

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY
M E M O R A N D U M

TO: The Marin County Planning Commission
FROM: Neal Osborne, Planner
RE: Salwen Coastal Permit (CP 04-12)
October 25, 2004 Continued Hearing Item 6
DATE: October 19, 2004

ADDITIONAL CORRESPONDENCE (received after preparation of the Staff Report)

On October 18, 2004, Troy Pearce, Civil Engineer of AYS Engineering Group, Inc., submitted the septic system evaluation report for the Salwen septic system (refer to Attachment 3). Staff hand-delivered a copy of this report to Environmental Health Services Division staff for review and comment. On October 19, 2004, Janet Mullin, Senior Registered Environmental Health Sanitarian with the Environmental Health Services Division, submitted an Interdepartmental Transmittal finding the project acceptable with conditions (refer to Attachment 2). The recommended conditions differ slightly from the previous recommendations in the October 11, 2004 Interdepartmental Transmittal (refer to Attachment 12 in the Staff Report). The conditions have been modified to account for the findings of the septic system evaluation. The conditions require repairs and re-inspections of the septic system through the Building Permit process. Specifically, a licensed contractor must install a new electric control panel with an approved Building Permit, and the installation shall be subject to inspection by a Building Inspector. After installation of the control panel, additional testing of the system would be required, including the following items:

- A water tightness test for the existing septic tank and pump chamber.
- A hydraulic load test and squirt test by a Registered Civil Engineer. Pump run-time and dose volume will also be verified and fine-tuned, if necessary, by the Registered Civil Engineer.
- The cover soil of the mound system shall be re-compacted to repair gopher damage.
- An effluent filter shall be installed.
- Any other necessary repairs.

Environmental Health Services staff must inspect all of the above items. A construction inspection fee will be charged for the Environmental Health Services inspection. The above requirements have been included as Condition of Approval 24 in the attached revised resolution.

The Department of Public Works, Land Use and Water Resources Division staff submitted a revised memorandum (refer to Attachment 4) that includes requirements that have been included in Condition of Approval 20 in the attached revised resolution.

Additional correspondence was received from Catherine Caufield of the Environmental Action Committee of West Marin requesting an up-to-code septic system (refer to Attachment 5). An up-to-code septic system is required pursuant the requirements in Condition of Approval 24.

ADDITIONAL POLICY ANALYSIS

As a supplement to the analysis contained in the staff memorandum of October 15, 2004, staff directs the Planning Commission's attention to the following key policy and programs from the Bolinas Gridded

Mesa Plan that address the bluff erosion zone along the Mesa and development restrictions within the zone:

Bolinas Gridded Mesa Plan Policy LU-1

There shall be no residential development or substantial construction near the bluffs.

Bolinas Gridded Mesa Plan Program LU-1.1

Establish a Bluff Erosion Zone along the Bolinas Bay side of the Mesa. The extent of this Zone shall be based on a 100-year life expectancy for a residential unit. The Zone shall extend from Overlook Drive to Duxbury Point and shall include all land from the edge of the bluff to a line 245 feet inland. This edge shall be re-examined and adjusted as necessary every five years. No new construction and no residential additions amounting to greater than 10 percent of the existing total floor area or 120 square feet (whichever is greater) shall be permitted in this zone on a one-time basis. Replacement construction will be permitted provided that it conforms to current building and environmental health codes and the waiver provisions of Program LU-1.3 below.

Note: The Salwen property is subject to the above program because it is situated on the Mesa between Overlook Drive and Duxbury Point. A similar program (Program LU-1.2) applies to property along the Mesa that is situated between Poplar Road and Duxbury Point.

Bolinas Gridded Mesa Plan Program LU-1.3

The restrictions imposed by [Programs] LU-1.1 and 1.2 can be waived on an individual basis if a site specific engineering report prepared by licensed engineer can show that hazardous conditions do not exist on that site or that the site-related constraints can be adequately overcome and that construction on that specific site will not contribute to the cumulative negative effects, specifically groundwater mounding, nitrate accumulation and bluff erosion on the Mesa. Any construction (new construction or additions) within either bluff erosion zone will require that permit issuing agencies (e.g. the County, BCPUD) be held harmless for any loss due to erosion.

In analyzing the Salwen project, staff has interpreted Policy LU-1 in the context of the above programs that provide insight regarding the underlying policy intent and objectives as well as more specific guidance for how the policy can be applied to development proposals. The policy statement on its face is prohibitive in nature (“There shall be no residential development or substantial construction...”). However, Program LU-1.1 qualifies the policy by allowing residential additions with floor area restrictions on a one-time basis and replacement construction if it complies with building and health codes and the waiver provision set out in Program LU-1.3.

It is clear that the waiver provision in Program LU-1.3 allows the County to lift the restrictions imposed by Programs LU-1.1 subject to a site-specific engineering report that evidences the development will not result in hazardous conditions or contribute to cumulative negative effects. Program LU-1.3 may not, however, be entirely clear or unambiguous regarding the extent to which the waiver provision can or should be applied to specific development projects. A broad interpretation of the program could lead to the conclusion that there are no absolute limits on restricting residential additions both in terms of the additional amount of floor area to be added to the preexisting residence and/or the number of additions that may be considered for the same property over time so long as the waiver criteria are met. In this regard, the program does not expressly stipulate that only a single waiver can be granted for a residential addition with the floor area restrictions imposed by Program LU-1.1, nor does it specify that the replacement construction must be limited to the preexisting floor area (although ‘replacement’ by its very

nature may connote reconstructing a residence based upon the preexisting extent of development). Program LU-1.3 simply states that the restrictions imposed by the preceding program (LU-1.1) can be waived when the applicant can demonstrate that hazardous conditions or negative effects won't be caused by the development proposal.

A narrower interpretation of Program LU-1.3 can be made by adhering to the strict meaning of the prohibition on development within the bluff erosion zone as described in Policy LU-1. Within this context, the application of the waiver provision should be limited to the situations that are described in the preceding Program LU-1.1, namely an addition that does not exceed 10% or 120 square feet, or the replacement of preexisting development. In other words, the sole purpose of the waiver provision is to establish criteria that are required to be met when the County grants relief within the limited parameters established by Program LU-1.1. It is not intended to grant extraordinary relief (i.e., additional development) beyond that described in Program LU-1.1.

Other policy and program interpretations between the two ends of the spectrum described above may also be reached.

The revised Salwen project that will be considered at the October 25th Planning Commission hearing reflects an attempt by the property owner to reconstruct a new residence and garage that satisfies the more limited application of, or stricter adherence to, the above policies and programs by not exceeding, and in fact proposing slightly less than, the floor area of the preexisting structures that were destroyed by fire. Although the property had received an approval from the County in 1994 to legalize an accessory structure that amounted to an increase of roughly 22% of the preexisting floor area, and thus exceeded the 10% or 120 square foot addition allowed under Program LU-1.1 by a considerable margin, staff is recommending that the total preexisting floor area that was destroyed by fire, including the accessory structure and garage, be used as a basis for permitting the revised proposal that is currently before the Commission. In staff's opinion, this approach represents an appropriate balance between upholding the strict regulation of new development in the bluff erosion zone and the limited allowance for reconstruction of preexisting development that was previously approved by the County as being consistent with the Gridded Mesa Plan.

RECOMMENDATION

Staff recommends the Planning Commission review this additional correspondence and policy analysis and approve the Salwen Coastal Permit with revised conditions as stated in the Revised Resolution (refer to Attachment 1). The Salwen Coastal Permit would allow the applicant to replace the fire-destroyed residence and garage with the same scale of overall development approved in 1994, consistent with the Bolinas Gridded Mesa Plan, Coastal Zone standards and permit findings, and the direction the Planning Commission gave in public hearings on July 26, and August 9, 2004.

- Attachments:
1. Revised Resolution approving the Salwen Coastal Permit with conditions
 2. Environmental Health Services Interdepartmental Transmittal, 10/19/04
 3. Troy Pearce, AYS Engineering Group, Inc. "Observation and report of findings for on site Wastewater System at 216 Ocean Parkway, Bolinas, California", 10/18/04
 4. DPW, Land Use and Water Resources Division memorandum, 10/12/04
 5. Catherine Caufield, Environmental Action Committee of West Marin letter, 10/20/04

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION APPROVING
THE SALWEN COASTAL PERMIT

ASSESSOR'S PARCEL 191-191-08

216 OCEAN PARKWAY, BOLINAS

SECTION 1: FINDINGS

- I. WHEREAS Jack Byars, Architect submitted a Coastal Permit application on behalf of Ellen Salwen, proposing to construct a 1,302 square foot, two-story, single-family residence with an attached 382 square foot garage with a combined floor and garage area of 1,684 square feet on a 7,823 square foot lot. The project would result in a Floor Area Ratio of 17%. The second floor level would contain 459 square feet, with a 2½:12 slope hipped roof. The garage would have a flat roof to minimize view impacts to neighboring properties. The single-family residence would have a maximum height of 22.7 feet above grade and the following property line setbacks: 27 feet front (southeast), 26 feet side (northeast), 20 feet side (southwest), and 25 feet rear (northwest). The proposal includes a 6-foot tall wood fence around the rear yard and portions of the side yards. The subject property is identified as 216 Ocean Parkway, Bolinas and Assessor's Parcel 191-191-08.
- II. WHEREAS the Marin County Planning Commission held a duly noticed public hearings on July 26, 2004, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. 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 15303, Class 3(a) because the construction of a new single-family residence with an attached garage and a swimming pool would not result in significant environmental impacts.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan because it would:
 - 1. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - 2. Result in development that conforms to the governing standards related to building height, size and location.
 - 3. 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.
 - 4. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

5. Provide consistency with the land use designation of Coastal Single Family, two units to four units per one acre (C-SF5).

V. WHEREAS the Marin County Planning Commission finds that the proposed project is generally consistent with the Bolinas Community Plan and the Bolinas Gridded Mesa Plan policies because it would comply with current zoning policies in the Bolinas area to protect visual resources and maintain a consistent community character. The project would not have adverse impacts on the bluff, local streams, native vegetation, or important public views in the Bolinas Area. The project would be consistent with the Bolinas Gridded Mesa Plan Policy LU-1, and Programs LU-1.1 and LU-1.3 that state:

Policy LU-1

“There shall be no residential development or substantial construction near the bluffs.”

Program LU-1-1

“Establish a Bluff Erosion Zone along the Bolinas Bay side of the Mesa. The extent of this Zone shall be based on a 100-year life expectancy for a residential unit. The Zone shall extend from Overlook Drive to Duxbury Point and shall include all land from the edge of the bluff to line 245 feet inland. This edge shall be re-examined and adjusted as necessary every five years. No new construction and no new residential additions amounting to greater than 10 percent of the existing total floor area or 120 square feet (whichever is greater) shall be permitted in this zone on a one-time basis. Replacement construction will be permitted provided that it conforms to current building and environmental health codes and the waiver provisions of Program LU-1.3 below.”

Program LU-1.3

“The restrictions imposed by LU-1.1 and 1.2 can be waived on an individual basis if a site specific engineering report prepared by licensed engineer can show that hazardous conditions do not exist on that site or that the site-related constraints can be adequately overcome and that construction on that specific site will not contribute to the cumulative negative effects, specifically groundwater mounding, nitrate accumulation and bluff erosion on the Mesa. Any construction (new construction or additions) within either bluff erosion zone will require that permit issuing agencies (e.g. the County, BCPUD) be held harmless for any loss due to erosion.”

In accordance with the Bolinas Gridded Mesa Plan Policy LU-1 and Programs LU-1.1 and LU-1.3, the reconstruction of the pre-existing floor area of the fire-destroyed structures on the project site is acceptable because the project would result in residential development with 1,684 square feet of total area that would replace the 1,686 square foot fire-destroyed residential development. The proposal would not increase the floor area of the pre-existing development destroyed by fire, would comply with current building and environmental health codes, and would therefore comply with the Gridded Mesa Plan policies that allow replacement construction. In accordance with these policies, the project submittal includes a geotechnical report that evidences the project will not result in hazardous conditions or cumulative negative effects, specifically groundwater mounding, nitrate accumulation and bluff erosion in the Bolinas Gridded Mesa Plan’s Bluff Erosion Zone. The County Department of Public Works engineering staff and the County Environmental Health Services Division staff have determined the project will not result in hazardous conditions and

will conform to current building and environmental health codes under their jurisdiction. Conditions of approval and the required Building Permit process will require the project to conform to all current building and environmental health codes. In 1994, the County authorized a 22% expansion to the 936 square foot residence and 440 square foot garage for the legalization of an as-built 300 square foot detached studio, exhausting any future additional expansion potential. The Planning Commission finds that the evidence in the Salem Howes Associates geotechnical report is sufficient to find that no significant hazards would result from reconstruction of the same size project. The project therefore does qualify for reconstruction of the same size residence under the Bolinas Gridded Mesa Plan Policy LU-1, and Programs LU-1.1 and LU-1.3.

VI. WHEREAS, the Marin County Planning Commission finds that the proposed project is consistent with the **MANDATORY FINDINGS FOR COASTAL PERMIT** (Section 22.56.130 of the Marin County Code) for the reasons specified below:

1. Water Supply:

The Bolinas Community Public Utility District currently provides water service to the property and construction of the new residence would not result in significant demand on the existing water supply. However, the decision on the Expanded Water Use Permit has been deferred pending a decision on the Coastal Permit.

2. Septic System Standards:

The Marin County Environmental Health Services Division staff determined the project to be feasible and acceptable as presented with conditions. A required septic system inspection report from a qualified professional was submitted documenting the condition of the system. Any necessary repairs would be required before issuance of a Building Permit and construction of the residence. Building Permit plans must provide assurance that all components of the septic system are protected from vehicular traffic during construction. Additional conditions of approval will require an Operating Permit to monitor the safe functioning of the system. With the implementation of the recommended conditions of approval, the project would comply with all septic system standards.

3. Grading and Excavation:

A very small amount of grading would occur for the construction of the residence and fence. The amount of excavation would be less than 25 cubic yards. This amount of grading is not considered excessive and would be monitored for compliance with Best Management Practices by the Department of Public Works during the Building Permit Review process.

4. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. Conditions of project approval would require that in the event that cultural resources are discovered during site preparation or construction of this project, all work shall immediately be 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 to meet Local Coastal Program requirements.

5. Coastal Access:

The site is located inland of Ocean Parkway and the project would not affect public access to the beach.

6. Housing:

The proposed project would result in the construction of a single-family residence and accessory structures, and would not affect affordable housing stock in the Bolinas area.

7. Stream Conservation Protection:

This project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program.

8. Dune Protection:

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

9. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area of sensitive wildlife resources. A review of the California Natural Diversity Database (NDDDB), prepared by the California Department of Fish and Game, indicates that the unlisted Ricksecker's Water Scavenger Beetle (Hydrochara rickseckeri) and the Monarch Butterfly (Danaus plexippus) potentially exist within the vicinity of the subject property. The limited developments on the property and no tree removal would not result in significant impacts to Ricksecker's Water Scavenger Beetle or Monarch Butterfly habitat area. No significant or adverse impacts to the biological resources of the property would result from the project.

10. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the NDDDB, prepared by the California Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare plant species. No significant or adverse impacts to the biological resources of the property would result from the project.

11. Shoreline Protection:

This project site is located in the Bluff Erosion Zone and E. Vincent Howes, geotechnical engineer, prepared an analysis of the retreat rate for the bluff adjacent to the subject property and determined no significant hazards would result from the project. The projected ¼-foot per year erosion rate would not affect the subject property approximately 55 feet away from the edge of the bluff, within the next 100-years. Additionally, the retreat rate would not affect the subject property within the next 100-years as required by the Bolinas Gridded Mesa Plan Land Use Policy LU-1 and Program LU-1.3. No bluff stability impacts would result from the project within the next 100-years and the project would not contribute to cumulative environmental effects, including ground water mounding, nitrate accumulation, and bluff erosion. Shoreline protection improvements would not be required during the life expectancy of the residence.

12. Geologic Hazards:

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Earthquake (Alquist-Priolo) Special Studies Zone Map. The project site is approximately 1.5-miles west of the Earthquake (Alquist-Priolo) Special Studies Zone delineated along the San Andreas Fault Zone.

The project site is located within the Bluff Erosion Zone identified in the Bolinas Gridded Mesa Plan. Pursuant to the geotechnical studies and reports completed by E. Vincent Howes, geotechnical engineer, no bluff stability impacts would result from the project within the next 100-years and the project would not contribute to cumulative environmental effects, including ground water mounding, nitrate accumulation, and bluff erosion. Shoreline protection improvements would not be required during the life expectancy of the residence.

13. Public Works Projects:

This proposed project would not affect any public works projects.

14. Land Division Standards:

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

15. Visual Resources:

The height, scale, and design of the proposed development would be compatible with the established character of the surrounding community. The project would have minor view impacts for the adjacent residences. Views of the Pacific Ocean and Duxbury Reef, and the Bolinas Ridge would partially be blocked, but substantial panoramic views will be retained. Public views will not be affected by the project, consistent with the Local Coastal Program findings.

16. Recreation/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the Coastal Village Commercial Residential (C-VCR) zoning, that has regulations that require a mixture of residential and commercial uses, does not apply to the project site.

17. Historic Resource Preservation:

The vacant property does not contain historically significant resources and the project site is not located within the designated historic preservation boundaries for Bolinas as identified in the Marin County Historic Study for the Local Coastal Program.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Salwen Coastal Permit subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Salwen Coastal Permit (CP 04-12) is approved pursuant to Marin County Code Chapters 22.56, 22.57, and 22.32 to construct a 1,302 square foot, two-story, single-family residence with an attached 382 square foot garage with a combined floor and garage area of 1,684 square feet on a 7,823 square foot lot. The project would result in a Floor Area Ratio of 17%. The second floor level would contain 459 square feet, with a 2½:12 slope hipped roof. The garage would have a flat roof to minimize view impacts to neighboring properties. The single-family residence would have a maximum height of 22.7 feet above grade and the following property line setbacks: 27 feet front (southeast), 26 feet side (northeast), 20 feet side (southwest), and 25 feet rear (northwest). The proposal includes a 6-foot tall wood fence around the rear yard and portions of the side yards. The subject property is identified as 216 Ocean Parkway, Bolinas and Assessor's Parcel 191-191-08.
2. Except as modified herein, plans submitted for Building Permits shall substantially conform to plans on file in the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Salwen Residence," prepared by Dommer and Byars, consisting of 6 pages received September 30, 2004, Exhibit B, "Material Board", and Exhibit C, "Wall Mounted Downlight and Porch Recessed Ceiling Downlight".
3. The applicant shall recycle, salvage, or reuse components of the debris from the construction aspect of the project. The inclusion of Green Building materials and techniques for the construction of the project is strongly recommended. Please contact Sam Ruark, Assistant Sustainability Planner at telephone (415) 507-2659 or e-mail sruark@co.marin.ca.us for technical assistance
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit Conditions of Approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Plans to an appropriate scale such as ¼-inch per one foot for the architectural plans, and 1/8-inch per one foot for the Site Plan on sheets of paper 24-inches by 36-inches. The applicant shall submit these revised plans to the Director for review and approval. These revised plans shall include any revisions required by conditions of approval and shall supersede Exhibit A in the file, and shall subsequently be identified as Exhibit A after the Director's approval.

6. 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. The Waiver of Public Liability shall be submitted to the Director for review and approval before recordation.
7. BEFORE FOUNDATION INSPECTION, the applicant shall submit a letter and plot plan, signed and stamped by a licensed land surveyor or qualified civil engineer showing the property boundaries, building corners, and setbacks to the property lines and verifying their conformance to "Exhibit A."
8. BEFORE FRAMING INSPECTION, the applicant shall a letter from a licensed land surveyor or qualified civil engineer verifying that the roof ridge elevation of the structure complies with the approved height based on a benchmark identified on the plans.
9. Exterior lighting shall be permitted for safety purposes only, must consist of energy efficient, low lumen output, and low wattage fixtures, and must be directed downward and hooded to prevent glare for neighboring properties and light pollution in the night sky.
10. 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.
11. 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.
12. All soils disturbed by development of the project shall be mulched and/or reseeded with native non-pyrophytic groundcover plants to control erosion.
13. The applicant shall be responsible for ensuring that all construction vehicles, equipment and materials are stored off the street so that pedestrian and vehicles can pass safely at all times.
14. 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.
15. All utility connections and extensions serving the project shall be installed underground. If feasible, the utility pole or poles on Ocean Parkway shall be removed.
16. All roofing, siding, flashing, metal work and trim shall be an appropriately subdued, nonreflective color.
17. If archaeological resources are discovered during grading, trenching, or other construction activities all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.

18. BEFORE FINAL INSPECTION, the applicant shall satisfy all pertinent conditions of approval, remove all construction debris and materials, and install all proposed landscaping with a drip irrigation system to serve it. The applicant shall call for a Community Development Agency, Planning Division inspection of the project and landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent re-inspections.
19. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.

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

20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide pertinent design information, or submit the required items, as specified below.
 - a. The site plan shall show topography (or pad/spot elevations), site grading, and drainage.
 - b. The plans shall be reviewed and approved by the soils engineer. Certification shall be by the engineer's signature and stamp on site plan or by signed and stamped letter.
 - c. The first 30 feet of driveway, or to the property line, off of Ocean Parkway shall be paved, e.g. AC, paver blocks, or other porous pavements as approved by Department of Public Works.
 - d. An Encroachment Permit is required for work within the road right-of-way (Ocean Parkway).
 - e. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
 - f. Enter into a recorded agreement between the County and property owner stating that the County will be held harmless for any loss due to erosion as a result of construction within the Bluff Erosion Zone (Program LU-1.3).
21. Before construction, it is recommended that the subject property corners be marked in the field (there's an existing record of survey on AP 191-192-15, which can be used as reference points).

Bolinas Fire Protection District

22. BEFORE ISSUANCE OF A BUILDING PERMIT AND COMMENCEMENT OF CONSTRUCTION, the applicant shall meet with a Fire District representative for site-specific design requirements concerning defensible space and fuel modification and management plans. Also the applicant must provide pertinent design information, or submit the required items, as specified below.
 - a. Street address to be posted where readily visible from Ocean Parkway. Sign to be of 3-inch minimum letters with 3/8-inch stroke and with background of contrasting color.
 - b. Residential fire sprinklers to be installed per Marin County requirements.

- c. Provide smoke detectors per UBC/UFC.
- d. Class A roof per Marin County requirements.
- e. LPG tank to be secured to concrete foundation or by other methods to withstand failure of cylinder and associated plumbing which may cause propane release during a seismic event or land movement. Provide fifteen feet defensible space around propane tank. Maintain thirty feet separation from all structures if possible.
- f. Provide main electrical disconnect accessible to Fire Department.
- g. Construction and inspections per UBC and Marin County Codes. Notify Bolinas Fire Department for inspection at close-in, final, and before covering fireplace, wood stoves, or chimneys.

Marin County Community Development Agency, Environmental Health Services (EHS)

- 23. Building Plans must provide assurance that all components of the septic system are protected from vehicular traffic during construction.
- 24. A Registered Civil Engineer (R.C.E.) has inspected the existing condition of the septic system and submitted his report dated October 18, 2004 to EHS. The following required repairs and re-inspections will be tied to the Building Permit:
 - a. A control panel specified by the R.C.E. will be installed by a licensed contractor and inspected by a County Building Inspector.
 - b. A water tightness test will be required for the existing septic tank and pump chamber.
 - c. A hydraulic load test and squirt test will be conducted by the R.C.E. Pump run-time and dose volume will also be verified and fine-tuned, if necessary, by the R.C.E.
 - d. The cover soil of the mound system is to be re-compacted to repair gopher damage.
 - e. An effluent filter will be installed.
 - f. Any other necessary repairs to the septic system will be completed. Contact EHS to determine if additional necessary repairs require a permit.
 - g. EHS staff must inspect all of the above. A construction inspection fee will be charged for the EHS inspection.
- 25. The alternative septic system serving the residence shall be placed on Operating Permit. Obtain the necessary application from EHS.

SECTION 3: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Salwen Coastal Permit approval with the issuance of Building Permits and substantial completion of the approved work before October 25, 2006 or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above, and the Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Board of Supervisors. A Petition for Appeal and a \$700.00 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., November 1, 2004.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of October, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary