



**STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
MARIN AGRICULTURAL LAND TRUST (MALT)
COASTAL PERMIT EXTENSION OF TIME TO VEST**

Item:	2.	Project ID:	2011-0171
Applicant:	Jon Fernandez	Owner:	MALT
Property Address:	145 A Street, Point Reyes Station	Assessor's Parcel:	119-222-01
Hearing Date:	September 29, 2011	Planner:	Neal Osborne

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	Five business days to the Planning Commission

PROJECT DESCRIPTION:

The project is a proposal to obtain an extension to the deadline to vest the MALT Coastal Permit approved by the Deputy Zoning Administrator on April 30, 2009 with a two-year vesting deadline for the construction of an office addition. On August 19, 2011, the applicant obtained a Building Permit and is in the process of constructing the 725 square foot addition to the existing Marin Agricultural Land Trust (MALT) offices in Point Reyes Station. The two-story addition would have a maximum height of 25 feet above existing grade and would be located on the southeastern portion of the existing office building with the following property line setbacks: 33 feet front (northwest), 17 feet side (northeast), 58 feet side (southwest), and 26 feet rear (southeast). The addition would consist of a 213 square foot conference room and a small storage area on the first floor, and a 400 square foot office on the second floor. The exterior materials include wood siding and composition roof shingles to match the existing building. This extension will allow the Coastal Permit to remain conterminous through the Building Permit period.

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-NC (Coastal, Neighborhood Commercial, one unit to 20 units per acre)
Zoning: C-VCR:B2, Coastal Village Commercial Residential, 10,000 square feet minimum lot area
Lot size: 7,500 square feet
Adjacent Land Uses: Single-family residential, automobile repair, vacant lot
Vegetation: Introduced pine trees and ornamental landscaping
Topography and Slope: The site is near level with less than 5% slope

Environmental Hazards: The upland property is within 550 feet of the San Andreas Fault Zone and would be subject to strong ground shaking during a proximate seismic event. The property is located within a high fire risk Wildland Urban Interface zone (WUI).

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 15301, Class 1 of the CEQA Guidelines because it entails the construction of a small addition to an existing office building 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 300 feet of the subject property.

PLAN CONSISTENCY:

The project would be consistent with the goals and policies of the Marin County Local Coastal Program, Unit II because the project would add 725 square feet to an existing office building in the commercial area of Point Reyes Station with negligible effects to coastal resources.

PROJECT ANALYSIS:

This extension will allow the Coastal Permit to remain conterminous through the Building Permit period. The extension of time to vest the Coastal Permit approval would allow for completion of the construction of the addition to the office building with the no adverse effects to coastal resources. Please review the 2009 Coastal Permit DZA Staff Report for background information and analysis of planning issues associated with the project (Attachment 3).

CONCLUSION:

Staff finds that the proposed extension of time to vest the approval of the Coastal Permit is appropriate and would be consistent with the requirements of the Local Coastal Program, Unit II.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the MALT Coastal Permit Extension of Time to Vest based on the findings and subject to the conditions contained therein.

- Attachments:
1. Proposed Resolution approving the MALT Coastal Permit with additional time to vest
 2. DZA Notice of Decision and Resolution 09-115 approving the MALT Coastal Permit with conditions
 3. DZA Staff Report, 4/30/09

DZA Staff Report
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MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

**A RESOLUTION APPROVING
THE MARIN AGRICULTURAL LAND TRUST
COASTAL PERMIT EXTENSION OF TIME TO VEST**

ASSESSOR'S PARCEL 119-222-01

145 A STREET, POINT REYES STATION

SECTION 1: FINDINGS

- I. WHEREAS, Jon Fernandez, on behalf of the Marin Agricultural Land Trust (MALT), submitted a Coastal Permit Extension of Time to Vest application proposing to extend the deadline to construct a 725 square foot addition to the existing MALT office building in Point Reyes Station. The two-story addition would have a maximum height of 25 feet above existing grade and would be located on the southeastern portion of the existing office building with the following property line setbacks: 33 feet front (approximately 15 feet from the property line along A Street. The addition would consist of a 213 square foot conference room on the first floor, and a 400 square foot office on the second floor. The exterior materials include wood siding and composition roof shingles to match the existing building. The subject property is located at 145 A Street, Point Reyes Station, and is further identified as Assessor's Parcel 119-222-01.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 29, 2011, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails the construction of a small addition to an existing office building that would not result in significant grading or other adverse impacts on the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is exempt from Design Review as a minor and incidental project pursuant to Marin County Code Section 22.82.030(4)l. The 725 square foot office addition would comply with the intent and objectives of the standards for Design Review in Chapter 22.82 of the Marin County Code (Interim).
- V. 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 II (§22.56.130l of the Marin County Code) as described below:

A. Water Supply:

The North Marin Water District will be able to serve water to the subject property and has reviewed and recommended approval of the proposed project.

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 has reviewed and recommended approval of the proposed project.

C. Grading and Excavation:

The subject property is less than 5% slope and only minor excavation for foundation footings would result in less than 10 cubic yards of excavation and fill. 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 of Best Management Practices.

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 minor excavation proposed would not likely disturb cultural resources because most of the site has previously been developed. Project approval requires that in the event cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access:

The project is located more than 1½-mile inland of Tomales Bay at an elevation of approximately 30 feet above sea level and would not impede coastal access.

F. Housing:

The project would result in an addition to an office building and would not affect the availability of housing stock within the Point Reyes Station community.

G. Stream and Wetland Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II 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 not located in the habitat area for rare, threatened, or endangered plant species. In addition, the relatively small-scale project on previously disturbed property 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:

This finding is not applicable in LCP Unit II.

M. Public Works Projects:

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

N. Land Division Standards:

A land division is not proposed as part of this project.

O. Visual Resources:

The project would be located in the middle portion of the property and would not result in adverse visual effects. The exterior materials would be unobtrusive green siding, gray roof shingles, and white trim colors. The lighting of the exterior would be of minimal lumen intensity for safety purposes only, and would be directed downward and hooded.

P. Recreation/Visitor Facilities:

The project site is governed by VCR (Village Commercial Residential) zoning regulations that would allow for a mixture of residential and commercial uses, and the project would not adversely affect recreation or visitor facilities. The project could result in benefits to visitor facilities with the addition of the conference room and use for public events supporting agriculture in Marin County.

Q. Historic Resource Preservation:

The existing office building on the subject property was constructed in 1984 and as a 25-year old building is not historically significant.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the grant of an extension of time to vest the approval of the office addition is appropriate because there are no substantial project design changes. The extension of time would not result in any conflict or inconsistencies with the requirements and objectives of the Local Coastal Program, Unit II (§22.56.130I of the Marin County Code).

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, LET IT BE RESOLVED, that the Deputy Zoning Administrator approves the MALT application for an Extension of Time to vest the Coastal Permit subject to the following conditions:

1. Pursuant to Marin County Coastal Zoning Code Sections 22.56.130I, this Coastal Permit approval permits the construction of a 725 square foot addition to the existing Marin Agricultural Land Trust (MALT) offices in Point Reyes Station. The approval permit a two story addition with a maximum height of 25 feet above existing grade with the following property line setbacks: 33 feet front (northwest), 17 feet side (northeast), 58 feet side (southwest), and 26 feet rear (southeast). The approval permits an addition of a 213 square foot conference room on the first floor, and a 400 square foot office on the second floor. The approval permits exterior materials including wood siding and composition roof shingles to match the existing building. The subject property is located at 145 A Street, Point Reyes Station, and is further identified as Assessor's Parcel 119-222-01.
2. Except as modified herein, 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, "Marin Agricultural Land Trust Addition" consisting of five sheets prepared by Jon Fernandez of Fernandez/2 Partnership, date stamped November 12, 2008.
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 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 loss experienced by landslides, earthquakes, and other geologic actions. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
5. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the buildings conform to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

6. All flashing, metal work and trim shall be an appropriately subdued, non-reflective color and all exterior lighting shall be the minimum lumen intensity for safety purposes only, downward directed, and hooded.
7. 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.
8. All soil disturbed by development of the project shall be reseeded with native, non-pyrophytic, groundcover or adequately stabilized with approved Best Management Practices prevent soil erosion.
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. Any new utilities proposed to serve the approved project shall be underground.
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. 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 (a 725 square foot office and conference room addition), for which action is brought within the applicable statute of limitations.
14. 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.

Community Development Agency, Building and Safety Division

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit plans that indicate the path-of-travel from the sidewalk and public way to the main entrance on 5th Street.

Community Development Agency, Marin County Environmental Health Services

16. BEFORE ISSUANCE OF A BUILDING PERMIT Approval of the On-site sewage disposal plans have been submitted for review of this project application is required.
17. In the event there is a change in the use of the building, a suitable Class I (up-to-code system) is required.

Department of Public Works, Land Use and Water Resources

18. Pursuant to Marin County Code Section 24.04.340, the minimum required parking spaces are determined based on the aggregate of individual uses. The plans indicate office use, but do they do not indicate if any offices are open to the public. Offices open to the public require one space per 250 square feet of gross floor area and offices not open to the public require one space per 333 square feet of gross floor space. Parking outside the property lines will be allowed based on the existing site constraints, however, they must be along the contiguous frontage of the property.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 18. Provide a drainage plan for the addition.
 19. Submit an Erosion and Siltation Control Plan.
 20. An Encroachment Permit shall be required for work in the road right-of-way.
 21. All Uniform Building Code accessibility standards for parking and loading areas shall meet federal and State of California Title 24 accessibility standards. Provide within the plans details for the Uniform Building Code accessibility standards for parking. Include parking and access aisle dimensions, slopes, all signage and the path-of-travel from the access aisle to the main entrance. Uniform Building Code accessibility standards for parking shall be located in such a manner so as to allow for the shortest distance possible for the path-of-travel to the main entrance. Also, the entire path-of-travel shall meet the minimum code requirements for surfaces and slopes

North Marin Water District

20. If fire sprinklers are required, replacement of the ¾-inch lateral and the 5/8-inch meter will be necessary in order to provide the flow required by the sprinkler system. If applicable, the applicant should contact the District to arrange for this upgrade and occupancy approval shall not be granted until water service upgrade is complete.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the MALT Coastal Permit (CP 09-15) approval by obtaining a Building Permit and substantially completing all of the approved construction work before April 30, 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.

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 October 6, 2011.

SECTION 4: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29th day of September, 2011.

JEREMY TEJIRIAN
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary