

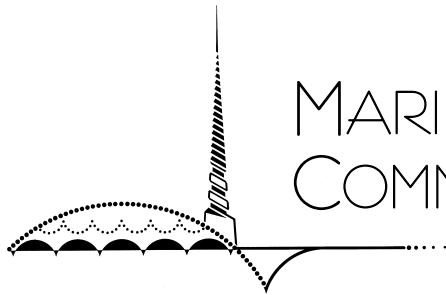
**MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES**  
**Marin County Civic Center, Room #328 - San Rafael**  
**MEETING – July 1, 2010**

Hearing Officer        Johanna Patri, AICP, Consulting Planner

Staff Present:        Lorene Jackson, Planner  
                              Jeremy Tejirian, Principal Planner  
                              Ben Berto, Principal Planner

Joyce Evans, Recording Secretary

Convened at 9:01 A.M.  
Adjourned at 10:00 A.M



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **RONALD BENNETT**

Application (type and number): Coastal Permit (CP 10-26) And Design Review (DR 10-59)

Assessor's Parcel Number: 144-111-21

Project Location: 90 Drakes View Drive, Inverness

For inquiries, please contact: Lorene Jackson, Planner

Decision Date: July 1, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the July 1, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-13.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**C1. COASTAL PERMIT (CP 10-26) AND DESIGN REVIEW (DR 10-59):  
RONALD BENNETT**

**LAJ**

A proposal to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. Additions include a 97-square foot entry attaching a new 494-square foot garage and 567-square foot shop with a 48-square foot loft. The one-and-a-half story, 19.5-foot high addition would result in a 7.2% floor area ratio and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials will match the existing residence. Five trees will be removed as part of the project. Two replacement madrone trees will be planted, along with new screening shrubs. Design Review is required because it is a planned district. The zoning for this parcel is C-RSP-0.25 (Coastal, Single-family Residential Planned, 1 unit/4 acres). The subject property is located at **90 Drakes View Drive, Inverness**, and is further identified as **Assessor's Parcel 114-111-21**.

In response to the Hearing Officer, staff acknowledged receipt of several phone calls on the project and noted that item V. C. in the resolution should state "25-foot height limit" instead of 30 feet.

The public testimony portion of the hearing was opened.

In response to the Hearing Officer concerns, Onju Updegrave, architect, explained that the story poles were erected on April 30, 2010 and did not reflect the reduced height and increased setback.

Esther Kooiman, neighbor, spoke in favor of the project.

In response to the Hearing Officer, Ronald Bennett, owner, explained that the work shop would be used to store his car collection and as an artist retreat for his wife.

The public testimony portion of the hearing was closed.

The Hearing Officer expressed concerns with the visual aspect of the addition and added two new Conditions of Approval:

- New Condition of Approval #4: "BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to the Community Development Agency (CDA) for review and approve a Tree Replacement Plan prepared by a licensed arborist, with map depicting all trees and assessing the health condition of all trees immediately surrounding the project site and along Drakes View Drive. The assessment shall include measures to be implemented that would best assure the health and vitality of those trees to be preserved, including during construction activities. The Tree Replacement Plan shall include a landscape plan showing tree replacement of four coast live oak trees, at least 15-gallon size."
- New Condition of Approval #8: "BEFORE FINAL INSPECTION AND OCCUPANCY OF THE ADDITION, the applicant shall implement all measures contained in the Tree Assessment and plant all replacement trees in accordance with the approved Tree Replacement Plan and Landscape Plan. The applicant shall call for a site inspection by CDA staff at least 5 days before issuance of the Final Inspection."

The Hearing Officer concurred with staff's analysis and recommendation, and approved the Bennett 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 five (5) working days. (July 9<sup>th</sup> to include the July 4<sup>th</sup> Holiday.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 10-126

A RESOLUTION APPROVING THE  
BENNETT COASTAL PERMIT AND DESIGN REVIEW  
90 DRAKES VIEW DRIVE, INVERNESS  
ASSESSOR'S PARCEL 114-111-21

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, on behalf of the owners, is requesting Coastal Permit and Design Review approval to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. The addition includes a 97-square foot entry, a new 494-square foot garage, and 567-square foot shop with a 48-square foot loft. The one-and-a-half story, 19.5-foot high addition would result in a 7.2% floor area ratio and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials will match the existing residence. Five trees would be removed in the footprint of the addition and three replacement trees planted, along with landscaping of native shrubs for screening. The subject property is located at **90 Drakes View Drive, Inverness** and is further identified as **Assessor's Parcel 114-111-21**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 1, 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 because it entails construction of a new attached garage and workshop on a developed lot that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
  - A. The proposed project would comply with the C-RSP-0.25 (Coastal, Single-family Residential Planned, 1 unit/4 acres) land use designation because the addition is part of the single family use of the property;
  - B. The proposed 19.5-foot high, attached addition would result in development which conforms to the governing standards related to building height and size;
  - C. The proposed project would comply with governing development standards related to roadway construction, parking, grading, drainage, and utility improvements as verified by the Department of Public Works;

- D. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
- E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
- F. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Inverness Ridge Communities Plan because:

- A. The project would involve the construction of an attached garage and workshop on a developed property, which is a permitted use under the governing zoning district and would be compatible with the surrounding residential uses.
- B. The project would be architecturally consistent with its surroundings, would not be unsightly in design, and would not create substantial disharmony with its locale and surroundings. To ensure the least amount of visual intrusion into the landscape, exterior building materials would be wood siding to match the existing single-family residence.
- C. The attached garage and workshop would not exceed the 25-foot height limit and would be clustered on the property near the existing single-family residence.
- D. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- E. The proposed landscaping would use indigenous, drought resistant species to provide screening.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Coastal Permit findings pursuant to Marin County Code Section 22.56.130I and that this project conforms to the requirements of Local Coastal Program, Unit 2, for the reasons listed below:

**A. Water Supply:**

The North Marin Water District currently serves the subject property and may require an upgrade of the water supply line for the project. As conditioned, once the upgrades are made, the District will provide a final "will serve" letter to the County.

**B. Septic System Standards:**

The subject property is currently served by an on-site water disposal system. As conditioned, the applicant would be required to submit a passing septic inspection report performed by a qualified service provider and conduct a hydraulic load test.

**C. Grading and Excavation:**

To minimize visibility, the proposed structure would be set slightly into the hillside. This, along with some grading for the new driveway to the workshop, would result in approximately 31.5 cubic yards of cut and 17 cubic yards of fill. The small amount of excess soil would be distributed on site. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

**D. Archaeological Resources:**

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

**E. Coastal Access:**

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

**F. Housing:**

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community because no housing is proposed to be demolished.

**G. Stream and Wetland Resource Protection:**

The location of the project site is not subject to the stream or riparian protection policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program, nor is it located near any stream indentified on the U.S. geological Survey Maps. A site visit by a biologist confirmed that no areas exist on the property that would be defined as a wetland and that the nearest stream is located more than 1,000 feet from the project.

**H. Dune Protection:**

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

**I. Wildlife Habitat:**

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated that the subject property is in a potential habitat area for following special statue species: Great Blue Heron, Great Egret, and the Northern Spotted Owl. A Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc, including site visits on February 25, 2010, and again briefly on March 9, 2010 concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species. It is noted that the closest Northern Spotted Owl nests are located over 3,300 feet to the north and to the south of the property, a distance at which no significant auditory and visual disturbance would occur from the proposed construction.

**J. Protection of Native Plant Communities:**

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated no mapped Federal endangered plant species on the subject property. The Natural Diversity Database indicates the potential location of only one special status species - Western Leatherwood. The California Coastal Commission indicated possible presence of Marin Manzanita. The Biological Assessment prepared for the project indicated that these species were not found and would not occur in the portion of the site proposed for new construction.

**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:**

Review of the Alquist-Priolo Specials Studies Zone maps indicates that the subject property is situated outside the high-risk area for seismic activity of the San Andreas Fault Zone. The Alquist Priolo Special Studies Act (Chapter 7.5, Section 2621.8) exempts construction of single-family residences from requirements to prepare a seismic assessment of the project site. Furthermore, through the building permit process, construction of the proposed development will be reviewed for compliance with all applicable building codes adopted by the County.

**M. Public Works Projects:**

This finding is not applicable. The proposed project will not affect any existing or proposed public works project in the area.



**N. Land Division Standards:**

No land division or lot line adjustment is proposed as part of this project.

**O. Visual Resources:**

The height, scale, and design of the proposed development is compatible with the character of the surrounding community because it would not exceed a height of 20 feet above grade. The proposed structure will not obstruct public views of the coast and will be screened by the existing vegetation and tree canopies, as well as new landscaping. A condition of approval requires that all utilities serving the project site to be placed underground.

**P. Recreation/Visitor Facilities:**

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

**Q. Historic Resource Preservation:**

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

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Design Review findings pursuant to Marin County Code Section 22.82.040I for the reasons listed below.

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

As noted in Section IV, V, and VI above, the project complies with the findings required for Coastal Permit Application and the policies of the Countywide Plan and Inverness Community Plan.

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

The project is consistent with this finding because the addition would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development. The design of the structure would match the architectural design of the existing single-family residence and would be compatible with the community and the site surroundings. The workshop would be set into the hillside to lower the overall height of the structure. As conditioned, existing and new landscaping would provide adequate screening of the project.

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

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

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

The proposed project is located entirely within the subject parcel and would not result in development that would impact future improvements to the surrounding properties.

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

The proposed project would remove five trees under the footprint of the addition: a 35-inch pine, 10-inch tanoak, a multi-trunk tanoak, a multi-trunk bay, and a 7-inch bay. While the property is heavily wooded, conditions of approval require the applicant to plant five replacement trees to be sited south and southeasterly of the addition, to offset the loss of native trees and provide screening. Additionally, the vegetation management and landscape plan includes the planting of native shrubs that would provide valuable screening. Any areas disturbed by construction would be reseeded with native grasses for erosion control. Native understory should regenerate.

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

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

The proposed project has been designed to match the architecture of the existing structure, with efforts to minimize adverse visual effects related to design and building mass. In conformance with Marin County's Single-family Design Guidelines, the addition has been stepped down the hillside to conform to the topography of the site. The project includes design elements and articulation that minimize overall mass and bulk. There are no unbroken vertical walls on the structure. The project has been designed to meet height standards of the Local Coastal Program - Unit 2 and Title 22I. The garage front, the only street-facing portion of the addition that would not be screened by vegetation, would be 15.8 feet in height. Existing and approved landscaping would provide valuable screening of the street-facing sides of the addition. While the proposed shed roof and clearstory roof contribute to the building height, they are designed to reflect the form of and provide cohesiveness with the existing single-family residence.

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

All conceptual plans have been reviewed by the Department of Public Works (DPW) and, as conditioned, comply with DPW standards.

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

The project would result in approximately 31.5 cubic yards of cut and 17 cubic yards of fill, with the excess being used on site. Grading would be limited to the footprint of the structure and the new driveway for the workshop.

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

The proposed project has been reviewed by DPW to ensure that no work would be located within rights-of-way or affect the movement of people or vehicles. No new fencing is proposed that would affect the circulation of animals.

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

The proposed project would be required to meet the "Green Building Standards for Compliance for Residential and Commercial Construction and Remodels", effective June 18, 2010. Additionally, the project would be required to meet Title 24 and Ordinance 3492 for the conservation of natural resources and energy consumption. The design matches the existing single-family residence and is compatible with the varied architecture in the neighborhood.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bennett Coastal Permit (CP 10-26) and Design Review (DR 10-59) subject to the following conditions:

**Marin County Community Development Agency, Planning Division**

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82.040I (Design Review) of the Marin County Interim Zoning Ordinance, the Bennett Coastal Permit and Design Review are approved to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. The addition is approved to include a 97-square foot entry, an attached 494-square foot garage, and attached 567-square foot shop with a 48-square foot loft. The one-and-a-half story addition is approved to attain a maximum height of 19.5 feet and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials are approved to match the existing residence. The subject property is located at 90 Drakes View Drive, Inverness and is further identified as Assessor's Parcel 114-111-21.

2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 6 sheets prepared by Onju Updegrave, dated March 18, 2010, revised April 30, 2010, and received May 4, 2010, and on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede Exhibit A.
  - a. Revise the Vegetation Management and Landscape Plans to 1) include the planting of five native replacement trees, to be at least 15-gallon size and located south and southeasterly of the addition, and 2) note that any areas disturbed by construction must be reseeded with native grasses for erosion control.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit to the Community Development Agency (CDA) for review and approval a Tree Replacement Plan prepared by a licensed arborist, with map depicting all trees and assessing the health condition of all trees immediately surrounding the project site and along Drakes View Drive. The assessment shall include measures to be implemented that would best assure the health and vitality of those trees to be preserved, including during construction activities. The Tree Replacement Plan shall include a landscape plan showing tree replacement of four coast live oak trees, at least 15-gallon size.
5. Approved exterior building materials and colors shall match the existing house as presented in **Exhibit B**, received December 30, 2010, and on file with the Marin County Community Development Agency including:
  - a. Siding and Trim – Wood fascia stained to match existing
  - b. Roof – Asphalt shingle to match existing house
  - c. Windows–Dark bronze metal frame

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

6. 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.
7. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees and vegetation in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.

8. BEFORE FINAL INSPECTION AND OCCUPANCY OF THE ADDITION, the applicant shall implement all measures contained in the Tree Assessment and plant all replacement trees in accordance with the approved Tree Replacement Plan and Landscape Plan. The applicant shall call for a site inspection by CDA staff at least 5 days before issuance of the Final Inspection.
9. Only those trees identified in **Exhibit A** shall be removed for this project. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or general welfare. If additional trees are proposed for removal, the applicant shall obtain prior written approval from the Director for such action. Replacement trees may be required.
10. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
11. 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.
12. 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.

13. 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.
14. 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.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

#### Department of Public Works

##### BEFORE ISSUANCE OF A BUILDING PERMIT,

16. 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.
17. 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.
18. 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.
19. Submit Erosion and Siltation Control plans.
20. Provide a drainage plan for the project.
21. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

#### Environmental Health Services

22. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a passing septic inspection report performed by a qualified service provider. A hydraulic load test will be required.

Marin County Fire Department

23. 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, as revised to meet condition 3 above, and that the project complies with all applicable fire safety requirements.
24. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management/Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
25. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

North Marin Water District

26. The North Marin Water District currently provides potable domestic water service to the property. If fire sprinklers are required, replacement of the existing lateral and meter will be necessary in order to provide the flow required by the sprinkler system. The applicant shall contact the District to arrange for this upgrade. This response applies to domestic water service only and not water required by the Fire District for fire protection. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service upgrade has been completed.

**SECTION III: VESTING 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 **July 1, 2012**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on July 9, 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 1st day of July 2010.

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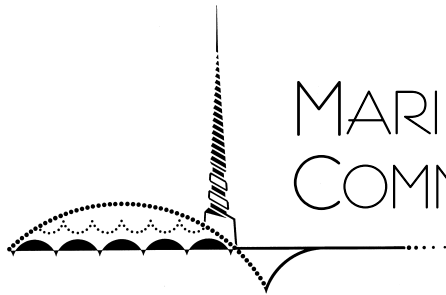
JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary





MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **BOLINAS FIREHOUSE PARK AGENCY**

Application (type and number): Coastal Permit (CP 10-29), Use Permit (UP 10-14)  
and Design Review (DM 10-65)

Assessor's Parcel Number: 193-081-05

Project Location: 32 Wharf Road, Bolinas

For inquiries, please contact: Jeremy Tejirian, Principal Planner

Decision Date: July 1, 2010

**DETERMINATION: Approved with Conditions**

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

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**H1. COASTAL PERMIT (CP 10-29) USE PERMIT (UP 10-14) AND  
DESIGN REVIEW (DR 10-65): BOLINAS FIREHOUSE PARK AGENCY**

**JT**

A proposal to develop a community park on the subject property that would be open from sunrise to sunset, seven days per week, year round. The subject property is a vacant 50,191 square foot lot that is partially within the historic district of downtown Bolinas. Development associated with the park would include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air amphitheatre, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is proposed on site but the sidewalk from the park entrance to Brighten Avenue would be improved to comply with State and Federal requirements regarding accessibility for people with disabilities. Operations and maintenance of the park would be the responsibility of the Firehouse Community Park Agency. The park would be open from sunrise to sunset and the bathrooms would be locked at night. The park would be open to the general public, but the community oven would be locked and only available for use by people with the consent of the Mesa Park Board. A person would be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling would be separately maintained by an independent contractor in conjunction with the Marin County Department of Parks and Open Space. Landscaping would be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task. The zoning for the property is split between C-VCR (Coastal Village Commercial Residential) in the front and C-RA:B-2 (Coastal Residential Limited Agricultural) in the rear. The subject property is located at **32 Wharf Road**, in Bolinas and is further identified as **Assessor's Parcel 193-081-05**.

In response to the Hearing Officer, staff acknowledged an additional memo dated June 30, 2010 from the applicant regarding Attachment #10. He noted that the Park Board met with the neighbors to address their concerns, amplified music will only occur twice a year and the enforcement of noise issues falls under the Park Board and the Sherriff's office.

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

The project was approved with the following changes to the resolution:

- The project is not an amphitheatre;
- Item 4 in the project description – change Transportation of Marin to Marin Transit
- Eliminate 13 (H) with a copy of the merger;
- References to Section III – Vesting should be three separate sections; and

In response to the Hearing Officer, Althea Patton, Peacock Designs, stated that Ray Moritz, a certified arborist made the initial assessment of the trees. The Hearing Officer added a New Condition of Approval # 10 to state:

- “BEFORE FINAL INSPECTION, applicant shall submit a letter from a qualified arborist, which evaluates whether the existing eucalyptus trees should be pollarded, and recommends measures for long term maintenance of the eucalyptus trees on the property. The letter shall address issues related to the weight of the trees, aesthetics, and hazard reduction and the recommendations shall ensure the health, vitality, and safety of any eucalyptus trees that will remain on the property.”

The Hearing Officer concurred with staff’s analysis and recommendation and approved the Bolinas Firehouse Park Agency Coastal Permit, Use 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 five (5) working days. (July 9<sup>th</sup> to include the July 4<sup>th</sup> Holiday.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.10-127

A RESOLUTION APPROVING WITH CONDITIONS  
THE BOLINAS FIREHOUSE COMMUNITY PARK AGENCY COASTAL PERMIT,  
USE PERMIT, AND DESIGN REVIEW (10-0001)

ASSESSOR'S PARCELS 193-081-05, 193-081-27, 193-081-28  
32 WHARF ROAD, BOLINAS

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Peacock Designs, on behalf of the Firehouse Community Park Agency proposes to develop a community park on the subject property that would be open from sunrise to sunset, seven days per week, year round. The subject property is a vacant 50,191 square foot lot that is partially within the historic district of downtown Bolinas. Development associated with the park would include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air circular deck partially surrounded by retaining walls stepping up the slope, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is proposed on site but the sidewalk from the park entrance to Brighten Avenue would be improved to comply with State and Federal requirements regarding accessibility for people with disabilities.

Operations and maintenance of the park would be the responsibility of the Firehouse Community Park Agency. The park would be open from sunrise to sunset and the bathrooms would be locked at night. The park would be open to the general public, but the community oven would be locked and only available for use by people with the consent of the Mesa Park Board. A person would be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling would be separately maintained by an independent contractor in conjunction with the Marin County Department of Parks and Open Space. Landscaping would be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task. The zoning for the property is split between C-VCR (Coastal Village Commercial Residential) in the front and C-RA:B-2 (Coastal Residential Limited Agricultural) in the rear. The subject property is located at 32 Wharf Road, in Bolinas and is further identified as Assessor's Parcels 193-081-05, 193-081-27, and 193-081-28.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on July 1, 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 because it would result in substantial grading, tree removal, or other adverse effects 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 reasons listed below.
- A. The project is consistent with *CWP* natural systems policies and proposes work that would enhance, protect, and manage native habitats and would protect woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*).
  - B. The project requires no work that requires the removal of native vegetation and would include landscaping with native vegetation, and therefore complies with *CWP* natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (*CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6*).
  - C. The project would not result in impacts to special-status species since no habitats supporting listed species would be removed (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*).
  - D. The project would not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site, or impact corridors for wildlife movement since no native vegetation removal or new development is proposed (*CWP Policies BIO-2.3 and BIO-2.4*).
  - E. No wetlands or stream conservation areas would be affected by the project since the project proposes no new development or work within these areas (*CWP Policies BIO-3.1 and CWP BIO-4.1*).
  - F. The project would not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff since no grading or excavation is proposed (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*).
  - G. The project avoids hazardous geological areas and would be designed to County earthquake standards through review of the Building Permit application review (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*).
  - H. The project design and improvements would ensure adequate fire protection (*CWP Policy EH-4.1*), water for fire suppression (*CWP Policy EH-4.c*), defensible space, and would be reviewed during the building permit process to be in compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
  - I. The project 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 as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (*CWP Policy DES-1.h*).
  - K. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*).

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Bolinas Community Plan for the reasons listed below.
- A. The project would create a new public park that would provide recreational area for local residents.
  - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
  - C. The project would be served by the existing roadway network.
  - D. The project would not impact any streams or waterways.
  - E. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- 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 22.56.130.I of Marin County Code) as specified below.

A. Water Supply:

The proposed project would not adversely affect the ability to the Bolinas Public Utility District to continue to provide adequate water to the subject or surrounding properties because the site has an existing water meter. Therefore, the project is consistent with this finding.

B. Septic System Standards:

The proposed project would not adversely affect the ability to the Bolinas Public Utility District to continue to provide adequate sewer service to the subject or surrounding properties because the site has existing sewer connections that can be used for the proposed new bathrooms. The construction of a septic system is not necessary. Therefore, the project is consistent with this finding.

C. Grading and Excavation:

The proposed project would not entail substantial grading because most of the development would be located on the lower relatively level portion of the site. Low retaining walls would be used to create level areas for the different activity centers in the park, but the only substantial alteration of existing contours would occur at the small amphitheatre near the tow of the slope. Low retaining walls would be terraced up the natural slope in this area, limiting the degree to which the natural topography would be reformed. The improvements to the sidewalk for accessibility purposes would not require substantial grading because the route from the park to Brighten Avenue is already developed with a sidewalk and is relatively level. Therefore the project is consistent with this finding.

D. Archaeological Resources:

The downtown area of Bolinas is considered highly sensitive with respect to archaeological resources, although there are no records of archeological resources being discovered near the project site. Previous development on the property included a small residence that was evaluated for any historical significance prior to its demolition in 2009 (refer to finding Q below), and was determined to be historically insignificant. Grading proposed for the project is minimal and would take place in areas that have been previously disturbed. There is no record that previous development or disturbance on the site has ever uncovered archaeological resources, but a standard condition of approval is imposed which requires that construction activities cease and further evaluation occur if archaeological resources are uncovered during construction. Therefore, the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not currently developed with any housing and the residence that was previously on the property did not provide housing for people of low or moderate income. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

H. Dune Protection:

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 Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

The LCP Natural Resources map for the Bolinas area does not indicate that there are any habitats for rare or endangered species on the site. According to the California Natural Diversity Database there are several special-status species of animals in the area, including the robust walker, the rickseckers water scavenger beetle and the California clapper rail. The special-status wildlife species in the area are found in the wetlands of Bolinas Lagoon, and the subject property does not have any wetlands to provide them with suitable habitat. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

The LCP Natural Resources map for the Bolinas area does not indicate that there are any habitats for rare or endangered species on the site. According to the California Natural Diversity Database there is a special status species of plant in the area, called the coast yellow leptosiphon. Coast yellow leptosiphons are found in coastal bluff scrub and coastal prairie, neither of which occur on the subject property. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

According to the information in the Marin County GIS provided by the USGS and State Division of Mines and Geology, the subject property is within the Alquist-Priolo Zone but is not within an area of high shaking amplitude during an earthquake. Further, the rear portion of the site is very steep. The applicant has submitted a geotechnical report, prepared by Salem Howes Associates and a drainage evaluation and plan prepared AYS Engineering, both of which are geotechnical engineering firms with considerable experience in local geological characteristics. These reports indicated that the site is suitable for a public park and that the project has been designed to minimize potential geologic hazards. A condition of approval requires that the Bolinas Firehouse Park Agency record a waiver of County liability for hazards that exist on the site. Therefore, the project is consistent with this finding.

M. Public Works Projects:

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

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. During the processing of the Coastal Permit application, the owner merged the three historic lots on the subject property into a single legal lot of record. Therefore, the project is consistent with this finding.

O. Visual Resources:

The committee within the Bolinas Firehouse Park Agency that was responsible for proposing the park design conducted considerable public outreach to ensure that the design of the park would reflect the character of the local community and be compatible with the buildings in the historic district of downtown Bolinas. Features such as the entry portal and low sign, as well as functional elements of the design such as the trellis that follows a shell shape and the use of the natural grade to create a small open air amphitheatre would enhance the appearance of the park and provide a focal point for



community activities. Modifications to the design of these features may be allowed, given the community based process that the design is undergoing.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a vacant private property and would provide an important visitor oriented recreation amenity that will substantially enhance the character of downtown Bolinas. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation:

The project site is located within the designated historic district boundaries of downtown Bolinas as identified in the Marin County Historic Study for the Local Coastal Plan. Prior to the application being filed, an existing residence that was on the site was demolished based on a determination that the residence did not have any distinguishing historic characteristics. This determination was informed by an Historic Architecture Evaluation prepared by Marjorie Dobkin and Ward Hill. The study included a comprehensive discussion of downtown Bolinas since the Spanish era. The property adjacent to the park is developed with the Gibson House, which was constructed in the 1890s by a local community member. While the Gibson House has not been fully evaluated for historically significant characteristics, it provides an example of traditional architectural styles in the area. The design of the park would be compatible with the historic character of the surrounding area because it would exhibit traditional design characteristics such as a rammed earth entry portal with an arched shape, a low entry sign, minimal unobtrusive lighting, decomposed granite paths, and a landscape design that includes fruit trees as well as native shrubs and grasses. Therefore, the project is consistent with this finding.

VII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Findings for Use Permit approval pursuant to Section 22.88.020.I of the Marin County Coastal Zoning Code for the following reasons:

**The establishment, maintenance or conducting of the use for which a Use Permit is sought will not, in this case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of this use and will not, under the circumstances of this case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood for the reasons listed below.**

- A. The proposed project involves the construction of a new public park that would result in substantial public benefits because it would provide additional recreational facilities for the community.
- B. The proposed project would not adversely affect the natural or coastal resources of the Bolinas area, as further discussed in the Coastal Permit findings above.
- C. The proposed project would not result in adverse affects to visual qualities or views enjoyed from the surrounding area, as further discussed in the Design Review findings below.
- D. The proposed project would incorporate best management practices for storm water runoff treatment by developing stormwater storage tanks to reduce the velocity of the increased drainage from the proposed impermeable surfaces in the park.

- E. The proposed project would be required to meet Uniform Building Code standards and, therefore, would be constructed in a manner that would preclude potential damage to improvements on the subject property or on neighboring properties.
- F. The proposed project would provide adequate handicapped access to the park, in compliance with the Americans with Disabilities Act (ADA) and California Building Code requirements.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be consistent with the mandatory findings for Design Review approval (Section 22.82.040I of the Marin County Code) as discussed below.

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

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed in section IV above. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed in the mandatory findings for Coastal Permit approval in section VI above. The structures in the park would not exceed a height of 15 feet above grade, and would not result in adverse effects to views enjoyed from surrounding properties. Therefore, the project is consistent with this finding.

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

The design of the structures in the park would feature simple building forms that are consistent with traditional development patterns in the area. The structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. Individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. The entry to the park and the proposed landscaping would enhance the visual appeal of the Bolinas downtown area and provide a focal point for community activities. Therefore, the project is consistent with this finding.

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

The project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring properties and provide sufficient landscaping to avoid adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is consistent with this finding.

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

The project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. Except for the improvements to the sidewalk and connections to utilities under Wharf Road, the proposed development would not encroach into any rights-of-way, conservation easements or public lands. Improvements to the sidewalk would be made from the entry of the park to Brighten Avenue that would enhance accessibility for people with disabilities. Therefore, the project is consistent with this finding.

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

Landscaping proposed for the park includes fruit trees, native trees such as redwoods and oaks, and a combination of native and ornamental shrubs and groundcovers. Non-native invasive trees such as eucalyptus have been removed from the site and would be removed elsewhere on the site where they are found to interfere with the proposed landscaping. A drip irrigation system will be used when necessary that will be fed by stormwater collected in the proposed water tanks on-site.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The project would result in minimal adverse physical and visual impacts because it would be constructed with building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structures with articulations in the building facades, such as ornamental gates and trellises. Therefore, the project is consistent with this finding.

2. Drainage systems and appurtenant structures,

The property does not currently exhibit gullies or other drainage problems that would indicate excessive surface runoff, but given the steep slope of the upper portion of the property, care has been taken in designing the drainage system. Drainage improvements include five 5,000 gallon water tanks that will receive stormwater runoff from upslope. Water that is collected will be used for irrigation, and excess water will be diverted to a storm drain that runs beneath Wharf Road. This rainwater catchment system will slow the velocity and potential sedimentation from hillside runoff before any excess water is put into the municipal stormdrain system. Therefore, the project is consistent with this finding.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The design of the improvements for the park would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as the steep hillside at the rear of the property. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. Locating the structures on the lower more level portions of the site would avoid creating large graded terraces for building pads. Terracing would be minimal and would be performed by creating a series of small incremental steps, rather than a wide bench. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. Therefore, the project is consistent with this finding.

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

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access standards. No parking is proposed or required for the park and the only vehicular access would be for maintenance and emergency response purposes. At other times, the gate for the park road would be locked. Improvements to the sidewalk from the park entrance to Brighten Avenue would be made to enhance accessibility for people with disabilities. Therefore, the project is consistent with this finding.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The structures in the park would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Therefore, the project is consistent with this finding.

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

Building materials proposed for the structures include metal roofing, wood, fiber cement board and batten siding, cob and rammed earth, which are all materials that are locally available and easily recycled. The architectural styles of the structures are compatible with the traditional architectural styles prevailing in the area.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bolinas Firehouse Park Agency Coastal Permit, Use Permit and Design Review (10-0001) subject to the following conditions:

### **Marin County Community Development Agency**

1. Except as modified by these conditions of approval, this Coastal Permit, Use Permit, and Design Review approval allows the Bolinas Firehouse Community Park Agency to develop a community park on the subject property that will be open from sunrise to sunset, seven days per week, year round. Development associated with the park shall include the following improvements: (1) an entrance portal and entry sign, (2) a security gate, (3) a children's play area, (4) an open air circular deck partially surrounded by retaining walls stepping up the slope, (5) four 5,000 gallon stormwater storage tanks, (6) a pavilion with an adjacent community oven and picnic table, (7) garbage and recycling bins, (8) a public restroom, (9) various paved areas, paths and retaining walls, (10) utilities, and (11) substantial landscaping. No parking or public vehicular access is approved on site but the sidewalk from the park entrance to Brighton Avenue shall be improved to comply with State and Federal requirements regarding accessibility for people with disabilities.

Operations and maintenance of the park shall be the responsibility of the Firehouse Community Park Agency. The park shall be open from sunrise to sunset and the bathrooms shall be locked at night. The park shall be open to the general public, but the community oven shall be locked and only available for use by people with the consent of the Mesa Park Board. A person shall be employed to go to the park on a regular basis (approximately three times per week) to pick up trash and debris, and to maintain the irrigation system and make repairs as needed. The bathrooms, garbage collection and recycling shall be separately maintained by an independent contractor managed by the Bolinas Firehouse Park Agency. Landscaping shall be maintained by local volunteers until such time as a budget is developed to hire someone to carry out that task. The subject property is located at **32 Wharf Road**, in Bolinas and is further identified as **Assessor's Parcels 193-081-05, 193-081-27, and 193-081-28**. The Assessor's Parcels will be combined and assigned a new number subsequent to project approval.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Bolinas Downtown Park," consisting of 20 sheets prepared by Peacock Designs, AYS Engineering Group, and Meridian Surveying Engineering with final revisions submitted on May 6, 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 shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by the applicant, submitted January 4, 2010, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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.
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
7. All construction activities shall comply with the following standards:
  - 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.
8. 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.
9. 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 (description of project being approved), for which action is brought within the applicable statute of limitations.

10. BEFORE FINAL INSPECTION, applicant shall submit a letter from a qualified arborist, which evaluates whether the existing eucalyptus trees should be pollarded, and recommends measures for long term maintenance of the eucalyptus trees on the property. The letter shall address issues related to the weight of the trees, aesthetics, and hazard reduction and the recommendations shall ensure the health, vitality, and safety of any eucalyptus trees that will remain on the property.
11. 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 that the eucalyptus trees on the upper portion of the property near Altura Avenue have been managed in conformance with the arborists recommendations required above in condition 10.
12. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
13. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

**Marin County Department of Public Works, Land Use and Water Resources**

14. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall fulfill the following requirements:
  - A. 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.
  - B. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
  - C. Accessible paths-of-travel, as indicated on plans, shall be a barrier-free access route without any abrupt level changes exceeding ½-inch if beveled at 1:2 max. slope, or vertical level changes not exceeding ¼-inch max., and shall be at least 48-inches wide. Surfaces shall be stable, firm, and slip resistant. In the path-of-travel direction, slopes shall not exceed 5% and cross slopes shall not exceed 2%, unless otherwise indicated. Accessible paths-of-travel shall be free of overhanging obstructions to minimum height of 80-inches. Objects shall not protrude into the path-of-travel greater than 4-inches from a wall between the vertical heights of 27-inches and 80-inches. Design engineer or Architect shall verify that there are no barriers in the path-of-travel.
  - D. Provide a note on the plans that states the Design Engineer/Architect shall certify that all Accessible parking and path of travel complies with all Federal and State Accessibility

requirements. Construction documents must be drawn of sufficient clarity to indicate nature and extent of work associated with Accessibility.

- E. A separate Building Permit is required for each separate site retaining walls with a height of 4-feet or higher, or 3-feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). 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.
- F. A registered Engineer shall design the site/driveway retaining walls.
- G. No portion of any structure shall cross over property boundaries, including eaves and footings (e.g. retaining walls, buildings, water tanks, gates, fences, sidewalks, etc).
- H. The proposed drainage system calls out a 12-inch pipe connecting to an existing catch basin on Wharf Road. Also, based on the submitted hydrology report, the lateral connecting the catch basin to the main stormdrain line is "assumed" to be 12-inches. Provide the following information to verify the existing conditions and the capacity of the existing infrastructure:
  - 1. Verify the size of the pipe lateral from the catch basin to the main stormdrain.
  - 2. Verify that the existing hydraulic conditions can handle a 100-year event from both the site and Wharf Road runoff.
- I. DPW may require upgrades to the existing stormdrain facilities depending on the results of the hydraulics analysis. In the event the existing lateral between the catch basin and the main stormdrain line needs to be upgraded, all work shall be conducted by the applicant at the applicant's expense.
- J. All stormdrain improvements shall meet the minimum County standards for trenching, shall not interfere with any other utilities, and shall require an encroachment permit for all work within the wharf Road right-of-way.
- K. The drainage and grading plans shall be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
- L. For all utilities that cross over property boundaries of the unmerged parcels owned by the same property owner, provide a Covenant Agreement for the intent to establish a recorded easement for the utilities in the event that the Title for any of the parcels are changed to different owners. Alternatively, revise the plans to show all utilities within the properties they serve.
- M. Provide an erosion control and sediment control plan for during and post-construction operations.
- N. Provide a construction staging plan. No staging of construction equipment of any type is allowed to be within the Wharf Road right-of-way.
- O. Provide note on the plans stating that if construction activity, equipment, vehicles and/or materials cause damage beyond normal wear and tear (e.g. pavement, curb, gutter, sidewalk, etc.), then the permittee shall be responsible for the repair of the damaged facilities [MCC§24.04.016].



- P. Provide all Accessible signage as required by 2007CBC Chapter 11B.
- Q. Vehicular access gates shall have a minimum passable width of 12-ft [MCC§24.04].
- R. Provide truncated domes at all vehicular hazards to pedestrian and wheelchair cross traffic.
- S. An encroachment permit shall be required for any work within the road right-of-way.
- T. Garbage facilities be designed to prevent any stormwater pollution discharges.
- U. Provide a copy of the demolition permit for the existing structure on Parcel-27.
- V. Per Ordinance No. 3486 amending MCC §24.04.627(b), Storm Water Pollution Prevention Plan:

In addition to the county requirements, a project may require coverage under the general construction activity stormwater permit issued by the State Water Resources Control Board (SWRCB) if one acre or more is disturbed. If required, then a notice of intent (NOI) must be filed with the SWRCB for said coverage and a copy of the NOI and the SWPPP must be submitted to DPW prior to issuance of a county permit for construction.

### **Environmental Health Services Division**

15. WATER: The project is acceptable with the following conditions/assumptions:

- A. No physical connections shall be made between the public water and non-potable water systems. The restrooms and drinking fountains shall be served by public water service.
- B. The hose bibs connected to the rainwater harvesting tanks will be labeled as “non-potable” and/or “not for drinking”. Non-potable plumbing shall be marked or colored as such to avoid accidental connection in the future.
- C. In accordance with State Code and the local water district, an approved backflow device or other approve methods shall protect the public water system from accidental contamination.
- D. It is recommended that the storm water tanks shall be fitted with bottom drains and a plumbing configuration (at least one flush valve) that will allow each tank to be flushed to waste to remove sediment during routine maintenance.
- E. Clearly delineate both the potable and non-potable plumbing on the building plans.
- F. The building plans shall require a review by Environmental Health Services.

### **SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Bolinas Firehouse Park Agency Coastal Permit, Use Permit, and Design Review (10-0001) approval by July 1, 2012, by obtaining a Building Permit and substantially completing work as approved or all rights

granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and it is approved by the Deputy Zoning Administrator. An extension of up to four years may be granted for cause pursuant to Sections 22.56.020I, 22.82.130I 22.88.080I of the Marin County Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Bolinas Firehouse Park Agency Use Permit (UP-10-14) shall be valid indefinitely from the date the approval is vested. Failure to comply with the conditions of this approval will result in the invalidation of the approval. In the event the applicant conducts the use in such a manner as to adversely impact the health, welfare, or safety of persons residing or working in the neighborhood, the Use Permit may be revoked subject to Marin County Code Sections 22.88.040I and 22.88.045I.

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 July 9, 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 1<sup>st</sup> day of July, 2010.

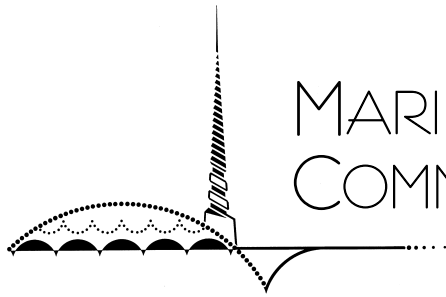
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JOHANNA PATRI  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF DECISION**

Applicant's Name: **DANIEL ALTMAN (MARSHALL TAVERN)**

Application (type and number): Tidelands Permit (TP 07-03), Use Permit (UP 10-14) and Design Review (DR 10-65)

Assessor's Parcel Number: 106-020-38 and -39

Project Location: 20105 and 20125 State Route One, Marshall

For inquiries, please contact: Ben Berto, Principal Planner

Decision Date: July 1, 2010

**DETERMINATION: Approved with Conditions**

Minutes of the July 1, 2010, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-48.

Marin County Community Development Agency

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Johanna Patri, AICP  
Hearing Officer

**H2. TIDELANDS PERMIT (TP 07-03), USE PERMIT (UP 10-14)  
AND DESIGN REVIEW (DR 10-65): DANIEL ALTMAN (MARSHALL TAVERN) BB**

A proposal to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that is proposed to be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one handicapped space) are proposed in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements, including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. A Use Permit is required for a bed-and-breakfast use. Design Review is required for the various exterior improvements, and a Tidelands Permit is required because work is proposed within 100 feet of the mean high tide line. A Coastal Permit will be processed separately by the Coastal Commission. The property is zoned C-VCR (Coastal Village, Commercial-Residential District). The subject property is located at **20105 and 20125 State Route One, Marshall**, and is further identified as **Assessor's Parcel 106-020-38 and -39**.

The Hearing Officer acknowledged additional comment letters dated June 28, 2010 regarding modification to Condition of Approval #28, and a letter from the East Shore Planning Group in support of the project.

In response to the Hearing Officer, staff summarized the recommended changes to the resolution.

The public testimony portion of the hearing was opened.

Marshall Livingston, representing Daniel Altman, applicant, and Daniel Altman spoke regarding their compliance with all of the Conditions of Approval and the urgency of obtaining approval for the California Coastal Commission.

The public testimony portion of the hearing was closed.

The Hearing Officer, after making a site visit and reviewing the plans, approved the project with the following modifications to the resolution:

- Condition of Approval #1: "This project does not contain any construction on the former Marshall Hotel site, or any reconstruction of the boat pier";
- Condition of Approval #5: "BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a demolition plan, including (if required) demolition of the shack on site";
- Condition of Approval #8: "BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall pay an in-lieu fee for affordable housing, calculated to total \$8,725. Final determination of the applicable fee amount shall be made by the Planning Director";
  
- Condition of Approval #17: Eliminate the last sentence;
- Condition of Approval #20: Remove the "s" after additions;
- Condition of Approval #21: Remove "since" and replace with "if";

- Condition of Approval #34 - DEPARTMENT OF PUBLIC WORKS: The revised cost estimate prepared by Will Kent Construction shows that the cost ratio is 46%. Therefore as described in transmittal #6, the applicants must provide a signed affidavit from Will Kent Construction, since the cost of improvement is between 40% and 60%. Please refer to the affidavit that was provided with the previous transmittal. Provide a copy of the structural plans that are referenced in the letter prepared by Seri Ngermwattana dated 4/16/09 and on record at the Department of Public Works, Land Development”;
- Condition of Approval #37: Corrected by staff (a) through (e);
- Condition of Approval #48: PRIOR TO ISSUANCE OF A BUILDING PERMIT, all proposed structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States requires Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The applicants shall secure written Department of the Army verification of compliance with requirements prior to issuance of a Building Permit or any construction-related activity.
- SECTION III, first paragraph: add “I” to each section that refers to Interim Code”; and
- Add: **SECTION III: VESTING, DURATION, AND APPEAL RIGHTS** “The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Design Review at least 10 days before the expiration of the Design Review approval. Provided the project is vested as described in this Section, this Use Permit shall run with the land and shall be valid upon a change of ownership of the site or business. Notwithstanding other provisions of this approval, this Use Permit shall expire if the use is abandoned or ceases operation for a two-year period.”

The Hearing Officer concurred with staff’s analysis and recommendation and approved the Daniel Altman (Marshall Tavern) Tidelands Permit, Use 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 five (5) working days. (July 9<sup>th</sup> to include the July 4<sup>th</sup> Holiday.)

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO 10-128

A RESOLUTION APPROVING THE ALTMAN/ATID  
USE PERMIT, DESIGN REVIEW, AND TIDELANDS PERMIT  
20105 & 20125 HIGHWAY ONE, MARSHALL  
ASSESSOR'S PARCELS 106-020-38 and -39

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**SECTION I: FINDINGS**

- I. WHEREAS the applicants Daniel Altman and Avi Atid are requesting Use Permit, Design Review, and Tidelands Permit approval to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that is proposed to be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one disabled space) are proposed in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements, including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. Previously-proposed construction on the former Marshall Hotel site, and reconstruction of the boat pier have been eliminated from the project. An existing, deteriorated shack located to the north of the platform on which stood the former hotel is proposed to be demolished. A Use Permit is required for a bed-and-breakfast use. Design Review is required for the various exterior improvements, and a Tidelands Permit is required because work is proposed within 100 feet of the mean high tide line. The subject property is located at 20105 and 20125 Highway One, Marshall, and is further identified as Assessor's Parcels 106-020-38 and -39.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 1, 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 15331, Class 31 of the CEQA Guidelines because it involves repair and restoration to a historic structure in a manner that is consistent with Secretary of Interior Standards for Treatment of Historic Properties and would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
  - A. The proposed project would comply with the C-NC (Coastal, Neighborhood Commercial/Mixed Use) Countywide Plan land use designation because the bed and breakfast use is an appropriate blend of residential and commercial;

- B. The project would preserve an historic structure, who's minimal changes proposed have been found by a historic consultant to be consistent with Secretary of Interior Standards for Treatment of Historic Properties;
- C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
- D. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
- E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
- F. The proposed project would not involve soil disturbance or affect any natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the East Shore Community Plan because:

- A. The project would involve the preservation and restoration of an existing vacant historic structure that is important to the history of Marshall and the East Shore and is a part of the community's physical layout, rural scale, and social/historic fabric;
- B. The proposed project would not create traffic hazards;
- C. The proposed project will provide a low-impact visitor-serving use; and
- D. The proposed project will utilize solar power and use existing materials.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Zoning Ordinance because:

The project is a conditionally permitted use in the C-VCR zoning district in which it is located, and the findings for issuance of a Use Permit can be made (see Subsection VII. following).

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Use Permit per to Section 22.88.0201(3) of Marin County Code can be made. The proposed project is within the intent and objectives for a Use Permit based on the following:

The establishment, maintenance or conducting of the use for which a Use Permit is sought will not under this particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood:

- A. The proposed bed-and-breakfast adaptive reuse of the former Marshall Tavern would be compatible with surrounding commercial and residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.

- B. The bed-and-breakfast will involve a maximum of five guest rooms and the owner/manager's room and will provide limited meal service for guests. The use will comply with requirements for water, sanitary waste, access, parking, and fire safety.
- C. The proposed use would not impact any sensitive coastal habitat areas, and would not result in other adverse environmental or visual impacts.

VIII. WHEREAS, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.0401 of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the Countywide Plan and any applicable community plan;**

The proposed project entails the remodeling and repair of an existing structure. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-AG3 policies of the Countywide Plan and the East Shore Community Plan.

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

The project is consistent with this finding insofar as it will restore an important East Shore landmark that has been present in the community for over 100 years. Adequate provisions have been made for water, sewer, access, and parking.

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

The proposed project will restore an important landmark that has been vacant for several years. Its use as a bed-and-breakfast will be complementary to other East Shore businesses and the overall community.

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

The proposed project, 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. The structure currently extends into the Northwest Pacific right-of-way and (barely) the CalTrans right-of-way. Caltrans has recently indicated its acceptance of the project design.

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

The proposed project will not result in the removal of any trees or protected vegetation. The structure's location on pilings over Tomales Bay on the edge of Highway One provides virtually no opportunity for landscaping. However historically this building was unlandscaped and it's keystone restored presence will result in a substantial aesthetic benefit in of itself.



**F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:**

1. The scale, mass, height, area and materials of buildings and structures,

The proposed project entails the remodeling and restoration of a prominent intact historic structure that is an important part of the East Shore and west Marin community.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works. Drainage will continue much as it has for over 100 years.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The sites on which the proposed accessory structures are or are to be located are situated on relatively flat slopes and any grading fill will be minimal.

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

Circulation for the project has been reviewed and found acceptable by the Department of Public Works and CalTrans.

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 restoration of an historic building for which there is no equivalent along the East Shore of Tomales Bay. The County is fortunate to have such a prominent structure reflective of its history and suitable for restoration.

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

The proposed project includes solar panels and other energy-conserving features (e.g., the new west-facing windows will be insulated), and the building contributes significantly to the neighborhood's architectural style.

IX. WHEREAS, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Tidelands Permit per Section 22.77.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. The encroachment into the tidelands is the minimum necessary to achieve the intent of this Chapter and the purpose of the proposed work.

The proposed project will only result in the extension of two cantilevered decks, one with dimensions of 6'w x 44'l (264 sq.ft), the other 6'w x 30'l (180 sq.ft), on the west-facing exterior of the first floor of the building, over Tomales Bay waters. No additional piers are proposed, although two piers are proposed for major repairs/replacement and five additional piers will require minor repairs.

B. The proposed fill, excavation, or construction will not unduly or unnecessarily:

1. Inhibit navigation;

The proposed decks are attached directly to the west side of the structure and extend outward towards Tomales Bay by a maximum of 6 feet (the larger deck actually is tucked into a portion of the structure and will not extend westward as far as the westernmost edge of the existing structure. Given the decks' only modest extension from the wall of the existing building, they will not inhibit navigation.

2. Inhibit access to publicly owned tidelands;

There are no access easements over the subject property that would be affected by the proposed project.

3. Cause, or increase the likelihood of, water pollution;

The proposed decks would not substantially increase the amount of impervious surfaces on the subject property, will in all likelihood drain directly into the Bay (negating any difference in drainage patterns) and would not generate additional solid waste. Best Management Practices will be required for pier repairs.

4. Cause, or increase the likelihood of, flooding of adjoining parcels;

The proposed project would not change run-off and drainage patterns and the Land Use and Water Resources Division of the Department of Public Works will assure that adequate drainage control measures are implemented pursuant to Best Management Practices (BMPs).

5. Destroy, or accelerate the destruction of, habitats essential to species of fish, shellfish, and other wildlife of substantial public benefit;

The decks are the only addition to the structure, and will be cantilevered with no new piers. The parking area currently exists although the configuration will be slightly modified. With the exception of the accessible space, the parking area will remain

gravel. The biological report concludes that there should not be any long-term or substantial effects on wildlife.

6. Interfere with, or detract from, public view sheds toward the water, particularly on natural features of visual prominence;

The project, as proposed, entails the renovation and repair of an existing historic structure. There should be a substantial improvement in the public view to, from, or across this property because of the project.

7. Conflict with the scenic beauty of the shoreline due to bulk, mass, color, form, mass, height, illumination, materials, or the extent and design of the proposed work;

The proposed construction and repairs would be consistent with standards for renovation of historic structures and should add to the scenic attractiveness of the property.

8. Create a safety hazard in connection with settlement of fill or earthquakes; or

The proposed construction would be designed in compliance with County Building Code and other safety requirements regarding settlement and earthquake hazards.

9. Reduce natural waterways by eroding banks, or causing sedimentation or siltation.

The proposed project involves only modest changes on the exterior of the structure, will incorporate Best Management Practices (BMP's), and therefore should have no effects regarding erosion, sedimentation, or siltation.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Altman/Atid Use Permit (UP 07-12), Design Review (07-17), and Tidelands Permit (TP 07-3) subject to the following conditions:

### **Marin County Community Development Agency, Planning Division**

1. Pursuant to Chapters 22.88I (Use Permit), 22.42I (Design Review), and 22.77I (Tidelands Permit) of the Marin County Code, the Altman/Atid Use Permit, Design Review, and Tidelands Permit is approved to remodel the historic Marshall Tavern building into an approximately 5,880 square foot, six bedroom residence that would be used as a five room bed-and-breakfast (plus one bedroom for the proprietor/manager). A total of 8 parking spaces (including one accessible space) are approved in a currently gravel parking lot on the south side of the Tavern building. The Marshall Tavern was built in the late 1800's, has been vacant for years, and is proposed for numerous improvements, including: 1) repair and reinforcement of the existing structure; 2) installation of additional windows on the west (bay) side of the structure; 3) installation of skylights on the west-facing, one-story portion of the structure; 4) interior remodeling; 5) construction of exterior decks on the lower and upper floors of the west (bay) side of the structure; and 6) installation of roof-mounted solar panels on the south-facing portions of the roof. This project does not contain any construction on the former Marshall Hotel site, or any reconstruction of the boat pier . An existing, deteriorated shack located to the north of the

platform on which stood the former hotel is approved to be demolished. The subject property is located at 20105 & 20125 Highway One, Marshall, and is further identified as Assessor's Parcels 106-020-38 & -39.

2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 12 sheets dated received May 11, 2010, on file in the Marin County Community Development Agency, except as modified by the following conditions.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A-1** and shall supersede Exhibit A.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to accurately describe new additions (e.g. decks) as (N), not (E).
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a demolition plan, including (if required) demolition of the shack on site.
6. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
7. 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.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall pay an in-lieu fee for affordable housing, calculated to total \$8,725. Final determination of the applicable fee amount shall be made by the Planning Director.
9. Secretary of Interior Standards for rehabilitation of historic structures shall be used as a guideline for rehabilitation of the building.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties or Highway One, and be the minimum necessary for safety purposes.
11. The applicants/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.

12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicants.
13. 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 applicants, 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.
14. 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 applicants' request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
  - b. It shall be the responsibility of the applicants 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.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall obtain a Coastal Development Permit from the California Coastal Commission.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall either obtain approval from State Lands Commission or a determination from the Commission that their jurisdictional approval is not required.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, a qualified wildlife biologist shall conduct a protocol-level bat survey and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect any bats and nesting activity. No work at the site may recommence without approval of the Community Development Agency staff. All future

development of the site must be consistent with the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff.

Marin County Community Development Agency – Environmental Health Services Division

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants are required to pay all outstanding fees associated with the East Shore/Marshall Community Wastewater System to Environmental Health Services and the Tax Collector prior to connection to the System. Proof of payment shall be provided to EHS Land Use staff.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants are required to connect the subject building's plumbing and any other wastewater discharge to the community sewage disposal system known as the East Shore/ Marshall Community Wastewater System. Connection is required prior to obtaining building permit approval by EHS.
20. Traffic bollards are required to protect septic tanks from parking lot traffic. Traffic rated covers and risers are required. In addition, tanks are required to be water tight.
21. This facility will be exempt from the requirement to submit plans for this food facility if it operates as a Restricted Food Service Facility aka bed and breakfast under the following conditions:  
*A food facility of 20 guestrooms or less that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal and no other meals, and that includes the price of food in the price of the overnight transient occupancy accommodation.*  
If the facility intends to operate outside these parameters they will be required to submit plans for the food facility prior to construction and operations.
22. The applicants' plan to consolidate with an existing, neighboring small public water system will need to be engineered and meet the standards of the California Water Code. The consolidated system will need to apply for a permit amendment through the State Drinking Water Branch, Sonoma District Office. (Contact Waldon Wong at 707-576-2145). As a requirement of the permit amendment, the applicants will need to perform a yield test in August - September, as specified in the recently revised Waterworks Standards.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants will need to apply for and obtain a domestic water permit or an approval letter from the State. Requirements of the domestic water permit will include recorded easements and maintenance and use agreements and a fence installed around the well at least 50 feet in all directions from the casing.

Department of Public Works

PRIOR TO ISSUANCE OF A BUILDING PERMIT, the following requirements shall be met:

24. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW.
25. A registered Civil Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.

26. Plans must show any site work, such as grading, drainage and retaining walls. Drainage system design shall incorporate BMP's for treatment of all surface runoff pollution prior to discharge to a watercourse or water body. Project description indicates that downspouts shall drain below the building, note that runoff will need to be treated prior to discharging into the bay. Applicants to refer to MCC 23.18 Urban Runoff Pollution Prevention for post construction storm water management guidelines.
27. A separate Building Permit is required for site/driveway retaining walls with a height of more than 4' (or 3' when backfill area is sloped or has a surcharge).
28. Submit Erosion and Siltation Control plans. Applicants shall refer to [www.mcstoppp.org](http://www.mcstoppp.org) for resources regarding redevelopment and for recycling resources related to construction materials. Dumping into the bay will not be allowed.
29. Provide documentation that the encroachments (i.e. driveway approach, portion of the tavern building, walkway, fences (if any), parking area and landscaping) are permitted by Caltrans.
30. Remove existing fence and vegetation in front of the Tavern that blocks sight lines as recommended by the Traffic Study.
31. Clearly designate the loading or check-in space to facilitate orderly movement in and out of the project site.
32. 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 prior to final inspection. Certification letters shall include the address of the project site, assessor's parcel number and building permit number.
33. A verifiable construction cost estimate prepared by the architect or an engineer and an appraisal of the existing improvements prepared by a licensed appraiser must be submitted. The cost of the proposed improvements must be compared to the depreciated value of the existing improvements to determine if the floodplain ordinance MCC 23.09 will apply. If the cost of improvements exceeds 50% of the depreciated value of the existing structure the regulation in MCC 23.09 will apply.
34. The revised cost estimate prepared by Will Kent Construction shows that the cost ratio is 46%. Therefore as described in transmittal #6, the applicants must provide a signed affidavit from Will Kent Construction, since the cost of improvement is between 40% and 60%. Please refer to the affidavit that was provided with the previous transmittal. Provide a copy of the structural plans that are referenced in the letter prepared by Seri Ngernwattana dated 4/16/09 and on record at the Department of Public Works, Land Development.
35. Submit documentation that Caltrans has reviewed and approved the plans and the traffic study. Provide a copy of the encroachment permit application from Caltrans for the proposed work within Caltrans' right-of-way. Note: It is imperative that the applicants contact Caltrans prior to completion of the application because Caltrans requirements may impact and alter the proposed project or delay the project considerably in the future. Note that **DPW will not approve a building permit** without first receiving a copy of the Caltrans encroachment permit.

36. Accessibility – comments based on DSA – Checklist dated 08/01/09, refer to checklist for CBC section and complete language.
- a All accessible paths of travel shall be clearly delineated on the site plan by either a dashed or dotted line. **Section 2.5**
  - b Provide the following note on the site plan “Accessible path of travel as indicated on plan is a barrier free access route without any abrupt level changes exceeding ½” if beveled at 1:2 max slope, or vertical level changes not exceeding ¼” max, and at least 48” in width. Surface is stable, firm, and slip resistant. Cross slope does not exceed 2% and slope in the direction of travel is less than 5%, unless otherwise indicated. Accessible path of travel shall be maintained free of overhanging obstructions to 80” minimum and protruding objects greater than 4” projection from wall and above 27” and less than 80”. Architect shall verify that there are no barriers in the path of travel.” (reference CBSC Part 1 4-317(b)). **Section 2.6**
  - c Plans and details shall specify all surface materials (existing and new) along and adjacent to the accessible path of travel. **Section 2.9**
  - d The accessible path of travel must, to the maximum extent possible, coincide with the route for the general public. **Section 3.2**
  - e Provide and indicate the following properties for the accessible route of travel: Section 3.7
    - 1. Surface must be slip resistant, firm and stable
    - 2. On surfaces with slopes up to 6%, provide equivalent of medium salted finish
    - 3. On surfaces with slopes equal to or greater than 6%, provide slip-resistant finish
    - 4. Outdoor stairs, ramps and landing shall be designed so water will not accumulate on their surfaces
  - f. Indicate the width of the accessible path of travel **Section 3.4.1-9**
  - g. Accessible path of travel at parking stalls shall not compel persons with disabilities to wheel or walk behind parked vehicles other than their own. **Section 3.19**
  - h. Provide and indicate the following dimensions and elements on the plans: **Section 4.12**
    - 1. 8 foot wide access aisle on the passenger side of each van accessible parking stall.
    - 2. 5 foot wide access aisle on the passenger side of each accessible parking stall. Two adjacent accessible parking stalls may share a common access aisle.
    - 3. 18 foot log parking stalls and access aisles
    - 4. Loading and unloading access aisles marked by a border painted blue. Within the blue border, hatched lines at 36 inches maximum on center painted a color contrasting with the parking surface, preferably blue or white
    - 5. 2% maximum slope in any direction at stalls and access aisles
    - 6. A 36 inch wide by 36 inch high International Symbol of Accessibility on the pavement at the rear of each stall
    - 7. Post or wall mounted accessible parking stall signs
      - a. Sign must be located at the interior end of the accessible stall
      - b. Signs must be reflectorized, 70 square inch minimum with a white ISA on blue background
      - c. An additional sign or additional language below the ISA must state “Minimum Fine \$250”.
      - d. Van accessible spaces must have an additional sign or additional language below the ISA stating “Van Accessible”



- i. "Tow-Away" signs
  - a. Post in a conspicuous place at each entrance to an off-street parking lot, or immediately adjacent to and visible from each designated stall
  - b. Sign must be 17" x 22" minimum with 1" high letters
  - c. Sign must state "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or by telephoning\_\_\_\_\_."
  - d. Provide contact information on the plans
- j. A bumper or curb shall be provided and located to prevent encroachment of cars over the required width of the adjacent walkway
- k. Provide the words "NO PARKING" in each access aisle, painted in 12 inch minimum high letters.

37. Comments based on the Parking Detail exhibit dated March 30, 2010 and email dated April 22, 2010.

- a. Provide wheel stops for all proposed parking stalls per MCC 24.04.335 (f)
- b. DPW recommends providing either bollards, a wall, rocks or an equivalent obstruction, in front of the proposed parking stalls, to prevent drivers from driving into the bay. If installed, it should be visible during the day and night.
- c. The space between the accessible parking and the building may be mistaken as a parking space. Applicant should propose a "No Parking" sign, striping or physical barrier
- d. The exhibit indicates that the entry and exit will be paved, however the note on the access aisle indicates the parking area will be gravel. Note per MCC 24.04.290 (b) all approaches shall be paved to the property line or for a distance of thirty feet, whichever is greater
- e. Prior to DPW's final inspection provide a copy of Caltrans acceptance of all improvements and maintenance responsibility within Caltrans right-of-way

38. The applicants shall refer to the Bay area Stormwater Management Agencies Association "Start at the Source, Design Guidance Manual for Stormwater Quality Protection" and incorporate design elements into the development where feasible. Applicants may also refer to [www.mcstoppp.org](http://www.mcstoppp.org) and MCC 23.18 Urban Runoff Pollution Prevention for post construction storm water management guidelines.

39. DPW will require final sign-off from Caltrans after all improvements are completed and prior to final inspection of the building permits.

40. Provide a note on the plans stating that all site improvements shall be inspected by a Department of Public Works engineer.

Marin County Fire Department

41. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall revise project plans to incorporate a MCFD KNOX Rapid Entry System.

42. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall revise project plans to provide a Private Fire Protection Water Supply with:

- a. 20,000-25,000 gallons dedicated to fire protection. The amount over 20,000 gallons is dependant on the amount of potable water available for fire protection and the estimated potential lowest storage level.

- b. Minimum flow of 500 gallons/minute for the hydrant
- c. A MCFD standard hydrant within 350 feet of the furthest point of either building.

- 43. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall provide an approved fire protection sprinkler system.
- 44. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicants shall provide an approved monitored fire alarm system (ongoing service required regardless of occupancy).
- 45. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the LPG Tank location must be approved by the MCFD, and provided with seismic anchoring and seismic shut off valve.

#### California Department of Transportation

- 46. PRIOR TO FINAL INSPECTION, the building encroachment into the state right of way (ROW) will need to be resolved through the ROW decertification process.

#### United States Army Corps of Engineers

- 47. PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY, unless exempted by regulations, all proposed discharges of dredged or fill material occurring below the plane of high tide line requires Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act (33 U.S. C. §1344).
- 48. PRIOR TO ISSUANCE OF A BUILDING PERMIT, all proposed structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States requires Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The applicants shall secure written Department of the Army verification of compliance with requirements prior to issuance of a Building Permit or any construction-related activity.

### **SECTION III: VESTING, DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicants must vest this approval by: (1) obtaining a Building Permit or other construction permit, if required, for the approved work and substantially completing the improvements in accordance with the approved permits; and (2) commencing the allowed use on the property, in compliance with the conditions of approval; by July 1, 2012, or all rights granted in this approval shall lapse unless the applicants applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.77.040(7)I, 22.82.130I, and 22.88.050.BI of the Marin County Interim Zoning Ordinance.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Design Review at least 10 days before the expiration of the Design Review approval.

Provided the project is vested as described in this Section, this Use Permit shall run with the land and shall be valid upon a change of ownership of the site or business. Notwithstanding other provisions of this approval, this Use Permit shall expire if the use is abandoned or ceases operation for a two-year period.

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 July 9, 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 1<sup>st</sup> day of July, 2010.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary