



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

ROBINSON AND MEROLLA APPEALS OF THE DEPUTY ZONING ADMINISTRATOR'S CONDITIONAL APPROVAL OF THE ROBINSON VARIANCE AMENDMENT

Item No:	7.	Application No:	VR 03-24
Applicants:	Bevan and Anna Robinson	Appellants:	Bevan and Anna Robinson Barbara Merolla
Property Address:	4 Corte Las Sombras, Greenbrae	Assessor's Parcel:	070-181-04
Hearing Date:	October 6, 2003	Planner:	Megan Basinger
		Deputy Zoning Administrator:	Ben Berto

RECOMMENDATION:

Deny the Robinson and Merolla Appeals and Sustain the Deputy Zoning Administrator's Conditional Approval of the Robinson Variance Amendment

APPEAL PERIOD:

Ten calendar days to the Marin County Board of Supervisors

LAST DATE FOR ACTION:

October 6, 2003

SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission deny the Robinson and Merolla appeals and sustain the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment because findings can be made to amend the 1967 Variance to permit construction of a second story addition on the subject property.

PROJECT DESCRIPTION:

The applicants, Bevan and Anna Robinson, have requested an amendment to a Variance that was issued in 1967, to eliminate a condition of approval that prohibited the construction of a second story on the property. In 2001, the applicant obtained a building permit for a 404 square foot second story addition that complied with all zoning requirements for the governing R-1: B-2 zoning district, including those pertaining to height, setback, and maximum floor area ratio. Due to the subsequent discovery of the condition of approval from the 1967 Variance, the building permit was revoked by the Community Development Agency on May 2, 2003. The applicant subsequently submitted the Variance application seeking to eliminate the 1967 Variance condition of approval prohibiting second stories on the existing home for the purpose of constructing the second story initially proposed through the building permit application.

SUMMARY OF THE ROBINSON APPEAL

On August 7, 2003 the Deputy Zoning Administrator (DZA) granted a conditional approval of the Robinson Variance Amendment based on a finding that the previous condition prohibiting the future construction of a second story on the property did not have a nexus to the previously issued Variance. In granting the approval, the Deputy Zoning Administrator imposed additional condition that were intended to reduce potential impacts to the adjoining property that is owned by Barbara Merolla by: 1) reducing the interior ceiling height of the second story addition 1.5 feet, from 9 feet to 7.5 feet; 2) eliminating a second story deck that faces toward the Merolla property; and 3) eliminating a second story window on the west elevation and required that the proposed window for the staircase use an opaque material. On August 14, 2003, the applicants, Bevan and Anna Robinson, filed a timely appeal of the Deputy Zoning Administrator's decision on the grounds that the project modifications required by the DZA, namely reducing the building height, eliminating the proposed second story deck, and requiring opaque glass does not benefit adjacent properties with respect to views and privacy.

SUMMARY OF MEROLLA APPEAL:

On August 14, 2003, Barbara Merolla, neighbor and owner of 132 Almenar Drive, Greenbrae, filed a timely appeal of the Deputy Zoning Administrator's decision on the grounds that: 1) the staff report failed to adequately describe the property and the adverse visual and privacy impacts of the 1967 Variance approval on surrounding properties; and 2) removing the 1967 Variance condition of approval prohibiting construction of a second story on the property results in a special privilege that would be granted to the property.

GENERAL INFORMATION:

Countywide Plan:	SF5 (Single-family Residential, two to four units per acre maximum density)
Zoning:	R-1: B-2 (Residential, Single-family, 10,000 square foot minimum lot size)
Lot size:	7,200 square feet (per Assessor's records)
Adjacent Land Uses:	Single-family residential
Vegetation:	Introduced landscaping consisting of trees and shrubs
Topography and Slope:	Relatively flat
Environmental Hazards:	None identified

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 the construction of an addition to an existing residence in conformance with the governing zoning standards would not result in potentially significant 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 earliest possible decision 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 proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Kentfield/Greenbrae Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

Background

The subject property was initially developed in 1947 with an approximately 1,200 square foot single-family residence. The property was issued a Variance in 1967 for a 450 square foot addition that encroaches into the rear yard setback. The Variance had the following conditions: 1) no second story addition shall hereafter be allowed on any portion of this dwelling; and 2) the garage shall not hereafter be converted into floor area. (Refer to Attachment 6). The Variance addition resulted in a 1,650 square foot residence. An approximately 105 square foot first floor addition that complied with the governing zoning standards was subsequently constructed in 1987. The addition is located directly behind the garage and partially below the proposed addition. Review of the building permit history for the property indicates that the applicant let this permit expire, without receiving a final inspection from the Building and Safety Division, and will be required to reapply for a building permit in order to legalize the construction that has been completed.

Variance Amendment

The proposed Variance Amendment would remove a condition of approval from a 1967 Variance that prohibited a second story addition from being constructed on the property. Deleting this condition would allow the property owner to add approximately 404 square feet above the existing garage, which will increase the total floor area of the residence from 1,755 square feet to 2,159 square feet. Review of the proposal, including the location, building height, and floor area of the second story addition, indicates that it is consistent with all the requirements of the R-1:B-2 zoning district and the scale of other homes in the neighborhood. Thus, the property owner is not seeking to deviate from or exceed the current development standards for the property.

Variance Analysis

The 1967 Variance was not based on current State-mandated Variance findings that, among other things, require findings for a special circumstance with respect to the size, shape, topography, location or surroundings of the property as a justification for granting a Variance to deviate from an adopted standard. (Refer to Attachment 7). Current zoning and planning laws also require that conditions of approval be reasonably related to adopted policies, standards, findings, or other legitimate governmental interests. The condition of approval proposed to be eliminated by the Variance Amendment request is not reasonably related to the special circumstance finding because it would not result in a deviation from minimum zoning standards, which is the situation that necessitates a Variance. Nor is there a proper nexus between the condition and current policies and standards that permit second story additions in the Greenbrae community without discretionary review so long as they conform to basic zoning standards for setbacks, height and FAR. The removal of the existing condition would thus not conflict with the current Variance findings or other land use regulations. It would however, bring the current Variance into conformance with the current Variance findings by eliminating a condition of approval that deprives the property of a privilege (i.e., the ability to have a two story residence that complies with the governing zoning standards) enjoyed by other properties in the surrounding community that are governed by the same zoning. Recent Variance approvals in the Greenbrae community have been granted without conditions prohibiting modifications to existing residences that comply with the governing zoning standards. (Refer to Attachment 13).

Staff is able to make other Variance findings that have a greater relevance to the circumstances presented in the Variance amendment request as follows:

- The project would not result in a grant of special privilege because other properties in the area subject to the same zoning are allowed two story homes that comply with the minimum development standards.
- The project would not be detrimental to the welfare of other properties in the area because it maintains adequate setbacks from adjacent residences and outdoor activity areas, and is sufficiently screened by existing vegetation.
- The project would not result in a use that is inconsistent with the zoning district.

Because the Variance Amendment is a discretionary decision, the DZA included conditions of approval intended to minimize the adverse visual and privacy effects related to the second story addition while allowing the property owners to expand their residence as permitted by the underlying zoning.

ANALYSIS OF APPEALS:

Robinson Appeal

Mr. Robinson, property owner, submitted a Petition of Appeal on August 14, 2003 identifying three bases of appeal of the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment. Below is staff's response to the issues raised by the appellant:

The condition of approval requiring a plate height of 7 feet, 6 inches does not benefit views currently enjoyed from surrounding properties.

Response to Appeal: The Deputy Zoning Administrator included this conditional of approval to reduce the potential impacts of an addition that attains a height of 30 feet. The reduction in plate height to 7 feet, 6 inches, the minimum allowed height by the Uniform Building Code, will allow the property owner to construct the addition while reducing the overall height of the residence by 1.5 feet, thereby reducing potential visual impacts on neighbors.

The elimination of the second floor deck would not benefit the privacy currently enjoyed by other properties.

Response to Appeal: The Deputy Zoning Administrator included the removal of the west facing second story deck to reduce the potential visual and privacy impacts on neighboring properties. The removal of the deck will place all outdoor living space on the ground level, consistent with improvements on surrounding properties.

The elimination of a proposed second story window and the requirement of opaque glass in the stairway would not provide a visual benefit or enhance the privacy of neighboring residences.

Response to Appeal: The Deputy Zoning Administrator included the removal of one of two west facing upper level windows and the opaquing of the remaining window to preserve the privacy of neighboring residences.

Merolla Appeal

Ms. Merolla, resident and owner of the adjacent property at 132 Almenar Drive, Greenbrae, submitted a Petition of Appeal on August 14, 2003 identifying two bases of appeal of the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment. Below is staff's response to the issues raised by the appellant:

The staff report failed to adequately describe the property and the adverse visual and privacy impacts of the 1967 Variance approval on surrounding properties.

Response to Appeal: The Variance Amendment application did not affect the potential or existing impacts that the rear yard addition had on surrounding properties. The 1967 Variance addition has been vested through the Variance approval, the issuance of a Building Permit, and the completion of the construction. Additionally, the addition has been located on the property for over 30 years. The Variance Amendment would not result in any physical changes to the addition that Ms. Merolla objects to. The Amendment request is intended to remove the condition of approval that prohibited the construction of any future second stories and allow an addition that complies with all development standards. The restriction that was placed on the property when the Variance was granted created a circumstance that was not applicable to any other properties in the surrounding area and denied the property owner the ability to construct an addition that conformed to the governing zoning standards.

The removal of the 1967 Variance condition of approval prohibiting construction of a second story on the property results in a special privilege.

Response to Appeal: When the condition of approval prohibiting a second story was imposed as part of the 1967 Variance approval, a nexus between impacts related to the Variance request and any future second story additions on the property was not established. Based on the lack of a nexus, the removal of the condition of approval would not be the granting of a special privilege, but would be allowing the property owners to enjoy the same development opportunities that other properties in the surrounding area enjoy including those which have received recent Variance approvals without conditions that prohibit expansion of existing buildings that comply with the conventional zoning standards.

CONCLUSION:

In conclusion, staff is recommending the following: 1) denial of the Robinson appeal because the conditions of approval that were placed on the Variance Amendment to allow the property owner to construct a second story addition in conformance with the zoning standards applicable to other lots in the neighborhood, but with design modifications intended to minimize visual and privacy impacts on adjacent residences; 2) denial of the Merolla appeal because the Variance Amendment does not re-examine or affect the addition that was approved in 1967, and has subsequently been vested through the issuance of a building permit and completion of construction; and 3) sustain of the Deputy Zoning Administrator's conditional approval of the Variance Amendment.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution: (1) denying the Merolla Appeal; (2) denying the Robinson appeal; and (3) sustaining the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment.

- Attachments:
1. Proposed Resolution Denying the Merolla and Robinson Appeals and Sustaining the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment
 2. CEQA Exemption
 3. Robinson Petition for Appeal, received 8/14/03
 4. Merolla Petition for Appeal, received 8/14/03
 5. Deputy Zoning Administrator hearing minutes and resolution, 8/7/03
 6. Letter Revoking Building Permit # 87767, 5/2/03
 7. 1967 Variance Approval
 8. Location Map
 9. Site Plan
 10. Floor Plan
 11. Assessor's Parcel Map

12. Letter from the Greenbrae Property Owners Association, 8/4/03
13. Recent Variance approvals in Greenbrae community
14. Letter from Bevan and Anna Robinson, 8/18/03
15. Letter from Bevan and Anna Robinson, 8/30/03
16. Letter from Bevan and Anna Robinson, 9/24/03

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE ROBINSON AND MEROLLA APPEALS AND SUSTAINING THE
DEPUTY ZONING ADMINISTRATOR'S CONDITIONAL APPROVAL
OF THE ROBINSON VARIANCE AMENDMENT
4 CORTE LOS SOMBRAS, GREENBRAE
ASSESSOR'S PARCEL 070-181-04

SECTION I: FINDINGS

- I. WHEREAS Bevan and Anna Robinson have submitted the Robinson Variance Amendment requesting an amendment to a Variance that was issued in 1967, which contained a condition of approval that prohibited the construction of a second story on this property. In 2001, the applicant was issued a building permit for a 404 square foot second story addition that complies with height, setback and floor area ratio (FAR) limitations of the R-1: B-2 zoning district. Due to the discovery of the condition from the previous Variance approval, the building permit has been revoked on May 2, 2003. The applicant subsequently submitted the Variance application seeking to eliminate the current Variance condition of approval prohibiting second stories on the existing home for the purpose of constructing the second story initially proposed through the building permit application. The subject property is located at 4 Corte Los Sombras, Greenbrae and is further identified as Assessor's Parcel 070-181-04.
- II. WHEREAS on August 7, 2003, the Marin County Deputy Zoning Administrator held a duly noticed public hearing, to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Deputy Zoning Administrator granted a conditional approval of the project and required that the applicant fulfill the following requirements: 1) reduce the interior ceiling height of the second story addition 1.5 feet, from 9 feet to 7.5 feet; 2) eliminate a second story deck that faces toward the Merolla property; and 3) eliminate a second story window on the west elevation and required that the proposed window for the staircase use an opaque material.
- III. WHEREAS, a timely appeal of the Deputy Zoning Administrator's conditional approval of the proposed project has been filed by the applicants, Bevan and Anna Robinson, asserting that: 1) reducing the building height does not benefit other properties' views; 2) eliminating the proposed second floor deck would not benefit other properties; and 3) eliminating the window and requiring use of opaque glass in the stairway would not provide a visual benefit or enhance the privacy of neighboring residences. An appeal was also filed by the neighbor, Barbara Merolla, asserting that: 1) the staff report failed to adequately describe the property and adverse visual and privacy impacts of the 1967 Variance approval on surrounding properties; and 2) the removal of the 1967 condition of approval prohibiting construction of a second story on the property results in a special privilege that would be granted to the property.
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on October 6, 2003, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because the addition to the existing residence would not result in significant adverse environmental effects.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:

- A. The project would be consistent with the SF5 (Single-family Residential, two to four units per acre) land use designation;
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; and
 - E. The project would minimize soil disturbance and maximize retention of natural vegetation.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Kentfield/Greenbrae Community Plan because:
- A. The proposed project would retain the residential character that is representative of the Kentfield and Greenbrae communities;
 - B. The proposed project would maintain the current density of the property (SF5, two to four units per acre); and
 - C. The project would provide adequate on-site parking as determined by the Department of Public Works.
- VIII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Variance (Section 22.54.050 of Marin County Code and Section 65906 of the California Government Code), as specified below.
- A. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.**

The Variance amendment request is for the elimination of a condition of approval of a 1967 Variance prohibiting second story additions to the subject residence. This restriction predated the above Variance finding regarding special circumstances. Eliminating the condition of approval in question, as requested in the Variance amendment, would not conflict with the above finding because the project would not result in a deviation from the zoning standards, which is the condition or circumstance that necessitates a Variance. It would also bring the Variance into conformance with the current Variance findings by eliminating a condition of approval that deprives the property of a privilege (i.e., two story residence that complies with the governing zoning standards) enjoyed by other properties in the surrounding community that are governed by the same zoning.

B. The granting of the Variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

The elimination of the condition of approval from the 1967 Variance would not be detrimental to the public welfare of the area because it would allow the construction of an addition that conforms to the governing development standards. The addition is screened by existing vegetation and has been modified by the conditions of approval to minimize privacy intrusion or visual impacts that are excessive given the predominant character of the community.

C. The granting of this Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The prohibition of a second story addition is a restriction that is not imposed on other properties within the vicinity other residences are permitted to have two-story residences that conform to the basic zoning standards. Approval of the Variance amendment would be consistent with the development standards under the R-1: B-2 zoning district that also apply to surrounding properties, and with County approvals for other second story additions or homes in the surrounding community.

D. The granting of a Variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of a Variance amendment to remove the condition of approval that will allow the construction of a second story addition to a single-family residence which meets all development standards will maintain a principally permitted use under the governing R-1:B-2 (Single-family residential) zoning district.

IX. WHEREAS the Marin County Planning Commission finds that the bases for the Robinson appeal cannot be sustained and that the Deputy Zoning Administrator acted appropriately in approving the Variance Amendment due to the following factors:

A. *The condition of approval requiring a plate height of 7 feet, 6 inches does not benefit other properties' views currently enjoyed from surrounding properties.*

Response to Appeal: The Deputy Zoning Administrator included this conditional of approval to reduce the potential impacts of an addition that attains a height of 30 feet. The reduction in plate height to 7 feet, 6 inches, the minimum allowed height by the Uniform Building Code, will allow the property owner to construct the addition while reducing the overall height of the residence by 1.5 feet, thereby reducing potential visual impacts on neighbors.

B. *The elimination of the second floor deck would not benefit the privacy currently enjoyed by other properties.*

Response to Appeal: The Deputy Zoning Administrator included the removal of the west facing second story deck to reduce the potential visual and privacy impacts on neighboring properties. The removal of the deck will place all outdoor living space on the ground level, consistent with improvements on surrounding properties.

C. *The elimination of a proposed second story window and the requirement of opaque glass in the stairway would not provide a visual benefit or enhance the privacy of neighboring residences.*

Response to Appeal: The Deputy Zoning Administrator included the removal of one of two west facing upper level windows and the opaquing of the remaining window to preserve the privacy of neighboring residences.

X. WHEREAS the Marin County Planning Commission finds that the bases for the Merolla appeal cannot be sustained and that the Deputy Zoning Administrator acted appropriately in approving the Variance Amendment due to the following factors:

A. *The staff report failed to adequately describe the property and the adverse visual and privacy impacts of the 1967 Variance approval on surrounding properties.*

Response to Appeal: The Variance Amendment application did not affect the potential or existing impacts that the rear yard addition had on surrounding properties. The 1967 Variance addition has been vested through the Variance approval, the issuance of a Building Permit, and the completion of the construction. Additionally, the addition has been located on the property for over 30 years. The Variance Amendment would not result in any physical changes to the addition that Ms. Merolla objects to. The Amendment request is intended to remove the condition of approval that prohibited the construction of any future second stories and allow an addition that complies with all development standards. The restriction that was placed on the property when the Variance was granted created a circumstance that was not applicable to any other properties in the surrounding area and denied the property owner the ability to construct an addition that conformed to the governing zoning standards.

B. *The removal of the 1967 condition of approval prohibiting construction of a second story on the property results in a special privilege.*

Response to Appeal: When the condition of approval prohibiting a second story was imposed as part of the 1967 Variance approval, a nexus between the Variance request and any future second story additions on the property was not established. Based on the lack of a nexus, the removal of the condition of approval would not be the granting of a special privilege, but would be allowing the property owners to enjoy the same development opportunities that other properties in the surrounding area enjoy including those which have received recent Variance approvals without conditions that prohibit expansion of existing buildings that comply with the conventional zoning standards.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Merolla and Robinson appeals and sustains the Deputy Zoning Administrator's conditional approval of the Robinson Variance Amendment subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.54 of the Marin County Code, the Robinson Variance Amendment is approved to eliminate the 1967 condition of approval that prevented the construction of a second story on the existing residence. The approval allows the construction of a 404 square foot second story addition to an existing residence. The subject property is located at 4 Corte Las Sombras, Greenbrae, and is further identified as Assessor's Parcel 070-181-04.
2. The 1967 Variance granted to the subject property is hereby amended to allow the construction of a second story addition on the property. All other conditions of approval from that Variance shall remain valid.
3. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "A Master Suite Addition for Mr. and Mrs. B.R. Robinson," consisting of two sheets prepared by B. R.

Robinson, dated June 1, 1999 and received June 16, 2003, and on file in the Marin County Community Development Agency.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the following requirements.
 - a. Revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Variance Conditions of Approval as notes.
 - b. The applicant shall reapply for a building permit to complete the kitchen addition that was constructed under an expired building permit in 1987. The applicant shall complete the necessary requirements to receive a Final Inspection from the Building and Safety Division.
 - c. The second story addition on the west facing deck opening shall be eliminated and replaced with a solid wall.
 - d. The proposed west facing two light windows at the head of the stairs, be reduced to a single light window of obscured glass.
 - e. The plate heights for the second story addition shall be a maximum of 7 foot, 6 inches to insure that the building height is the minimum necessary to achieve a reasonable living area.
5. Design Review shall be required for any subsequent second story additions to the house.
6. Construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction activity shall be permitted on Sunday or Holidays. At the applicant's request, the Director may administratively authorize minor modifications to these hours of construction.
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 soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
9. It shall be the responsibility of the applicant to store all construction materials and equipment at the site (or secured at an approved off-site location) in such a manner as to permit safe passage for vehicular traffic at all times. Every effort shall be made by the holder of the building permit to strictly limit the number of vehicles used to transport workers and materials to the site to the minimum number necessary.
10. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval before the contemplated modifications may be initiated.

SECTION III: DECISION

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and completing all required inspections before October 6, 2005, 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 Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050 of the Marin County Development Code.

SECTION IV: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 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 **October 16, 2003**.

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 6th day of October, 2003, by the following vote to wit:

AYES:

NOES:

ABSENT:

ROSS HERBERTSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Alexandra Morales
Planning Commission Secretary