

MARIN COUNTY PLANNING COMMISSION HEARING MINUTES
December 13, 2004
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland, Chairman
Hank Barner
Don Dickenson
Randy Greenberg
Wade Holland

Commissioners Absent: Steve Thompson, Vice Chairman
Jo Julin

Staff Present: Alex Hinds, Director, Community Development Agency
Brian Crawford, Deputy Director of Planning Services
Barbara Collins, Affordable Housing Strategist
Anna Camaraota, Planner
Eric Steger, Department of Public Works, Senior Engineer
Jessica Woods, Recording Secretary

Minutes Approved on: **January 10, 2005**

Convened at 1:00 p.m.
Adjourned at 3:46 p.m.

ROUTINE TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

M/s, Holland/Barner, and passed unanimously of those present, to incorporate the staff reports into the Minutes. Motion passed 5/0 (Vice Chairman Thompson and Commissioner Julin absent).

- b. Continuances – Applicant requested a continuance of Item 7 to January 24, 2005.

- c. Approval of Minutes – November 15, 2004 and November 29, 2004

M/s, Holland/Barner, and passed unanimously of those present, to approve the Minutes of November 15, 2004 as amended. Motion passed 5/0 (Vice Chairman Thompson and Commissioner Julin absent).

M/s, Holland/Dickenson, and passed unanimously of those present, to approve the Minutes of November 29, 2004 as amended. Motion passed 5/0 (Vice Chairman Thompson and Commissioner Julin absent).

- d. Approval of 2005 Meeting Schedule

The Commission unanimously agreed to adopt the 2005 Meeting Schedule as presented.

- e. HOUSING ELEMENT UPDATE

Barbara Collins, Affordable Housing Strategist, summarized the 2003/2004 Annual Report on the Housing Element Progress for the Commission's consideration that included the following:

- Accomplishments
- Second Unit Survey
- Survey Results
- Programs already underway to be completed prior to June 30, 2007
- Remaining Programs to be completed prior to June 30, 2007
- Marin Housing Help Website: <http://199.88.77.93/depts/CD/main/housing/index.html>
- Table 18: Summary of Housing Element Programs and Housing Needs (1/99 – 6/06)

Chairman Berland asked staff if there has been any work on an ordinance requiring minimum levels of affordable housing for development proposals. Alex Hinds, Agency Director, responded that the Affordable Housing Overlay Zone would be the implementation measure. For example, it would be reasonable to require a minimum number of dwelling units in multifamily zoning districts. Also, the overlay zone would apply to mixed-use commercial. Staff added that the most difficult part is having the overlay zone apply to single-family residential.

Commissioner Dickenson asked staff about the Marin County policy regarding second units in PUD subdivisions. Brian Crawford, Deputy Director, responded that the County has allowed second units in RSP. Currently second units may be permitted subject to whatever permit procedures and standards are in place at that time. Staff pointed out that RMP zoning historically did not allow second units per se, although more than one dwelling is permitted under RMP zoning subject to the assigned maximum density. The County may have allowed second units in RMP through the most recent zoning amendments for second units/affordable housing.

Commissioner Dickenson asked staff if jurisdictions were contacted in regard to the amnesty study. Affordable Housing Strategist Collins responded in the affirmative.

Commissioner Dickenson was very impressed with the progress and commended Affordable Housing Strategist Collins on a job well done. The Commission and staff concurred.

Chairman Berland asked staff if second units could be precluded in PUD subdivisions. Agency Director Hinds responded that there are limited circumstances for precluding second units, although it is very difficult to do so by geographic area. Staff further added that the County is largely preempted by the State to preclude second units.

2. COMMUNICATIONS

The Commission acknowledged several pieces of correspondence for their review.

3. DIRECTOR'S ORAL REPORT

a. Update on Board of Supervisors Actions

Deputy Director Crawford announced that last week the Board upheld the Planning Commission's conditional approval of the Armstrong Garden Center Use Permit Design Review and denied the Smith appeal. The Board added some additional findings to the Resolution that addressed the need of the applicant to work with the Integrated Pest Management Advisory Board and County staff to utilize IPM practices in their operations as well as to similarly work with the Native Plant Society and County staff to avoid or at least minimize the use of nonnative and exotic vegetation in their palette of landscaping materials sold. In addition, a finding was included to reflect the applicant's willingness to work with County staff to accommodate any future bridge over Coyote Creek for bicycles and pedestrians that may or may not be affected by the site design of this project. Also, to work with the neighbors on Cardinal Road to establish an appropriate height for landscaping buffer that would run parallel to the rear property boundaries along Cardinal Road. The Board also included Condition 9 that would install a "no left turn/right turn only signs" on both sides of the outbound traffic lane at the Shoreline Highway intersection. The revised resolution is scheduled to be ratified by the Board at their December 14, 2004 meeting.

b. Report on On-Going/Pending Development Projects

Agency Director Hinds announced that the County received an award for the energy program in regard to working with schools, cities and local agencies to reduce energy in relation to the County's energy efficiency ordinance for large residential structures. Staff also pointed out that County received an award from the State's Enterprise Fund. Staff added that currently there are 68 certified green businesses. Also, the Board is in the process of adopting a "Managing For Results Program" to align departmental goals with County, community and organizational goals and objectives. Staff further pointed out that some internal changes are needed to assist in meeting the growing expectations for planning-related services.

The Commission commended Michelle Reed for all her hard work and noted that it is greatly appreciated.

Commissioner Greenberg recommended another body such as a three-man review committee to deal with single-family applications in order to save time. Agency Director Hinds responded that the rules and guidelines are being developed and staff is hopeful that the Single-Family Residential Guidelines would be used to develop an expedited permit review process for smaller projects that comply with adopted guidelines. Staff did not recommend establishing another review body. Chairman Berland believed guidelines would be extremely helpful.

Commissioner Holland pointed out that single-family residential projects have been forwarded to the Commission due to special circumstances. Commissioner Greenberg desired the guidelines to be measurable, objective standards to the extent possible. Commissioner Dickenson pointed out that “design” is very subjective and the Commission cannot establish a formula for good design. Agency Director Hinds pointed out that once guidelines are approved, a refined approach would be developed to allow smaller scaled projects to proceed without design review. Staff further agreed to continue efforts to be more community-based in terms of assigning planners within communities or neighborhoods.

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER) - None
5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

Update on Planning Commission Actions

January 10, 2005

- Canon Variance: *Public hearing to consider an applicant appeal of administrative denial of a Variance request for encroachment of single-family residence into required front yard setback.*

January 24, 2005

- Moritz Coastal Permit, Use Permit, Design Review: *Continued hearing from the August 23, 2004 for new single-family residence and legalization of guesthouse and agriculture worker housing.*
- Kirkos Design Review/Tidelands Permit: *Reconstruction of a boathouse accessory to an existing single-family residence*

February 14, 2005

- Single-Family Residential Design Guidelines: *Public hearing to consider Draft Single-Family Residential Design Guidelines (Countywide).*
- Development Code Technical Amendments: *Public hearing to consider recommending adoption of technical corrections and other minor revisions to the Development Code (Countywide).*

Continued public hearing to consider a proposal to construct a 308 square-foot detached equipment shed, in-ground swimming pool/spa, and approximately 4,380 square feet of additions to an existing single-family residence, resulting in an adjusted floor area of 6,513 square feet on a 65,000 square foot property. The subject property is located at **26 Unionstone Drive, San Rafael**, and is further identified as **Assessor's Parcel 164-354-05**.

(This item was continued from the hearings of September 13, 2004, and November 15, 2004.)

Anna Camaraota, Planner, summarized the staff report and recommended that the Commission review the administrative record, conduct a public hearing, and adopt the attached resolution approving with conditions the modified Gobar Design Review.

Franklin Gobar, applicant, noted that he made significant changes to address concerns of the neighbors and Commission. In his opinion, all concerns have been addressed, but if the square-footage is still an issue, he is willing to eliminate the underground cellar. He pointed out that if possible, he desired to keep the shed until the garage is complete, and then remove the shed in its entirety. He also noted that he spent many hours revising the plan and reiterated that prior to the last meeting they contacted 53 of his neighbors, 51 of which signed a petition supporting the structure. He further thanked the Commission for their time and consideration.

Commissioner Greenberg asked if neighbors from Blackstone were contacted in regard to this project. Mr. Gobar responded in the affirmative.

The hearing was opened to the public

Mardy Hornell, San Rafael resident, supported the project and pointed out that Mr. Gobar has tremendously improved the property. He further believed Mr. Gobar has a very promising project.

The public hearing was closed.

In response to Commissioner Barner's concern about demolition occurring on the site, Planner Camaraota responded that there would be some demolition to construct a basement as well as removal of the shed.

Commissioner Barner desired a condition of approval to be added in regard to toxic waste and hazardous materials. Planner Camaraota responded in the affirmative.

Commissioner Barner expressed concern for the landscaping proposed in terms of rhododendron because in his experience, rhododendrons do not thrive in the Black Point area as well as require a heavy amount of water. He further recommended that the revised landscape plan include other species.

Commissioner Dickenson indicated that he is very pleased with the changes made. Also, he had no objection with the applicant completing the framing of the garage before the shed is removed. In terms of the house size, it has been reduced and he had no problem with the proposed size of the home. He agreed with the simplified home design, which is a lot more traditional and fits in architecturally with the neighborhood. He further noted his support for the revised plan and felt there is no reason why the cellar should be eliminated since it does not contribute to the visible size of the residence.

Commissioner Greenberg believed the applicant made a real attempt to be responsive and had no objection to the cellar. Also, in regard to the shed removal, she had no problem with postponing the shed removal, but if approved, she recommended removing the shed by a date certain. However, she expressed concern for the proposal related to the size. She added that there are a number of items in the resolution that are not accurate in her view due to the size

of the home in relation to the surrounding neighborhood. She pointed out that this house is larger than all but one existing home and is very much related to houses on Unionstone Drive. She visited Blackstone and the homes on the far side would view the structure and she felt the home is out of scale for the neighborhood. She further stated that if approved, she recommended no gate or formal entry structure and desired the entry to be landscaped.

Commissioner Barner agreed with Commissioner Dickenson's comments and noted his support for the project. He felt it would be a very handsome house. He also had no objection to the cellar, but agreed with Commissioner Greenberg to have a specific date of removal of the shed and the platform on which it was built.

Commissioner Holland concurred with Commissioner Dickenson's comments as well. He believed the house has become quite attractive and noted his support. He agreed to modify the conditions relating to the removal of the shed. Also, there are two conditions such as 6 and 10, which are redundant and recommended substituting the demolition of the shed for one of those conditions.

Chairman Berland commended the applicant on a much-improved design, but felt the structure would impact Unionstone Drive and indicated that he is unable make the finding that the structure is compatible with the neighborhood. He desired the square-footage to be reduced. He had no objection to the cellar because it would not add to the bulk and mass. He further recommended adding as a standard condition as they do with "*non-reflective surfaces*" the phrase, "*penalty of perjury*" to the appropriate conditions. The Commission and staff agreed.

Commissioner Dickenson had no objection to a gate at the entry and would not prohibit the installation of a gate since the long driveway may be seen as a road or street.

Chairman Berland asked for a motion.

M/s, Dickenson/Holland, to adopt the Resolution approving with conditions the revised Gobar Design Review subject to the conditions prepared by staff; Condition 6 would be revised to state, "*180 days from the date of project approval;*" add language to Condition 10 relating to complying with all applicable regulations in regard to removing toxic waste and hazardous materials; and add the following phrase to Conditions 4, 11, 15, 16 and 19f: "*certify under penalty of perjury.*" Motion passed 3/2 (Chairman Berland and Commissioner Greenberg opposed and Vice Chairman Thompson and Commissioner Julin absent).

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC 04-027

A RESOLUTION APPROVING WITH CONDITIONS
THE GOBAR DESIGN REVIEW
26 UNIONSTONE AVENUE, SAN RAFAEL
ASSESSOR'S PARCELS 164-354-05

SECTION I: FINDINGS

- I. WHEREAS Franklin and Barbara Gobar are requesting Design Review approval to allow construction of an approximately 26-foot high, 3,261 square foot addition on an existing 2,616 square foot single-family residence (including attached garage), resulting in a total floor area of 5,877 square feet, construction of a new in-ground swimming pool/spa, and removal of a partially constructed, 308 square foot equipment shed. The adjusted floor area (deducting 540 square feet of excludable garage area) would be 5,337 square feet, representing a 7.2% floor area ratio (FAR) on the 74,052 square foot (1.7 acre) property. Five hundred and forty five (545) square feet of the proposed addition would consist of a cellar located entirely below grade, and would not contribute to the bulk and mass of the structure. The subject property is identified as 26 Unionstone Avenue, San Rafael and is further identified as Assessor's Parcel 164-354-05.

- II. WHEREAS on August 3, 2004, the Community Development Agency deemed the Gobar Design Review application complete and mailed notices to residents within 600 feet of the subject property advising that no formal public hearing would be held on this application and that a decision would be reached by the Agency Director no earlier than August 17, 2004.

- III. WHEREAS, a petition in opposition of the project and several letters were received which identified the following concerns related to the project:
 - A. The partially constructed, 308 square-foot tool shed appears to be larger than stated;
 - B. The location of the tool shed and the placement of windows is intrusive on the privacy of neighboring property owners;
 - C. The proposed height will overlook residences downslope and impede views of Blackstone Canyon;
 - D. The setback of the partially constructed/proposed equipment shed does not appear to be 32 feet from the east property boundary as indicated on the plans;
 - E. The intended use of the partially constructed equipment shed is questionable;
 - F. There are discrepancies in the notice posted on March 26, 2004 and recently mailed notices for the project;
 - G. The proposed addition to the single-family residence will result in a large home that will not fit into the community;
 - H. It is not clear if the existing drainage would be sufficient to serve proposed development on the site; and

- I. If approved, the proposed additional square footage will increase traffic on Unionstone Drive.
- V. WHEREAS the Marin County Community Development Agency determined that the concerns raised by neighbors warranted referral of the project for consideration by the Marin County Planning Commission.
- VI. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on September 13, 2004, to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- VII. WHEREAS the Marin County Planning Commission unanimously continued the Gobar Design Review to the November 15, 2004 hearing date to allow the applicant time to revise the project to address concerns expressed by the Commissioners, Planning staff, and neighbors.
- VIII. WHEREAS, with the consent of the applicant, the hearing was further continued by the Planning Commission to December 13, 2004.
- IX. WHEREAS the Marin County Planning Commission held a duly noticed continued public hearing on December 13, 2004, to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- X. WHEREAS the Marin County Planning Commission finds that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails construction of an addition to a single-family residence with no potentially significant impacts on the environment.
- XI. WHEREAS the Marin County Planning Commission finds that the proposed project, with the conditions outlined below, is consistent with the Countywide Plan policies because it would:
 - A. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
 - B. Result in development which conforms to the governing standards related to building height, size and location;
 - C. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - D. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
 - E. Minimize soil disturbance and maximize protection of natural vegetation; and
 - F. Minimize potential hazards to the public from private construction.
- XII. WHEREAS the Marin County Planning Commission finds that the proposed project, is consistent with all of the mandatory findings to approve the Gobar Design Review application (Section 22.42.060 of the Marin County Code) as specified below.
 - A. **The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/ disharmony with its locale and surrounding neighborhood;**

The addition has been sited so that the residence maintains the following minimum setbacks from corresponding property lines: approximately 128 feet from the northeast intersect (rear) property boundary), 40 feet from the south (front) property line, 62.75 feet from the east (right side) property line, and 74.5 feet from the northwest (left side) property line. The large setbacks, combined with existing mature vegetation located along the south façade of the residence, mature vegetation around the perimeter of the property, and additional vegetation required as a condition of project approval, will provide adequate screening and privacy between the subject property and adjacent properties.

B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;

The project will not impact view, light, air, and privacy of surrounding residences or public areas due to the following reasons: (1) the existing and proposed landscaping on the subject property would provide adequate visual screening and privacy between the subject property and adjoining properties; (2) the revised height of the residence from 28 to 26 feet does not exceed the 30-foot height limit for the governing R-1:B-2 zoning district; (3) the proposed siting of the addition will allow for ample setbacks from adjacent properties, (4) the revised project will result in a structure of a height, mass and bulk proportionately appropriate to the site; and (5) the design of the revised project will be compatible with that of other houses in the vicinity.

C. The proposed development will not directly, or cumulatively, 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 discussion contained in Findings A and B are supportive of this finding.

D. The proposed development will be properly and adequately landscaped with maximum retention or trees and other natural features and will conserve non-renewable energy and natural resources;

All mature trees will be maintained on the property and additional landscaping, required as a condition of project approval, will provide additional visual screening and privacy between the subject property and adjoining properties.

E. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);

The project is consistent with the required findings cited above because the addition would result in a structure of a height, mass and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the addition would conform to a principally-permitted use in the zoning district which governs the subject property and would be situated solely on the subject property. Existing vegetation and required landscaping would adequately screen the structure from off-site locations, would stabilize and prevent the erosion of graded soils around the structure, and would enhance the privacy of the occupants of the subject and surrounding properties. The addition would minimize drainage alterations, grading and excavation, tree removal and other adverse physical effects on the natural environment. Finally, the design of the addition would be compatible with that of other houses in the vicinity, would respect the surrounding natural environment, and would not diminish views from surrounding properties.

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 area, heights, mass, materials, and scale of the structures;

The residence has been sited in a location that meets the setback requirements under the governing R-1:B-2 zoning. Although the resulting size of the residence is larger than the range of home sizes that were recommended by some of the Commissioners, staff finds that the project has incorporated a number of refinements and improvements that merit approval. In addition to reducing the size of the proposed addition, the applicant proposes modifications to architectural features of the residence. Modifications include replacement of the originally proposed entry tower with a pedestrian scaled entryway, which includes a recessed front door with a false balcony above, utilization of arched garage doors, split-pane entry door and bay windows, and inclusion of two gable dormers along the front façade, which serve to break up the roofline. The reductions in the size would result in larger setbacks from the front, right side, and rear property lines, and result in a residence that is compatible in size, scale, and character with the surrounding Marinwood subdivision and the Las Gallinas Ranch subdivision located immediately up slope.

2. Drainage systems and appurtenant structures;

The drainage systems have been reviewed and accepted by the Department of Public Works with the inclusion of Condition 19(G) which requires installation of drainage inlets or cleanouts at pipe intersections and at bends with angels greater than ten (10) degrees.

3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);

The proposed addition would be situated on an existing plateau that surrounds the existing residence and excavation would be limited to construction of the pool/spa (approximately 150 cubic yards) and the below grade basement (approximately 235 cubic yards).

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

The proposal will not interfere with existing pathways or rights-of-way for persons, animals, vehicles, or watercraft.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

The siting of the residence will not eliminate the sun and/or light exposure on adjacent properties, or result in the elimination of views, vistas, or privacy. Existing mature landscaping and the installation of additional landscaping will provide additional visual screening from off-site locations.

G. The project design includes features, which foster energy and natural resource conservation while maintaining the character of the community.

The residence will be required to comply with the County's energy efficiency ordinance by incorporating energy efficient building materials and appliances.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposal to construct a single-family residence and accessory structure is consistent with the Marin Countywide Plan designation of SF5, single-family residential, two to four units per acre maximum density and with the governing R-1:B-2 zoning district. The structures have been designed to be compatible with the natural environment and will not be detrimental to the surrounding properties.

XIII. WHEREAS the Marin County Planning Commission finds that the concerns raised earlier by the Planning Commission, Planning staff, and neighbors have been adequately addressed in the revised proposal, based on the following factors.

The modified proposal has adequately addressed concerns related to visual and privacy impacts resulting from the detached equipment shed and visual impacts resulting from the size of the residence, by: (1) eliminating the partially constructed, 308 square-foot, detached equipment shed, (2) reducing the size of the proposed addition by 1,118 square feet, (3) incorporating a hipped roofline to reduce the length of the ridgeline, (4) minimizing the appearance of the entryway, and (5) incorporating architectural details which break up the roof line and result in a residence which is compatible in size, scale and character with the surrounding neighborhood. In addition, the applicant has provided preliminary landscape plans to provide screening from off-site views which shall be further refined as a condition of project approval.

SECTION II: PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves with conditions the Gobar Design Review subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Gobar Residence," consisting of 13 sheets prepared by T. Willis Design, received on November 3, 2004, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein. This Design Review approval hereby permits construction of an approximately 26-foot high, 3,261 square foot addition on an existing 2,616 square foot single-family residence (including attached garage), resulting in a total floor area of 5,877 square feet, construction of a new in-ground swimming pool/spa, and removal of a partially constructed, 308 square foot equipment shed. The project is approved with the following minimum setbacks to corresponding property lines: approximately 128 feet from the northeast intersect (rear) property boundary), 40 feet from the south (front) property line, 62.75 feet from the east (right side) property line, and 74.5 feet from the northwest (left side) property line. The subject property is located at 26 Unionstone Drive, San Rafael and is further identified as Assessor's Parcel 164-354-05.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Frank Gobar, received on September 13, 2004, and on file with the Marin County Community Development Agency, except as modified herein. The submitted sample board includes the following:

Siding: Stucco (light yellow ochre)
Roof: Red clay tile
Trim: Hemlock, aluminum clad windows

All flashing, metal work and trim shall be treated or painted an appropriately subdued, nonreflective 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 Gobar Design Review conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed under penalty of perjury by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District or North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
6. The partially constructed, 308 square-foot detached storage shed and pad shall be removed by June 11, 2005 (180 days from the date of project approval).
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape and irrigation plan which includes: (a) proposed plantings by scientific and common names; (b) container size at the time of planting and height at maturity; and (c) the method and general location of irrigation. The emphasis of the landscape plan should be to provide privacy screening elements and slope stabilizing elements and to soften the bulk and mass of the residence and pool/spa. Native and drought-tolerant species are recommended. The plan should incorporate any vegetation modification and management requirements established by the local fire district for minimum brush and tree clearance to create defensible space around the structure.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
10. Through the issuance of a demolition and/or building permit for the project, the applicant shall demonstrate, to the satisfaction of the Community Development Agency Building and Safety Division, compliance with all rules and regulations of the Bay Area Air Quality Management District related to the disposal of demolition debris and materials.
11. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming under penalty of perjury that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification.

Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.

12. All construction activities shall comply with the following standards:
 - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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 shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
13. 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.
14. 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 (description of project being approved), for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
15. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed under penalty of perjury by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
16. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
17. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
18. 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.

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

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following requirements:

- A. Site retaining walls and drainage and grading plans must be designed by a Registered Civil Engineer or Architect. Plans must have his/her signature and professional stamp;
- B. Plans must show details, top and toe elevations, and proposed type of retaining walls;
- C. Apply for a separate building permit for site retaining walls;
- D. Plans must show limits of grading and indicate total acreage of area to be disturbed;
- E. Submit an Erosion and Siltation Control Plan for review and approval by the Department of Public Works (DPW);
- F. Note on plans that the Design Engineer shall certify to the County of Marin in writing (including signature and stamp) that all grading, drainage, and retaining wall work was done according to plans and field directions. Describe all field changes. Also note on plans that prior to final inspection, site improvements shall be inspected by a DPW engineer;
- G. Provide drainage inlets or cleanouts at pipe intersections and at bends with angles greater than ten (10) degrees. Note: Consider redirecting the portion of the "V"-ditch, north of the proposed pool, to flow westerly and locate the drainage line westerly of the pool site, thereby avoiding the need to locate the drainage lines under the patio area and eliminating the need for multiple bends, inlets, or cleanouts;
- H. Plans must show elevation of finished grades, pads, and floors;
- I. Plans must indicate the type of surfacing for the driveway spur and the access to the concrete pad;
- J. The driveway shall be repaved with concrete since the slope is greater than 18 percent, per Marin County Code.

Marin County Fire Department

20. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

Marin Municipal Water District

21. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

Las Gallinas Valley Sanitary District of Marin County

22. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Las Gallinas Valley Sanitary District of Marin County that all additional connection fees pursuant to District Ordinance have been satisfied.

SECTION III: VESTING OF RIGHTS

The applicant must vest this Design Review approval by securing a Building Permit for all of the approved work and substantially completing all approved work in accordance with the approved permits by December 13, 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. The partially constructed, 308 square-foot detached equipment shed shall be removed within 60 days (February 13, 2005) and the area occupied by the shed shall be re-graded and restored. Design Review extensions to a total of not more than four (4) years may be granted for cause pursuant to Marin County Code Section 22.56.050.

SECTION IV: APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER 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 **December 23, 2004.**

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 13th day of December 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

7. MASTER PLAN WAIVER, COASTAL PERMIT, DESIGN REVIEW AND USE PERMIT: MICHAEL MORITZ JP

Continued public hearing to consider a proposal to construct a new 2,996 square foot single-family residence with approximately 1,230 square feet of porch area and a 979 square foot detached garage and storage structure sited on a woodland knoll upslope and approximately 300 feet south of the existing development on the 84.33-acre subject property. Construction of a new approximately 660-foot long driveway off the existing driveway will provide access to the proposed building site, located approximately 800 feet west of the front (eastern) property line and the existing entrance off Horseshoe Hill Road. As proposed the residence will have a maximum height of 25 feet above natural grade. The proposed garage, sited 50 feet east of the proposed residence, will have a maximum height of 22.16 feet above natural grade through section and 25 feet at the downslope elevation. The applicant also is proposing to legalize and convert to farm worker housing an existing "as-built" 1,500 square foot single-family residence located off the existing driveway and east of the historic development on the subject property. In addition, the applicant is proposing to convert the existing, 1,200 square foot primary single-family residence to a guesthouse by removing the kitchen. The applicant is proposing to demolish two existing guest houses: (a) a 400 square foot structure southwest of the farm worker housing unit; and (b) a 420 square foot structure east of the proposed guest house. The proposed new residence will be served by construction of an on-site mound sewage disposal system located down slope from, and east of, the new residential site and two 10,500-gallon water storage tanks north of the new residential site. The existing development will be served by construction of a new on-site sewage disposal system located at the lower portion of the property. All development and the agricultural production will be served by an existing well. The proposal does not include the withdrawal or use of water from Pine Gulch Creek. The property owners propose to continue the existing cattle grazing operation, owned and managed by the ranch manager who also will occupy the farm worker housing unit. The owners propose to convey to the County an Agricultural Conservation and Production Easement and Declaration of Restrictions over an identified "Agriculture Production Zone" to provide permanent preservation of potential agricultural lands and to restrict and maintain the farm worker housing unit for use by farm workers who are actively engaged in the production of agriculture at a below market rental rate as determined by the County. The property is located at **5675 Horseshoe Hill Road, Bolinas**, and is further identified as **Assessor's Parcel 188-090-13**.

(This item was continued from the hearings of August 23, 2004, and November 15, 2004 and is being recommended for further continuance to the hearing of January 24, 2005.)

Chairman Berland asked for a motion.

M/s, Holland/Greenberg, and passed unanimously of those present, to continue the Mortiz Master Plan Waiver, Coastal Permit, Design Review, and Use Permit applications to the public hearing of January 24, 2005. Motion passed 5/0 (Vice Chairman Thompson and Commissioner Julin absent).

Chairman Berland adjourned the meeting at 3.46 p.m.