa, an already highly developed part of Bolinas, 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 project site is not located adjacent to the shoreline and will therefore have no impact upon 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 Bolinas 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 wetland subject to stream or wetland protection standards of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Program and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment prepared by Prunuske Chatham, Inc. Prunuske Chatham, Inc. addresses wildlife habitat, with additional information on a list of special-status wildlife species that have potential for occurrence on pages 9-14 of their report. In their conclusion, Prunuske Chatham, Inc. finds that the applicant's proposed design will not likely have an impact on any special status wildlife species or habitats shown on the Local Coastal Program natural resources maps. The findings in the biological assessment are based on the fact that the site is not appropriate for any of the potentially sensitive species that have sometimes been found in the area. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on Prunuske Chatham, Inc's. biological assessment, it has been determined that the proposed project will not likely have any impacts during construction. Their findings are based on the fact that the environmental site conditions are not appropriate or are otherwise significantly limited for the sensitive plant species that have sometimes been found in the area. Therefore, the project is consistent with this finding.

K. Shoreline Protection

Marin County Code Section 22.56.130(K) restricts development within a certain distance of the bluff of Bolinas Mesa. The zoning code does not allow development nearer to the bluff than would be safe, based on an assumed retreat rate and the 40 year life of an average residence. A geotechnical investigation is required to determine the setback in areas where the development is located within 150 feet of a bluff top or where the site is in a slope stability zone of 3 or 4. However, the subject property does not meet either of these criteria. The subject property is located over 1,300-feet inland from the nearest bluff face, and the proposed development would not occur within Bluff Erosion Zones 3 or 4 as identified by the Gridded Mesa Plan. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. The project has also 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. 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 Bolinas, known as the Gridded Mesa. The property, at its southerly side, faces towards Alder Road, a major roadway for the Gridded Mesa and is not otherwise well screened with appropriate landscaping on this portion of the property. The project proposes no new landscaping at this time and is therefore otherwise inconsistent with this finding. The project has been conditioned to include a revised landscape plan which includes at least 3 additional 15-gallon (or larger) native trees to act as screening of the residence along Alder Road. The additional conditioned landscaping will allow this finding to be made. Therefore, the project, as conditioned, 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.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapter 22.56l (Coastal Permit) of the Marin County Interim Development Code, the Hodge Coastal Permit approves the relocation of a one story, 640 square foot residence from 56 Horseshoe Hill Road (Assessor's Parcel 192-121-32) to Assessor's Parcel 192-121-32 in Bolinas and the construction of a total of 168 square feet of decking on the front and rear elevations. This Coastal Permit also legalizes two detached accessory structures already present on the site, including a 180 square foot "Bedroom/Bath" and a 120 square foot "Office/Studio". In addition, the approval allows the construction of a septic system, new hardscape, a 6foot high redwood fence, propane tank, water meter with connection to the residence and two accessory structures, and two driveways with two parking spaces each coming off of Cedar Road (main driveway) and Alder Road (secondary driveway). The residence shall reach a maximum height of 15 feet 6 inches above grade and maintain the following minimum setbacks: 1) 61 feet from the easterly front property line; 2) 90 feet from the westerly rear property line; 3) 14 feet 6 inches from the northerly side property line; and 4) 53 feet from the southerly side property line. The Studio/Office has an area of 120 square feet, with a maximum height of 12 feet 8 inches above grade and shall have the following setbacks: 1) 149 feet from the easterly front property line; 2) 35 feet 6 inches from the westerly rear property line; 3) 49 feet from the northerly side property line; and 4) 37 feet from the southerly side property line. The Bedroom/Bath has an area of 180 square feet, with a maximum height of 10 feet 6 inches above grade and shall have the following setbacks: 1) 35 feet from the easterly front property line; 2) 139 feet from the westerly rear property line; 3) 22 feet 6 inches from the northerly side property line; and 4) 58 feet from the southerly side property line.

The subject property is located on Cedar Road, and adjacent to Alder Road and Dogwood Road, in Bolinas and is further identified as Assessor's Parcel 192-121-32. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the property shall be **305 Cedar Road, Bolinas**. The project is approved as such except as modified by the conditions listed herein.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "PROPOSED HOME RELOCATION FOR: STEPHEN HODGE," consisting of ten sheets prepared by Stephen Hodge Design/Drawing, dated May 21, 2009 and originally received on August 11, 2009, with revisions received on November 24, 2009 and January 25, 2010 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors for the residence shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1", received on August 11, 2009 and on file with the Marin County Community Development Agency, consisting of "Moss Green"-colored siding, white vinyl windows and doors, and a black composite shingle roof. The building materials and colors for the two approved detached accessory structures are approved as existing.

4. The site plans identify two additional accessory structures on site, a tool shed and garden shed. The 'garden shed', based on its construction, is not considered a structure but, due to its location, may have an impact on the septic field on the property. The tool shed and portions of the fence and gate along Alder Way are known to be within the public right -of -way. THE TOOL SHED AND ALL PORTIONS OF THE FENCE AND GATE IDENTIFIED BY THE DEPARTMENT OF PUBLIC WORKS (Item 21 below), WHICH IS WITHIN THE RIGHT -OF -WAY, SHALL BE REMOVED BY JUNE 28, 2010 (60 DAYS FROM PROJECT APPROVAL). The applicant may reconstruct a 6-foot high fence and gate within his property to replace the existing fence and gate that needs to be removed.
5. The applicant shall obtain building permits for the existing detached accessory structures and the proposed single family residence no later than October 29, 2010 (6 months from project approval) or the detached accessory structures, built without County permits, shall be removed. The Community Development Agency – Planning Division may grant an extension of time for cause providing the applicant submits a request at least 14 days prior to October 29, 2010.
6. If it is determined necessary during the course of building permit review, the garden shed shall either be removed or relocated.
7. The sink and accompanying improvements in the Office/Studio shall meet the following standards of a wet bar or shall be removed: a wet bar may include a bar sink not exceeding a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters not exceeding an aggregate length of six feet. Electrical service in a wet bar area shall be limited to general purpose receptacles. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Dedicated electrical circuits, gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area.
8. Neither of the approved detached accessory structures shall be utilized or converted into a separate living unit without first obtaining a Second Unit Permit from the Community Development Agency.
9. Exterior lighting shall be shielded so as not to cast glare on nearby properties.
10. 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.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan which provides three additional native screening trees on the side setback facing Alder Road. The landscaping shall be a minimum 15-gallon size.
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. 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.
14. 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.
15. 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.
16. BEFORE FINAL INSPECTION, David Lahar or the present owner of 56 Horseshoe Hill Road in Bolinas, shall plant native grasses or other vegetation to return the site where the residence had been located to a natural state.
17. 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.

18. 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.
19. The residence shall be assigned a street address of 305 Cedar Road when the building permit application is submitted.

Marin County Public Works Department, Land Development Division

20. BEFORE ISSUANCE OF A BUILDING PERMIT, 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. Geotechnical review is required for seismic design of the structures.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall remove the existing 14-foot by 8-foot tool shed, the 16-foot wide, 6-foot tall gate and fencing located along the southwest corner of the site and within the Alder road right-of-way, as shown on Attachment #2, sheet 2 of the staff report. New fencing or gate along the southwest corner of the site shall not encroach into the public road right-of-way. The approximate 140-foot segment of the fence that is installed parallel to Alder Road and presently located within the road right-of-way will be allowed to remain only until this fence falls into disrepair, and at such time, the fence shall be installed inside the property boundary or outside of the public road right-of-way.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide more detail on the drainage plan for the project. Roof down-spouts shall be directed and outlet away from the foundation with splash blocks, and surface drainage from the foundation shall be a minimum of 5% slope for 10-ft [2007 CBC §1803.3].
24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise plans to show a minimum size for each parking stall at 8.5-feet by 18-feet.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall show on the plans a location for the propane tank.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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.

Environmental Health Services

27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall apply for and obtain septic system permit.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a "will serve" letter from BPUD.

Bolinas Fire Protection District

29. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
30. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Bolinas Fire Protection District 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 approval by complying with all conditions of approval, obtaining Building Permits for the approved work within the timeframes identified in the above Conditions of Approval, and substantially completing approved work before April 29, 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 22.88.0501 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 May 6, 2010.**

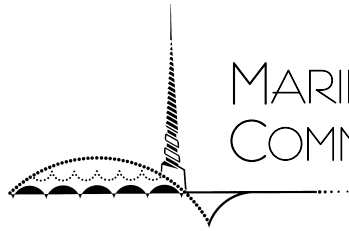
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29th day of April 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: **PETER ROSSELLI**
Application (type and number): Coastal Permit (CP 10-8), and Design Review (DR 10-45)
Assessor's Parcel Number: 199-282-03
Project Location: 43 Seacape Drive, Muir Beach
For inquiries, please contact: Scott Greeley, Planner
Decision Date: April 29, 2010

DETERMINATION: Approved with Conditions

Minutes of the April 29, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-31.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

**C2. COASTAL PERMIT (CP 10-08) AND DESIGN REVIEW (DR 10-45):
PETER ROSSELLI**

SG

A proposal to consider the Rosselli Coastal Permit and Design Review proposing to construct a new 2,319 square-foot, single-family residence on top of an existing foundation that was built in 1980 in Muir Beach. In addition, a two-car parking deck is proposed. The proposed residence would consist of two levels plus loft, and a 160 square-foot deck. The height of the two story structure would achieve a maximum height of 25 feet. The proposed two story structure would result in a 12% floor area ratio (FAR) and will maintain the following setbacks: 1) 24 feet from northerly front property line; 2) 28 feet, 6 inches from westerly side property line; 3) 46 feet, 6 inches from easterly side property line; and 4) 74 feet from southerly rear property line. The proposed parking deck is 12 feet in height, and set 3 feet from the northerly front property line and 22 feet 8 inches from the easterly side property line. *The project had previously proposed to have the parking deck setback 3 feet from the northerly front property line and 8 feet 6 inches from the easterly side property line.* The project is in a C-R-A:B-4 zoning district. The subject property is located at **43 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-282-03**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The Hearing Officer directed staff to correct the address and parcel number on Condition of Approval # 1 to read: "43 Seacape Drive, Muir Beach" and "199-282-03."

The applicant was present and had no comments.

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

The Hearing Officer concurred with staff's analysis and recommendation and approved the Rosselli Coastal Permit and Design Review, based on the Findings 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 (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-118
A RESOLUTION APPROVING THE ROSSELLI COASTAL PERMIT AND DESIGN REVIEW
43 SEACAPE DRIVE, MUIR BEACH
ASSESSOR'S PARCEL 199-282-03

SECTION I: FINDINGS

- I. WHEREAS, Peter Rosselli, is seeking Coastal Permit and Design Review approvals to construct a new 2,319 square-foot, single-family residence on top of an existing foundation that was built in 1980 in Muir Beach. In addition, a two-car parking deck is proposed to be located along the northeasterly corner of the property. The proposed residence would consist of two levels plus loft, and a 160 square-foot deck. The height of the two story structure would achieve a maximum height of 25 feet. The proposed two story structure would result in a 12% floor area ratio (FAR) and would maintain the following setbacks: 1) 24 feet from northerly front property line; 2) 28 feet, 6 inches from westerly side property line; 3) 46 feet, 6 inches from easterly side property line; and 4) 74 feet from southerly rear property line. The proposed parking deck is 12 feet in height, and set 3 feet from the northerly front property line and 22 feet 8 inches from the easterly side property line. **The subject property is located at 43 Seacape Drive in Muir Beach, and is further identified as Assessor's Parcel 199-282-03.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing April 29, 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 new residence and does not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-SF3 (Coastal, Single Family, 1 dwelling unit per 1-5 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies Noise Policies NO-1.1, NO-1.3);

- C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies Biological Resources Policies BIO-4.20, Environmental Hazards Policies EH-2.1, EH-2.3, EH-2.a, EH-3.1, EH-4.c, Community Design Policies DES-1.1, DES-1.2, DES-1.h, DES-3.1, DES-4.1, DES-4.c, DES-5.1, Housing Policies HS-2.2);
 - 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 Marin County Fire Department. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.e, EH-4.f);
 - E. The project is being built will not impact special status species habitats or established wildlife corridors (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.7, BIO-2.c);
 - 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).
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Muir Beach Community Plan including:
- A. The project is consistent with the residential character of the surrounding community and respects neighboring views and privacy (Muir Beach Community Plan, Pg 12, Muir Beach Community: Residential-Agricultural Zoning).
- 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 Muir Beach Community Service District. Prior to final inspection, the applicant will need to satisfy all water standards required by the Muir Beach Community Service District. Therefore, the project is consistent with this finding.
 - B. Septic System Standards

The project has been reviewed and accepted by the Environmental Health Services Division. The project has been conditioned to install (Septic Design) Permit #07-85 prior to final inspection of the building permit. In addition, the applicant must ensure that all required setbacks to all components of the septic system have been met during project construction. 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 by building upon an existing foundation on the site and through locating the parking deck close to the front property line. Therefore, the project is consistent with this finding.

D. Archaeological Resources

The project is in an already relatively, highly developed part of Muir 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 project site is not located adjacent to the shoreline and will therefore have no impact upon 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 Muir 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 wetlands subject to the stream and wetland protections of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Plan and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

Based on review of the California Natural Diversity Database and the Local Coastal Program natural resource maps, this region of Muir Beach does not contain any recognized wildlife habitat or special-status wildlife species. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database and the Local Coastal Program natural resource maps, this region of Muir Beach does not contain any recognized protected native plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The project is located in a relatively residentially dense portion of Muir Beach. The property, at its rear does face out towards the Pacific Ocean and is located in a visually prominent area, however the residence will be set back down slope, lowering its perceived height from the street, is consistent with the Interim Zoning Code standards for height in this zoning district, 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 because of its location along the residentially developed part of Seacape Drive and not infringing on access to the nearby Overlook or any other local 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:

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

The proposed project entails the construction of a two-level, 2,319 square foot residence, with attached deck, and detached parking deck. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Muir Beach Community Plan. Therefore, the project is consistent with this finding.

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

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. In addition, the project has been conditioned to include landscaping at the rear of the property to provide additional screening from neighbors downhill of the property. Therefore, the project is consistent with this finding.

D. 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 residence on an existing foundation of a residentially zoned vacant lot, along with a parking deck. The project, as it is located and designed is inconsistent with applicable development standards and would potentially have an impact on the enjoyment by existing neighbors, or have an impact on future development on other properties in the area. The residence, as it is presently proposed would be situated upon a steep slope with views of the Pacific Ocean, however there are also several neighbors down slope of the property which could potentially be negatively impacted by the residence, as a result of loss of views and privacy. As such, the project has been conditioned to include 4 or more screening trees along the rear yard behind the residence to eliminate potential impacts. In addition, County policy states that retaining walls in excess of 4 feet facing towards the street and 6 feet facing towards the center of the property should be broken up with a landscaped buffer at least 3 feet deep in order to break up perceived bulk (Single-family Residential Design Guidelines C-1.7) The inclusion of screening trees and breaking up any retaining walls which exceed 4 feet facing the street and 6 feet facing towards the

center of the property will mask the perceived bulk of the house and help preserve the privacy of downhill neighbors, while still permitting the enjoyment of the views the owners of the property have. Therefore, the project would be consistent with this finding.

E. 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, 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 due to the proposed design, location, and the conditioned screening of the residence as well as the breaking up of retaining walls in excess of 6 feet facing out towards the center of the property. This will allow for development which meets applicable development standards and also addresses potential negative impacts which could otherwise result through a perceived loss of privacy. Therefore, the project would be consistent with this finding.

F. 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. In addition, the project has been conditioned to include new tree plantings at the rear of the yard to help screen the proposed residence from neighbors downhill of the property. Therefore, the project would be consistent with this finding.

G. 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 2-level, 2,319 square foot residence on an existing foundation, along with an attached deck, and a detached 2-car parking deck. The residence and parking deck have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and, as noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Muir Beach Community Plan.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan be submitted and considered for ordinance compliance 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 subject to steep slopes, however the project has been designed to take advantage of an existing foundation on the site, as well as pushing the off-street parking forward to minimize the amount of necessary fill.

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

The project 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 2-level, 2,319 square foot residence on an existing foundation, along with an attached deck, and a detached 2-car parking deck. The project as designed and conditioned is consistent with the policies of the General Plan, Muir Beach Community Plan, Interim Zoning Code, and is otherwise consistent with the general height and bulk of other residences found in the community. The proposed project as designed, situated, and conditioned 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.

H. 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 2-level, 2,319 square foot residence on an existing foundation, along with an attached deck, and a detached 2-car parking deck in a Residential-Agricultural 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.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit), and 22.82I (Design Review) of the Marin County Interim Zoning Code, the Rosselli Coastal Permit and Design Review is approved to allow the construction of a new 2,319 square-foot, single-residence on top of an existing foundation that was built in 1980. In addition, a two-car parking deck shall be located along the northeasterly corner of the property. The residence shall consist of two levels plus a loft, and a 160 square-foot deck. The two story structure shall reach a maximum height of 25 feet above grade. The two story residence shall result in a 12% floor area ratio (FAR) and maintain the following setbacks: 1) 24 feet from northerly front property line; 2) 28 feet, 6 inches from westerly side property line; 3) 46 feet, 6 inches from easterly side property line; and 4) 74 feet from southerly rear property line. The parking deck shall be no greater than 12 feet in height,

and set 3 feet from the northerly front property line and 22 feet 8 inches from the easterly side property line. The subject property is located at **43 Seacape Drive, Muir Beach** and is further identified as **Assessor's Parcel 199-282-03**.

11. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "New House at 43 Seacape," consisting of six sheets prepared by Don Mill Architect, Inc., dated July 28, 2009 and originally received on July 31, 2009, with revisions dated September 15, 2009, March 7, 2010, and March 8, 2010 and received on March 12, 2010 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
12. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Don Mill Architect Inc, received July 31, 2009, and on file with the Marin County Community Development Agency including:
 - a. Douglas Fir siding with a custom redwood stain
 - b. Max Def Heather Blend Roof

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

13. 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.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscaping plan which provides a minimum of 4 additional native screening trees along the rear of the residence. The landscaping shall be a minimum 24-inch box size and subject to staff approval.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be revised to show and note the height of all proposed retaining walls on the site plan. Any retaining wall which faces towards the street which exceeds 4 feet shall be broken up by a minimum 3 foot deep fully landscaped buffer. Retaining walls which face out towards the center of the property which exceed 6 feet shall be broken up by a minimum 3 foot deep fully landscaped buffer.
16. 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.
8. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
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

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

recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

10. All construction activities shall comply with the following standards:
 - 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.
11. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
12. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property line and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property line and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

Comment [TL2]: Pick the

Comment [TL3]: Pick the

Comment [TL4]: This con-
structure that is located up to
minimum required setback on
properties OR that is located
property line on properties loc-
zoning district. This condition
verify compliance with setback
features, such as wetlands and
please exercise your discretion
requirement on other discretio-
which do not meet the criteria

13. 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. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.
14. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.
15. 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.
16. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Public Works Department, Land Development Division

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet (or 3-feet when backfill area is sloped or has a surcharge). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan for during and post construction.

Comment [TL5]: This comment applies to substantially expanded residential structures (i.e. increasing the lot area by 50% or greater, resulting in a total area of 3,000 square feet). However, it is discretionary in imposing this requirement on discretionary applications which are above (i.e. if the project involves a structure/addition on a lot or at the maximum allowed lot sensitive lot).

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a detailed drainage plan for the project. Include driveway and roof runoff, protection from street runoff into the driveway, drainage management facilities, and a surface drainage plan from the foundation for the up-slope side of the proposed structure. Also, 2007 CBC requires that drainage and drainage facilities remain within property lines.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the portion of the driveway surfacing from the Seascape edge-of-pavement to the property line shall be asphalt.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for work within the road right-of-way.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, if any proposed retaining walls are deemed essential for adequate access to on-site parking, a Recorded Encroachment Permit for the wall shall be required.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a stormwater control plan to address post-construction stormwater control and treatment requirements per instructions in the Marin County Stormwater Pollution Prevention Program's (MCSTOPPP) guidance manual "[Stormwater Quality Manual for Development Projects in Marin County](http://www.mcstoppp.org/newdevresources.htm)" (stormwater control plan template and guidance manual available at <http://www.mcstoppp.org/newdevresources.htm>). The stormwater control plan shall address permanent BMPs that control pollutant sources, treat runoff, and control the rate and duration of runoff that meet the criteria in the most recent version of the Guidance Manual (as defined in §23.18.030) and the applicable development runoff requirements of Chapter 23.18. Permanent BMPs may include but are not limited to: site and drainage design features that route runoff from roofs and paved surfaces to landscaped areas and to engineered bioretention facilities. The Guidance Manual contains specific guidance applicable to the project.

Marin County Community Development Agency, Environmental Health Services

27. Protect the designated disposal field (i.e. "dripfield") from construction damage. The area must be fenced so that it is protected from any type of compaction including vehicles, the stockpiling of excavated soil or construction materials, grading, or digging. A Building Inspection "Hold" will be placed on permit issuance until the fencing is in place.
28. Install revised Septic Design: Permit #07-85.
29. Ensure that all required setbacks to all components of the septic system are maintained during construction.

Marin County Fire Department

30. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
31. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department 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 April 29, 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 22.88.0501 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 to 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 **May 6, 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 29th day of April 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary