



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR  
DWORSKY COASTAL PERMIT AND DESIGN REVIEW**

Item:	H2	Project ID:	10-0184
Applicant:	Arianne Dar	Owner:	Alan Dworsky
Property Address:	52 Mesa Road, Bolinas	Assessor's Parcel:	193-020-51
Hearing Date:	October 28, 2010	Planner:	Neal Osborne

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>Five working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>November 22, 2010</b>

**PROJECT DESCRIPTION:**

The project is a proposal to construct a detached second dwelling unit with an attached one-car garage and storage area. The project also is a proposal to remove the kitchen from the existing attached 313 square foot second dwelling unit attached to the principal residence, add 83 square feet by enclosing a breezeway, and change the use of this space to a den and laundry room. The existing 3-bedroom residence has 1,913 square feet of floor area on the 5.02-acre property. The new detached second unit would have 740 square feet of floor area and the new garage would have 424 square feet. The maximum height of the second unit and garage would be 15 feet above grade. The second unit and garage would have the following property line or access easement setbacks: 9.5 feet front (south) access easement, 51 feet side (east), 140 feet side (west), and 624 feet rear (north).

In order to approve the project, the findings contained in the following Marin County Code Section(s) (MCC) would need to be made: *22.56.130I (Coastal Permit) and 22.82.040I (Design Review)*. If the discretionary Coastal Permit and Design Review are approved, a subsequent administrative decision would be made for the ministerial Second Unit Permit pursuant to MCC Section 22.32.140.

The project site is located within the appeal jurisdiction of the California Coastal Commission and the County of Marin's decision on the Coastal Development Permit may be appealed to the California Coastal Commission.

**GENERAL INFORMATION:**

Countywide Plan  
Land Use Designation: C-AG3, Coastal Agricultural, one unit per 1 acre to 9 acres  
Community Plan: Bolinas  
Zoning: C-ARP-5, Coastal Agricultural Residential Planned District, one unit per 5 acres maximum density  
Lot size: 5.02 acres

Adjacent Land Uses: Single-family residential  
Vegetation: Oak trees, grasses, shrubs, and ornamental landscaping  
Topography and Slope: The project site has a gradual slope of 5% to the east.  
Environmental Hazards: The upland property is located within the Alquist-Priolo Earthquake Study Zone of the San Andreas Fault Zone.

### **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3(b) of the CEQA Guidelines because it entails the construction of a detached second dwelling unit with a garage, and a driveway that would not result in significant tree removal, grading, or other adverse impacts on the environment.

### **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. Staff received comments from the two adjacent neighbors, on the west and east sides of the project site. Nancy McCarthy owns the adjacent upslope property at 60 Mesa Road to the west, and Bob and Courtney Cart own the adjacent downslope property at 40 Mesa Road to the east. Comments were also received from the Cart's attorney, Derek Weller, and from a friend of Nancy McCarthy, Thomas Taylor. The comments are discussed in the following Project Analysis section of this staff report. The primary issues of concern are the project's consistency with zoning codes for appropriate clustering, visual and privacy effects, density of development, and water supply (Please refer to Attachments 13, 14, 15, and 16).

### **PLAN CONSISTENCY:**

The project would be consistent with the goals and policies of the Marin Countywide Plan and the Marin County Local Coastal Program, Unit I because it involves the construction of a detached second unit and garage accessory to an existing single-family residence within the Spanish Bit Subdivision with no adverse impacts to coastal resources. The project would be consistent with zoning codes applicable in the Coastal Zone (Title 22, Interim) because the second unit and garage are permitted uses that would meet all development standards on a 5-acre lot. Therefore, the project would be consistent with the goals and policies of the Marin Countywide Plan, the Bolinas Community Plan, and the Local Coastal Program, Unit I. Please refer to the recommended resolution for detailed findings.

### **PROJECT ANALYSIS:**

#### *Site Planning*

The proposal would locate the second unit and garage adjacent to a 12-inch dbh oak tree that is approximately 28 feet tall, near the existing driveway to the main residence and adjacent to shrubs along the driveway to the neighbor's residence at 40 Mesa Road. An existing shed would be moved to the west side of the existing driveway to allow for the placement of the second unit and garage in the proposed location. The second unit is proposed on the southeastern side of the oak tree and not adjacent to the main residence to minimize visual effects to the upslope neighbor at 60 Mesa Road and to avoid the open grassland area to the northwest where the septic system is located. No trees would

be removed and the applicant proposes to plant six Bay Laurel trees between the second unit and the neighbor's driveway. Nine fruit trees along the side property line would also be planted, and a six-foot tall wooden privacy fence is proposed at the southeastern corner of the subject property extending 100 feet north along the side property line, and 60 feet west along the edge of the front access easement, to provide additional screening.

Staff finds the proposal to be adequately clustered adjacent to the existing driveways, existing tree and shrubs, and other development in the vicinity. The rear half of the property, with its steeper topography and dense oak woodland, remains undeveloped. The second unit would be approximately 110 feet from a residential structure at 30 Mesa Road and 140 feet from a structure at 40 Mesa Road. The buildings would be adequately screened by existing vegetation and the proposed landscaping and privacy fence, and the distances to the neighboring residences. The project site is the most accessible, least visually prominent, and most geologically stable portion of the property and would be consistent with the Design Standards in Marin County Code Section 22.57.024 (Interim). The project site is not used for agriculture and will likely not be used for agriculture in the future due to poor soil quality. The soil type, Olompali Loam, is somewhat poorly drained with a Capability Class of IIIe-3 that has severe limitations due to erosion potential and slow permeability caused by clayey subsoil. None of the properties in the immediate vicinity currently have agricultural uses and the likelihood of the small development proposal to displace potential future agriculture uses is small.

The project would minimize grading and provide a driveway in compliance with Marin County Code Title 24 design standards with a 12-foot width and 5% slope. The existing driveway spur to the main residence would be utilized as the turnaround area for vehicles exiting the proposed driveway to allow vehicles to exit the property safely.

Existing trees and shrubs provide partial visual screening of the proposed development site along the front and sides of the property. The extent and scale of development would be small and would blend adequately into the surroundings as a second unit in a residential neighborhood. Staff finds that the project would have minor effects to neighbors and coastal resources because the second unit and garage would be of modest size and height in the same general location as the shed to be relocated. The location, scale, and design would be a reasonable addition to the rural residential neighborhood with a setback of 24 feet from the driveway to 40 Mesa Road, and more than 100 feet to the nearest residence. The proposed landscaping, orchard, and wooden fence would provide for additional visual and privacy screening for the neighbor at 40 Mesa Road. The design of the second unit and garage would blend into the surroundings with subdued colors of redwood siding, dark bronze anodized door and window frames, and semi-transparent barn red stained redwood siding that would match the design of the existing residence, and be compatible with the community character.

### *Density*

Second units are permitted uses in all residential districts pursuant to Marin County Ordinance 3451 and California Government Code Section 65852.2. The purpose of these regulations is to provide additional affordable housing within existing residential neighborhoods through a ministerial permit process. Therefore, the second unit use is not a part of this application, although the structure to be used for the second unit is the focus of the applications. The interim zoning code was amended to include the second unit provision of the Development Code, Section 22.32.140 that allows for second units in all residential districts including the C-ARP-5 zoning district.

Government Code Section 65852.2(B)(5) states:

“A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.”

### *Water Supply*

The subject property is Lot 3 of the Spanish Bit Subdivision that was approved with a water supply from a common water system. The well is located on Lot 4 and a storage tank is located on Lot 1. The Environmental Health Services Division staff determined that the project would have an adequate water supply with the existing system. However, corrections to the common water system records are required to correctly identify the current Assessor's Parcel number of the properties, any improvements to the treatment facilities, and to obtain an upgraded water system permit, before issuance of a Building Permit. These corrections have been recommended as Condition of Approval 18.

### *Public Comments*

Four people submitted comments regarding this proposal. Two comments are from the adjacent neighbors, Nancy McCarthy, and Bob and Courtney Cart. Comments were also received from Derek Weller, an attorney representing the Carts. Thomas Taylor submitted a comment letter that pertains to the glare from the existing solar panels at the property and is not applicable to the current development proposal. (Please refer to Attachments 13, 14, 15, and 16).

### **CONCLUSION:**

Staff finds that the proposed design of the second unit and garage with 1,164 square feet of total building area has a form, height, color, and materials that would be located in the most accessible and stable portion of the property. The second unit and garage would be adequately clustered with existing landscaping, driveways, and structures. In this location, the project would avoid visual effects to the open grasslands on the property as viewed from the upslope property to the west, and no public vantage points would be affected. The design would have subdued exterior finishes that blend into the surroundings without substantial visual effects. As a minor development within an existing residential neighborhood, the project would not have adverse effects to future potential agricultural uses on the property. The project would be a reasonable small-scale second unit development with adequate separation from neighboring residences and with adequate landscaping and a privacy fence to be compatible with the neighborhood and coastal resources.

### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the Dworsky Coastal Permit and Design Review based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution recommending approval with conditions of the Dworsky Coastal Permit and Design Review
  2. Environmental Document
  3. Location Map

4. Assessor's Parcel Map
5. Site Plan
6. Landscape Plan
7. Existing Floor Plans with revisions at Existing Second Unit
8. Proposed Floor Plan of Second Unit
9. Roof Plan
10. Elevations
11. Section
12. Light Fixtures
13. Derek Weller e-mail, 10/12/10
14. Bob Cart e-mails, 10/7/10, 8/30/10, 8/16/10
15. Nancy McCarthy letter, 9/8/10
16. Thomas Taylor letter, 8/31/10
17. Environmental Health Services Interdepartmental Transmittal (Sewage), 9/14/10
18. Environmental Health Services Interdepartmental Transmittal (Water), 9/7/10
19. Joseph Lambert letters, 10/13/10, 8/30/10, 7/1/10
20. Department of Public Works Inter-Office Memorandum, 7/20/10
21. "Wetland Evaluation Dar Property, 50 Mesa Road, Bolinas, California, Appendix C, Plants Observed at the Onsite Sampling Locations", The Huffman-Broadway Group, Inc., 4/16/04
22. Glen Roycroft, Miller Pacific Engineering Group, "Water Supply Evaluation, Parcels 3 and 4 of the Spanish Bit Subdivision", 6/6/90
23. Declaration, Dedication and Agreement Concerning Well, DN 1989-71961, 12/13/89

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_

A RESOLUTION APPROVING  
THE DWORSKY COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 193-020-51

52 MESA ROAD, BOLINAS

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**SECTION 1: FINDINGS**

- I. WHEREAS Arianne Dar, on behalf of the property owner Alan Dworsky, proposes to construct a detached second dwelling unit with an attached one-car garage, and remove the kitchen from the existing attached 313 square foot second dwelling unit, add 83 square feet by enclosing the breezeway, and change the use of this space to a den and laundry room. The existing 3-bedroom residence has 1,913 square feet of floor area on the 5.024 acre property. The new detached second unit would have 740 square feet of floor area and the garage would have 424 square feet. The maximum height of the second unit would be 15 feet above grade. The second unit would have the following property line or access easement setbacks: 9.5 feet front (south) access easement, 51 feet side (east), 140 feet side (west), and 624 feet rear (north). The subject property is within the C-ARP-5 zoning district and is located at 52 Mesa Road, Bolinas, further identified as Assessor's Parcel 193-020-51.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on October 28, 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(a) of the CEQA Guidelines because it entails the construction of a detached second dwelling unit and garage accessory to an existing single-family residence that would not result in significant grading, tree removal or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because:
  - A. The proposed project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;
  - B. The proposed project would result in the construction of a garage and driveway improvements to an existing single-family residence, a principally permitted use under the governing CAG-3 general plan designation;

- C. The proposed project would result in development which conforms to the governing standards related to building height, size and location;
  - D. The proposed project would comply with governing development standards related to grading, flood control, drainage and utility improvements as verified by the Department of Public Works;
  - E. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
  - F. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Bolinas Community Plan because:
- A. The proposed project involves construction of accessory structures and various improvements to an existing single-family residential property, which is a principally permitted use on the property.
  - B. The proposed project would not adversely impact the surrounding natural environment with regard to vegetation, wildlife habitats, or drainage.
  - C. The proposed project would maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
  - D. The proposed project would match the design character of the existing residence and would not substantially affect the surrounding built environment with regard to views from adjacent properties, privacy for the subject and surrounding properties, and access from Mesa Road.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (§22.56.130I of the Marin County Code) as described below.
- A. Water Supply:

The Community Development Agency, Environmental Health Services Division staff determined that the common water supply system approved for the Spanish Bit Subdivision is adequate. Conditions of approval will require an upgrade to the water system permit to correct Assessor's Parcel Numbers, the fourth residence that was approved in 2004, and any treatment design changes that may have occurred.
  - B. Septic System Standards:

Marin County Environmental Health Services regulates individual sewage disposal systems in the area of the subject property. Marin County Environmental Health Services reviewed the proposed project and recommended approval with conditions of

approval that require the installation of a new sump tank and provision of the required 5-foot setback from the septic system on the subject property.

C. Grading and Excavation:

The project site has a gradual 5% slope and minor grading is proposed for 51 cubic yards of excavation and 52 cubic yard of fill. The excavation would occur for installation of the structure's foundation, below grade cisterns, the driveway, patios, and walkways. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. However, the small amount of grading proposed would not likely disturb cultural resources because most of the site has previously been disturbed. A project condition requires that in the event cultural resources are discovered during construction, all work shall stop immediately and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than ½-mile inland of the Pacific Ocean at an elevation of approximately 155 feet and would not impede coastal access.

F. Housing:

The proposed project would result in the removal of a residential second unit located adjacent to the main residence with a new detached and larger second unit and garage that would provide housing opportunities for people of low or moderate income. The project would not affect the availability of affordable housing within the Bolinas community.

G. Stream Conservation Protection:

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

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is located in an area of sensitive wildlife resources. Also, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and



Game, indicates that the subject property is located adjacent to a buffer area in the eucalyptus grove to the south for the federally listed endangered Monarch Butterfly (Danaus plexippus). However, the project will have no impact to the habitat buffer area because it involves the construction of a detached second unit and garage accessory to a single-family residence on grassy yard area of a developed site within the existing Spanish Bit Subdivision that is outside of the buffer area. The Natural Diversity Database also indicates the site may have possible habitat for sensitive species Ricksecker's water scavenger beetle (Hydrochara rickseckeri), Robust Walker (Pomotopsis binneyi) a semi-aquatic snail, and American badger (Taxidea taxus). The habitat associations for these species do not exist on the project site and the small-scale scope of the project would not adversely affect the existing habitat. The beetle and semi-aquatic snail require very specialized wetlands of perennial seeps or shallow streams that do not exist on the project site. The site may have suitable habitat for the badger, but staff observed no burrows during a site inspection, and the small project would not adversely affect potential habitat with avoidance of the primary grassland area.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for rare, threatened, or endangered plant species. The Coast yellow leptosiphon (Leptosiphon croceus), while not on a federal or state list, is identified by the California Native Plant Society as seriously endangered in California. This plant may have suitable habitat in Coastal bluff scrub and Coastal prairie, but the plant survey completed by Terry Huffman of the Huffman-Broadway Group, Inc. for the "Wetland Evaluation Dar Property, 50 Mesa Road, Bolinas, California" on April 16, 2004 found no leptosiphon plants within the project site. In addition, the relatively small-scale project would not have an adverse impact on the habitat of native plant communities.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline, and the proposed project would not result in adverse affects to the shoreline. The project would not require additional shoreline protection.

L. Geologic Hazards:

The project site is located within the Alquist-Priolo Earthquake Study Zone along the San Andreas Fault Zone and would be subjected to strong ground shaking during a proximate seismic event. The applicant submitted a geotechnical evaluation prepared by Vincent Howes that determined the project to be feasible and safe if constructed with properly engineered structural components. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the California Building Code during review of the building plans. In addition, as a condition of project approval, the applicant shall execute and record a waiver of liability holding the County, other governmental agencies and the public, harmless of any matter resulting from the existence of geologic hazards.

M. Public Works Projects:

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

N. Land Division Standards:

No land division is proposed as part of this project.

O. Visual Resources:

The project would be located in the southeast portion of the property near the location where an existing shed would be removed and relocated to a site near the west side property line. The structures would be relatively small residential and accessory structures, and would not result in substantial visual effects from public vantage points. The adjacent property owners would see the small residential structure through a landscape screen, but the visual effect is not found to be adverse and is typical of a residential development in the Bolinas community. The exterior materials would be unobtrusive brown, reddish brown, and copper patina colors. The lighting for the exterior would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is governed by C-ARP-5 (Coastal, Agricultural Residential, Planned District) zoning regulations that allows for residential uses and a second unit. The project would have no affect on recreation or visitor facilities.

Q. Historic Resource Preservation:

The existing residence on the subject property was constructed less than 10 years ago and is not historically significant.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.82.040I) of the Marin County Code) as described below.

The project is consistent with the required findings cited above because the second unit, garage, and privacy fence would result in structures with heights, and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of a detached second unit, garage, and fence accessory to a single-family residence would conform to permitted uses in the zoning district that governs the subject property and would be situated solely on the subject property. The proposed second unit, garage, and fence improvements would minimize drainage alterations, grading and excavation, and other adverse physical effects on the natural environment. Finally, the design of the proposed improvements, would be compatible with other residential buildings in the vicinity, would respect the surrounding natural environment, and would not adversely affect views from other properties in the vicinity.

The proposed development would be of a comparable height, size, and scale with other structures in the surrounding community. Additionally, the second unit, garage, and fence would not substantially affect the existing light or privacy of surrounding residences because the second unit and garage would not exceed a height of 15 feet above grade and additional landscaping and a privacy fence would be installed. Finally, the project would minimize potential adverse visual impacts because it would be constructed of building materials that match the existing residence with subdued colors that compliment the surrounding natural and built environment.

## **SECTION 2: ACTION**

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the Dworsky Coastal Permit and Design Review application pursuant to Marin County Coastal Zoning Code Sections 22.56.130I and 22.82.040I. This Coastal Permit and Design Review approval permits the construction of a detached second dwelling unit with an attached one-car garage. The approval also permits the removal of the kitchen from the existing attached 313 square foot second dwelling unit, the addition of 83 square feet by enclosing the breezeway, and changing the use of this space to a den and laundry room. The maximum height of the second unit would be 15 feet above grade. The approval permits the second unit with the following property line or access easement setbacks: 9.5 feet front (south) access easement, 51 feet side (east), 140 feet side (west), and 624 feet rear (north). The subject property is located at 52 Mesa Road, Bolinas, and is further identified as Assessor's Parcel 193-020-51 subject to the following conditions:

## **SECTION 3: CONDITIONS OF PROJECT APPROVAL**

1. Plans submitted for a Building Permit for the approved project shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit A, "Second Unit Addition for Arianne Dar" consisting of nine sheets prepared by Joseph Edward Lambert, Licensed Architect, WQRKS://architecture, date stamped August 31, 2010.

The subject property is located 50 Mesa Road, Bolinas, and is further identified as Assessor's Parcel 193-020-51. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the second unit that is approved herein shall be 52 Mesa Road, Bolinas.

2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Joseph Edward Lambert, Licensed Architect, WQRKS://architecture, and on file with the Marin County Community Development Agency Planning Division, including:
  - a. Siding: Redwood beveled siding, and board and batten siding
  - b. Roof: Living Roof
  - c. Trim: Dark bronze anodized doors and windows
  - d. Gutters, Downspouts and Fashing: Copper

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

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
4. 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 potential losses experienced by geologic actions.
5. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition of Approval 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs 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, Planning Division.
6. BEFORE FINAL INSPECTION, the applicant shall remove the kitchen facilities from the existing second unit attached to the main residence and shall submit photographs to verify removal of the kitchen sink, counters, and stove.
7. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be downward directed and hooded.
8. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
9. The applicant shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
10. No trees, except those approved for removal with this project, 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, and to prevent safety hazards to people and property.
11. Any new utilities proposed to serve the approved project shall be underground.
12. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

13. All construction activities shall comply with the following standards:
14. 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.
15. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
16. 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 the approval of the second unit and garage, driveway, privacy fence, and landscaping, for which action is brought within the applicable statute of limitations.
17. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Use and Water Resources

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
- a. 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.
  - b. Submit Erosion and Siltation Control plans.
  - c. Provide more detail on the grading & drainage plan for the project. Include a clear delineation of the grading limits; roof downspout outfall management; details on the proposed swale; etc. The drainage and grading plans shall be designed by either a registered Engineer or Architect.
  - d. Provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that

the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.

- e. Provide a utility shut-off separate from the main dwelling.

Marin County Environmental Health Services

- 19. Install new sump tank and maintain required setbacks prior to final of Building Permit. The septic system is designed for 5 bedrooms (existing 4 bedroom residence and proposed second unit).
- 20. The domestic water permit for the common water system, originally issued by EHS for three houses, will need to be updated to address changes in parcel numbers, APN, the fourth residence that residence that was approved in 2004, and any treatment design changes that may have occurred. Prior to clearing the Building Permits for construction, the applicant shall apply for and obtain an upgraded water system permit.

**SECTION 3: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Dworsky Coastal Permit and Design Review approval by obtaining a Building Permit and substantially completing all of the approved work before October 28, 2012, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Director approves it.

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

**SECTION 4: DECISION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28<sup>th</sup> day of October, 2010.

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JEREMY TEJIRIAN  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary