



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY
 DEPUTY ZONING ADMINISTRATOR**
 CHASE COASTAL PERMIT, USE PERMIT, AND DESIGN REVIEW

RECOMMENDATION: Approve with Conditions
HEARING DATE: July 26, 2012

Project ID No:	11-0419	Applicant:	Henry Taylor Architects
Application No(s):	CP 13-2, UP 12-10, & DR 13-16	Owner:	Alexis Chase
Agenda Item:	1	Assessor's Parcel No:	199-192-20
Last Date for Action:	September 1, 2012	Property Address:	1855 State Route 1, Muir Beach
		Project Planner:	Lorene Jackson (415) 473-5084 lajackson@marincounty.org
		Signature:	

Countywide Plan Designation: C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)
 Community Plan Area: Muir Beach Community Plan
 Zoning: C-RA:B4 (Coastal, Agriculture Residential, 1 acre minimum lot area)
 CEQA: Categoricaly Exempt per Section 15303, Class 3

PROJECT DESCRIPTION

The applicant, Henry Taylor, on behalf of the owner, Alexis Chase, is requesting Coastal Permit, Use Permit, and Design Review approval to construct a 582.75-square foot detached garage with a 444-square foot second floor to be accessed by a pull-down ladder. The proposed structure would be accessory to the existing 2,391-square foot single family residence on the 17,617-square foot lot. The two-story, 25-foot high structure would result in a 16.3% floor area ratio and have the following setbacks: 34.5 feet from the westerly front property line, 7.5 feet from the northerly side property line, approximately 70 feet from the southerly side property line, and approximately 153 feet from easterly rear property line. The project includes a 55-foot long, inward facing retaining wall to expand the existing driveway. The retaining wall would attain a maximum height of 6.5 feet and have the following setbacks: 10.6 feet from the westerly front property line, 0 feet from the northerly side property line, and approximately 36 feet from the southerly side property line. A Coastal Permit is required for substantial development in the Coastal Zone. A Use Permit is required to construct a detached accessory structure taller than 15 feet above grade (MCC Section 22.79.030I) and within the required 20-foot side yard setback required in the applicable zoning district. (While MCC Section 22.72.055 allows a private garage to be built to within 3 feet of the side property line where the slope of the front one-half of the lot is twenty percent or greater, the proposed garage includes a second

story which does not meet the definition of a garage.) Design Review is required for a retaining wall greater than 6-feet in height.

PROJECT SETTING

The subject property descends steeply from the westerly front property line fronting State Route 1 to the eastern rear portion of the property in the Redwood Creek ravine. An access easement crossing the adjacent property to the north provides ingress and egress for the project site. The adjacent property to the south is private open space owned by the Audubon Canyon Ranch and the adjacent property to the east is public open space owned by the Golden Gate National Recreation Area. The existing development on the site includes the shared driveway from State Route 1 leading to the existing residence which is located on a level building and parking pad.

The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles.

Lot size: 17,617 square feet
Adjacent Land Uses: Single-family residential and parklands
Vegetation: Evergreen trees and coastal grasses
Topography and Slope: Steep downslope (40% average slope) from State Route 1 with a level building pad
Environmental Hazards: In close proximity to the Alquist-Priolo Special Study Zone

The project site is located approximately 220 feet upslope of Redwood Creek and a minimum of 125 feet from the area of forested palustrine wetland habitat surrounding the creek. According to the County's GIS Natural Diversity database, the Redwood Creek and wetland area are habitat area for Coho salmon and red-legged frog. The project site is over 120 feet from the Elizabeth Terwilliger Butterfly Trees, which is mapped in the Local Coastal Plan as a Designated Natural Resource Area. Monarch butterflies, a special-status species, overwinter in the grove of trees. The project site is over a half-mile from a known northern spotted owl nest. The GIS data base indicates there is a low (1.1 to 20%) probability of occurrence of spotted owl on the subject property.

BACKGROUND

The property is currently developed with a 2,391-square foot single family residence, an approximately 72-square foot shed, and a septic system. In 2004, Coastal Permit (CP 04-16) and Variance (04-13) approval was granted for a 576-square foot addition in the area of a previous covered carport. The proposed project would be located on a previously graded area with existing bulkheads and retaining walls under the site of the proposed garage. The project would entail a modest cut into the hillside for the new retaining walls, which would allow access to the garage.

The current application was filed on December 28, 2011. The applicant provided the following reports:

- Observation and report of the on-site wastewater treatment system by AYS Engineering Group, Inc., dated December 22, 2011
- Geotechnical Feasibility Evaluation letter from Geoengineering, Inc., dated February 10, 2012.
- Arborist letter from Zachary A. Wilder evaluating the existing pine tree (28 inch DBH) upslope from the proposed retaining wall, dated March 26, 2012.

The project was transmitted to the Marin County Department of Public Works (DPW), Environmental Health Services (EHS), Marin County Fire Department, Muir Beach Community Services District, and the California Coastal Commission. Comments received from DPW, EHS, and Marin County Fire are attached. (Please see Attachments 6, 7, and 8.) No other comments were received from reviewing agencies or districts. During project review, story poles were installed to demonstrate the visual impacts of the project. After a site visit, the project was deemed complete.

During the review process, the applicant submitted a landscape plan that included 1) two new oak trees to replace the existing non-native pine to be removed per the arborist's recommendation, 2) planting of rosemary and star jasmine along the top of the retaining wall, and 3) retaining the existing trees and shrubs along the northerly side property line. The applicant conferred with the fire department verifying that the existing plants along the easterly side property would conform with their vegetation management plan.

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property. No public comments had been received at the time this report was prepared.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Chase Coastal Permit, Use Permit, and Design Review.

- Attachments:
1. Recommended Resolution approving the Chase Coastal Permit, Use Permit, and Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Exhibit A – Site Plan, Floor Plan, Elevations, and Cross-sections
 6. Department of Public Works Memo, 4/27/2012
 7. Environmental Health Services Memo, 4/12/12
 8. Marin County Fire Department emails 3/12/12 and 3/6/12 with 3/6/12 letter

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE
CHASE COASTAL PERMIT (CP 13-2), USE PERMIT (UP 12-10),
AND DESIGN REVIEW (DR 13-16)
1855 STATE ROUTE 1, MUIR BEACH
ASSESSOR'S PARCEL 199-192-20

SECTION I: FINDINGS

- I. WHEREAS the applicant, Henry Taylor, on behalf of the owner, Alexis Chase, is requesting Coastal Permit, Use Permit, and Design Review approval to construct a 582.75-square foot detached garage with a 444-square foot second floor to be accessed by a pull-down ladder. The proposed structure would be accessory to the existing 2,391-square foot single family residence on the 17,617-square foot lot. The two-story, 25-foot high structure would result in a 16.3% floor area ratio and have the following setbacks: 34.5 feet from the westerly front property line, 7.5 feet from the northerly side property line, approximately 70 feet from the southerly side property line, and approximately 153 feet from easterly rear property line. The project includes a 55-foot long, inward facing retaining wall to expand the existing driveway. The retaining wall would attain a maximum height of 6.5 feet and have the following setbacks: 10.6 feet from the westerly front property line, 0 feet from the northerly side property line, and approximately 36 feet from the southerly side property line. A Coastal Permit is required for substantial development in the Coastal Zone. A Use Permit is required to construct a detached accessory structure taller than 15 feet above grade (MCC Section 22.79.0301.) and within the required 20-foot side yard setback required in the applicable zoning district. (While MCC Section 22.72.055 allows a private garage to be built to within 3 feet of the side property line where the slope of the front one-half of the lot is twenty percent or greater, the proposed garage includes a second story which does not meet the definition of a garage.) Design Review is required for a retaining wall greater than 6-feet in height. The subject property is located at **1855 State Route 1, Muir Beach** and is further identified as **Assessor's Parcel 199-192-20**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 26, 2012, to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to interested parties and organizations.
- 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 detached garage/ accessory structure along with site improvements 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 project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The proposed project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because the project site is developed, does not provide habitat for special-status plants, and the habitat value for special status animals on the project site are low.
- B. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because the proposed project is located on a previously graded and existing building pad over 100 feet from wetlands and streams on or adjacent to the subject property.
- C. The proposed garage and retaining walls would not result in significant storm water runoff to downstream creeks, or soil erosion and discharge of sediments into surface runoff (*CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system would comply with the standards and best management practices required by the Department of Public Works, as verified during the Building Permit application.
- D. The garage and retaining walls would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems
- E. The design of the garage and retaining walls, conditions of approval, and compliance with California Building Code during the building permit process would ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), defensible space and compliance with Marin County fire safety standards, construction of fire-resistant 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*).
- F. As conditioned, the garage and retaining walls would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because approval require that lighting be downward directed and the minimum necessary for safety purposes.
- G. 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*) because the project is located downslope from State Route 1 and would be consistent with the Marin County Single-family Residential Design Guidelines, as discussed below in the Coastal Permit findings below.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the retaining walls requiring Design Review approval are consistent with the Muir Beach Community Plan because:

- A. The proposed project involves the construction of an accessory structure to a single-family residence, which is a principally permitted use on the property.

- B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation, species habitats or on-site 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 not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, access from State Route 1, and building design, mass and bulk.
- VI. 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 I, for the reasons listed below:

A. Water Supply:

The Muir Beach Community Services District serves the subject property and has not raised objections to 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. The location of the proposed structure is on the existing bulkheads. As conditioned, the property owner shall maintain required setbacks between the building and the septic system. During the building permit process, a current septic evaluation report would be required.

C. Grading and Excavation:

The area of the proposed project has been previously graded for the existing single-family residence and is level. The project would entail minimal grading and excavation of approximately 30 cubic yards to expand the driveway and parking area to provide access to the garage. 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 archaeological sensitivity. However, the site is already developed and minimal grading is proposed. Nonetheless, a standard condition of 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 mitigation measures.

E. Coastal Access:

The project is not located adjacent to the shoreline and would not impede coastal access provided by existing rights-of-way.

F. Housing:

The proposed project would not involve the demolition of housing affordable to households of lower or moderate income.

G. Stream and Wetland Resource Protection:

The subject property descends steeply from the westerly front property line fronting State Route 1 to the eastern rear portion of the property into the Redwood Creek ravine. An access easement crossing the adjacent property to the north provides ingress and egress for the project site. The adjacent property to the south is private open space owned by the Audubon Canyon Ranch and the adjacent property to the east is public open space owned by the Golden Gate National Recreation Area. The entire proposed project would be located in an area that is currently developed and graded for parking.

Local Coastal Plan contains stream protection policies. These standards require the protection of stream corridors due to the environmental sensitivity of these areas and the adverse effects that inappropriate development, such as substantial grading and vegetation removal, would have on downstream water quality. These standards discourage development within 100 feet of a riparian corridor in order to protect water quality and natural habitats.

The proposed garage would be located approximately 220 feet upslope from Redwood Creek and a minimum of 125 feet from the riparian habitat. Several special-status species inhabit the area, including monarch butterflies, which overwinter in a grove of trees to the southeast of the property, as well as Coho salmon, which spawn in Redwood Creek and red-legged frogs.

The garage would be located on an existing graded pad with minor excavations for the retaining wall only. The proposed retaining wall is uphill from the level pad and further away from the creek and wetland. The steep hillside that descends down to Redwood Creek would not be disturbed and would provide a natural buffer of vegetation that would preserve the water quality of Redwood Creek and the habitat value of the wildlife corridor surrounding the creek. Therefore, the development is proposed in an area of the site that would result in the most effective protection of natural resources and special-status species.

H. Dune Protection:

The project site is not located in a dune protection area identified by the Local Coastal Program.

I. Wildlife Habitat:

The California Natural Diversity Database and other information contained in the Marin County geographic information system indicates that the subject property is located near known habitat areas for the monarch butterfly, Coho salmon, and red-legged frog. Overwintering habitat for monarch butterflies is characterized by eucalyptus, pine, and cypress tree groves that are protected from high winds and cold temperatures but exposed to early morning sunshine. Habitat suitable for Coho salmon is coastal streams in forested areas that have an abundance of pools and loose, coarse gravel with water temperatures that vary from 6 to 10 degrees centigrade. Habitat generally for the red-legged frog is characterized by or near quiet permanent waters of streams, marshes, or (less often) ponds and other quiet bodies of water. The frogs are sometimes found in sites with dense vegetation (e.g., willows) close to water and some shading.

The proposed project would not adversely affect habitat that is suitable for monarch butterflies because the project site is over 120 feet from the Elizabeth Terwilliger Butterfly Trees, which is a Designated Natural Resource Area in the Local Coastal Plan, and development would not result in the removal of any trees that are part of a dense grove or other significant vegetation. The project site is over 220 feet upslope of Redwood Creek and a minimum of 125 feet from the area of forested palustrine wetland habitat surrounding the creek. The proposed project would not adversely affect the habitat for Coho salmon because it would not disturb the riparian habitat in the existing riparian corridor within the GGNRA and would not result in erosion or other impacts to the water quality of Redwood Creek. Similarly, the proposed project site is a developed area of the property that is not habitat for the red-legged frog.

The project site is over a half-mile from a known northern spotted owl nest. The Marin County geographic information system indicates there is a low (1.1 to 20%) probability of occurrence of spotted owl on the subject property.

J. Protection of Native Plant Communities:

Staff review of the California Natural Diversity Database, prepared by the State Department of Fish and Game, indicates that the subject property is not located near the known habitat for any special-status species of plants.

K. Shoreline Protection:

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

L. Geologic Hazards:

The project site is located in close proximity to the Alquist-Priolo Special Study Zone and would be subjected to strong ground shaking during a proximate seismic event. The Marin County Community Development Agency - Building Inspection Division will determine seismic compliance with the California Building Code during the building permit process. 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 or activities on the subject property.

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 or lot line adjustment is proposed as part of this project.

O. Visual Resources:

The entire project is downslope from State Route 1 and would not impair or obstruct existing coastal views. The height and scale of the garage and retaining wall would be compatible with the surrounding natural environment and the character of the local community.

The garage would be finished with unobtrusive earthtone colors consisting of cedar shingle siding and an asphalt shingle roof to match the existing residence. The exterior facade would be articulated with fenestration, sliding doors on the upper level, and a pergola that would reduce the effective visual height. The garage would be less than the 25-foot maximum height limit for Muir Beach. Due to the steep downslope from State Route 1, the highest point on the garage roof would not project above the elevation of the highway by more than approximately 4 feet, which would reduce the visual impacts from the most frequently traveled area near the subject property. There is a strand of small pine trees above the house along State Route 1 that will provide partial screening of the garage. The proposed planting of two new oaks between the retaining wall and State Route 1 will provide additional screening.

The garage of the adjacent neighbor to the north is located approximately 3 feet from the shared side property line and provides some screening from the neighboring residence. Existing vegetation to remain along the property line provides effective screening between the two adjacent properties. The downslope property to the east is open space and screened from public view by existing trees.

The proposed inward facing retaining wall would not be visible from State Route 1. It will be constructed of I beams with wooden cross boards that will blend with the natural surroundings. Landscaping is proposed along the top of the wall that would cascade down and reduce the visual height of the wall to the adjacent neighbor.

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 the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that finds that the proposed garage/accessory structure is consistent with the mandatory findings for Use Permit approval (Section 22.88.020I) of the Marin County Code) as described below.

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 this use and will not, under the circumstances of this case, be detrimental to the public welfare or injurious to property or improvements in neighborhood.

- A. The proposed detached garage would be compatible with surrounding residential uses and would not generate activities which are detrimental to the use and enjoyment of surrounding properties.
- B. The proposed project would not adversely affect the natural or coastal resources of the Muir Beach area, as further discussed in the Coastal Permit findings above.
- C. The proposed project would not result in adverse effects to visual qualities or views enjoyed from the surrounding area, as further discussed in the Coastal Permit findings above.
- D. The proposed project would be required to meet California Building Code standards and, therefore, would be constructed in a manner that would preclude potential damage to improvements on the subject property or neighboring properties.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed retaining wall 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 Sections IV, V, and VI above, the proposed retaining wall would be consistent with the Countywide Plan, the Muir Beach Community Plan, and the local coastal program.

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, as discussed below in Section VIII.F, the retaining wall would be proportionately appropriate to the site and neighboring development. The color and design of the retaining wall would be compatible with the community and site surroundings.

- 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 retaining wall would be contained within the parcel and would not impact development on public lands or rights-of-way. The inward facing retaining wall would allow full use and enjoyment of the adjacent parcel and would not result in significant visual, privacy, and light impacts to surrounding neighborhood and public lands.

- 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 retaining wall is located entirely within the subject lot 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 plantings would adequately landscape the retaining wall with drought resistant plants. An arborist report indicated that an existing 28-inch (DBH) pine tree should be removed because of its proximity to the new retaining wall; the project includes the planting of two native replacement oak trees.

- 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 scale, mass, height, area, and materials of structures;**

The subject parcel is steeply sloped from State Route 1 to the flat and limited existing building pad. Most of the 55-foot long retaining wall is less than 6 feet in height. It begins at the northerly side property line as a 3-foot wall and reaches a maximum height of 6.5 feet about 28 feet from the side property line. The wall drops to 6 feet as it reaches the existing stairway of the house. While Marin County Single-family Residential Design Guideline C-1.7 recommends the maximum height of inward facing retaining walls to be limited to 6 feet and broken into lower walls stepped down the hillside, to do so in this case would unduly increase the amount of soil disturbance. Given the steepness of the slope and short distance to State Route 1, the proposed retaining wall is appropriate for this site. The height, scale, and design of the retaining wall are compatible with the character of the surrounding community and would not be visually prominent from off-site locations. The proposed retaining wall would not obstruct public views from roads or adjacent properties. The exterior materials would be unobtrusive natural colors.

2. Drainage systems and appurtenant structures;

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);

Grading would be limited to the minimum amount necessary on a previously graded and disturbed site. A cut is required into the hillside to enable turn around and access to the garage. As noted above in Section VI.C, the retaining wall would entail the excavation of approximately 30 cubic yards to expand the driveway and parking area. 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.

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

The proposed retaining wall is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

The Department of Public Works has granted the applicant's Request for an Exception for Driveway Parking and Loading per Section MCC Section 22.15, based on the following:

- a. Special Circumstances: The steep topography accompanied with the limited space for the proposed improvements warrants special circumstances that result in not being able to meet the minimum development standards pursuant to MCC§24.04, II - Driveways and III - Parking and Loading. Strict application of the aforesaid development standard would deprive the property of privileges enjoyed by other properties in the area and in the County.
- b. Public Welfare: The only concern for public welfare foreseeable is fire/emergency access to the property. The County Fire Marshal has reported that access to the driveway and parking in order to adequately respond to an emergency is not needed. As a result, it may be concluded that approval of the proposed substandard improvements for the driveway and parking will have no detriment to public health and safety.
- c. No Special Privileges: Due to the specific site conditions, as stated above, allowing the substandard driveway and parking does not grant special privilege inconsistent with the limitations placed upon other properties in the area or within the County.
- d. Zoning: The proposed improvements are consistent with the authorized use of the property pursuant to county zoning ordinances.

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

As noted above, the retaining wall is consistent with the policies of the Countywide Plan, Muir Beach Community Plan, Interim Zoning Code, and is otherwise consistent with the general development found in the community. The location of the downslope, inward retaining wall that is tucked into the hillside would not result in impacts upon sun and light exposure, views, vistas, and privacy presently enjoyed by neighboring properties.

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.

Energy standards do not apply to retaining walls. As conditioned, the materials, and design of the project are compatible with the character of the surrounding community.

SECTION II: DECISION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Chase Coastal Permit (CP 13-2), Use Permit (UP 12-10), and Design Review (DR 13-16) subject to the conditions of approval listed below. This approval authorizes the construction of a 582.75-square foot detached garage with a 444-square foot second floor to be accessed by a pull-down ladder. The structure is approved to be accessory to the existing 2,391-square foot single family residence on the 17,617-square foot lot. The two-story, 25-foot high structure is approved to result in a 16.3% floor area ratio, and have the following setbacks: 34.5 feet from the westerly front property line, 7.5 feet from the northerly side property line, approximately 70 feet from the southerly side property line, and approximately 153 feet from easterly rear property line. Approval is granted for a 55-foot long, inward facing retaining wall to expand the existing driveway. The retaining wall is approved to attain a maximum height of 6.5 feet and have the following setbacks: 10.6 feet from the westerly front property line, 0 feet from the northerly side property line, and approximately 36 feet from the southerly side property line. The subject property is located at **1855 State Route 1, Muir Beach** and is further identified as **Assessor's Parcel 199-192-20**.

This decision pertains only to the proposed development and grants no approval for existing unauthorized or non-conforming structures located on or adjacent to the subject property.

This decision certifies the proposed project's conformance with the requirements of the Marin County Interim Zoning Ordinance and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, and the Muir Beach Community Services District.

SECTION III: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

Standard Conditions

1. Plans submitted for a building permit shall substantially conform to plans identified as Exhibit A entitled "Chase-Piazza Residence," consisting of 4 sheets prepared by Henry Taylor Architects, dated December 2011, revised May 17, 2012 (sic), and received April 18, 2012 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. With the exception of windows and trim, the approved exterior building materials and colors shall substantially conform to the color and materials sample board which is identified as Exhibit B prepared by Henry Taylor Architects, received March 26, 2012 and on file with the Marin County Community Development Agency including:
 - a. Siding - Gray stain shingles to match existing
 - b. Roof - Asphalt shingle - Weather Wood
 - c. Retaining walls - Steel I beam posts with wood cross boards
 - d. Windows/Trim - Cranberry bronze or linen white

All flashing, metalwork, and trim, including gutters and chimney caps, 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 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 geologic actions.
5. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties. The proposed Sea Gull Lighting fixture shall have an opaque glass cover.
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:
 - 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.
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 this application, for which action is brought within the applicable statute of limitations.
10. 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.

Special Conditions

11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the northerly side and westerly front property lines and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey

markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the northerly front and easterly wide property lines and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation (including the decks, porches, and stairways) complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

12. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building's finish floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.
13. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations (including the garage and detached accessory structure) that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and http://www.co.marin.ca.us/depts/CD/Forms/Building_Inspection_Procedures.pdf for additional details regarding this requirement.

Landscaping and Tree Protection

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees and shrubs to remain. The existing pittosporum and Japanese privet hedge along the westerly side property line shall remain. 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.
15. Only those trees and native vegetation identified in Exhibit A shall be removed for this project. No other existing trees and native vegetation 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, and to reasonably prevent safety hazards to people and property. If additional trees or vegetation are proposed for removal, the applicant shall obtain prior written approval

from the Director for such action. PRIOR TO FINAL INSPECTION, any damaged or removed trees or vegetation included in the approved landscape plan to remain shall be replaced with adequately sized specimens to the satisfaction of the Planning Director.

16. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion with photos, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping, including an automatic drip irrigation system, has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.

Department of Public Works

17. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a "Stability Report" must be submitted, prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report shall provide the geotechnical aspects of the building site to include stability, grading, drainage, seismic parameters and the suitability of the site to sustain the capacity of the proposed improvements.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, provide the height of all proposed site retaining walls.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway retaining walls with a height of 4-ft or more 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.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
21. The drainage plan provided shows a tight-line passing through the septic leach field. BEFORE ISSUANCE OF A BUILDING PERMIT, the drainage plans shall be revised to show that surface drainage facilities to not pass through septic facilities.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, a minimum of 4 parking spaces is required for a single family dwelling. Confined spaces (within a garage) shall be a minimum of 9-ft by 20-ft and for unconfined spaces 8.5-ft by 18-ft. Provide the minimum parking for the site.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, provide all proposed earthen cut and fill quantities for the project. Also, for all cut surpluses proposed to be hauled off-site, provide the location where the surpluses will be taken. A non-specific note on the plans stating that cut surpluses will be taken to an authorized facility will not suffice. Provide the exact location.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, no portion of any structure (including footings) shall extend beyond property boundaries.

25. BEFORE ISSUANCE OF A BUILDING PERMIT, maintain the 12-ft clearance at the gate opening of the driveway.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, submit Erosion and Siltation Control plans for during and post construction.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a 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.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, provide a note on the plans that states the following: The design engineer/architect shall certify to the Department of Public Works in writing that all grading, drainage, and retaining wall construction was completed in accordance with the approved plans and field inspections. Also, all driveways, parking and other site improvements shall be inspected by a Department of Public Works engineer prior to building permit final.

Environmental Health Services

29. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a septic evaluation report that is current to within a year of submittal. The required setbacks between the building and the septic system will also be verified at that time.

Marin County Fire Department

30. BEFORE FINAL INSPECTION, the applicant shall provide confirmation that all Fire Department requirements have been met.

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 26, 2014**, 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 August 6, 2012.**

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 26th day of July, 2012.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary