

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION HILLENBRAND COASTAL PERMIT, DESIGN REVIEW, AND MERGER

Item No:	8.
Applicant:	Gretchen Hillenbrand
Property Address:	655 Olema-Bolinas Road
Hearing Date:	October 24, 2005
Application No:	CP 03-22, DR 03-44, MG 05-9
Owner:	Gretchen Hillenbrand
Assessor's Parcels:	188-140-66 and 188-150-04
Planner:	Jeremy Tejrjian
RECOMMENDATION:	Approve the project with conditions
APPEAL PERIOD:	5 working days to the Board of Supervisors
LAST DATE FOR ACTION:	October 24, 2005

SUMMARY:

The owners of 655 Olema-Bolinas Road propose to demolish an existing residence, which was not constructed with building permits, and develop a new residence and accessory structures as well as a new driveway. They seek to merge the two legal lots of record on the property into a single lot as part of the application. The Deputy Zoning Administrator approved the project on August 25, 2005, after careful consideration of the project, including the proposed driveway. The appellants have objected to the development of a new driveway because they assert that the existing driveway should continue to be used and that the new driveway would adversely affect their property because it would be located within twenty feet of their residence. Staff recommends that your commission deny the appeal and sustain the Deputy Zoning Administrator's approval of the project.

PROJECT DESCRIPTION:

The owner, Gretchen Hillenbrand, is requesting Design Review, Coastal Permit and Merger approval in order to demolish an existing residence and construct a two-story, 3,139 square foot single-family residence, a 256 square foot bathhouse, a 286 square foot guesthouse, a 700 square foot barn, and various site amenities including landscaping and a pool. The applicant also proposes to convert an existing second unit into a 560 square foot guesthouse. The proposed structures would reach a maximum height of 25 feet above existing grade and maintain setbacks exceeding 90 feet from all property lines. The subject property is developed with a septic system, which would be upgraded, and a well that would be granted an operating permit. A new driveway would be constructed along an access easement that leads to the subject property from Horseshoe Hill Road and the use of existing driveway leading to Olema-Bolinas Road would be abandoned. The merger would combine two legal lots of record into a single 7.68-acre legal lot of record in Bolinas.

GENERAL INFORMATION:

Countywide Plan
Land Use Designation: C-AG3 (Coastal, Agricultural, 1 unit per 1 to 9 acres)

Zoning: C-ARP-5.0 (Coastal, Agricultural, Residential, Single-Family Planned District, 1 unit per 5 acres minimum density).
Lot size: APN 188-140-66 is 3.55 acres (154,718 square feet) and APN 188-150-04 is 4.13 acres (179, 819 square feet)
Adjacent Land Uses: Residential and open space
Vegetation: Native and introduced species
Topography and Slope: Relatively level to steep terrain
Environmental Hazards: Earthquakes

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 15303, Class 3 of the CEQA Guidelines because it entails the merger of two properties and the construction of a new residence, accessory structures, septic system, and driveway. The project would not result in any potentially significant adverse affects to sensitive habitats or water quality, or otherwise result in potentially significant effects to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and stating the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and published in the Marin Independent Journal.

ANALYSIS:

Background

Situated in an area of Bolinas that is characterized by a combination of a level mesa, steep slopes, and close proximity to Bolinas Lagoon, the site has challenging environmental constraints but also provides ample opportunities for development. The subject property consists of two legal lots of record, which are developed with a single-family dwelling, a second unit, a septic system, a driveway, and a well. Planning and Enforcement staff determined that the residence, second unit and well were never authorized. However, the driveway and septic system conformed to County regulations at the time they were constructed. The current owners purchased the property and submitted a proposal to demolish the existing residence, remove the kitchen from the second unit, legalize and upgrade any legal non-conforming development and construct a new residence with various accessory structures. Staff recommended closing off the existing driveway because it was built in a steep ravine and would not provide adequate access or be consistent with current driveway standards, and building a new driveway within an access easement through an adjacent property. Substantial improvements would be necessary to bring the existing driveway up to current standards, including grading, tree removal, and the construction of retaining walls in an environmentally sensitive habitat area and Streamside Conservation Area in close proximity to Bolinas Lagoon. These improvements would be required either in the event that the applicant sought to construct a new residence or to legalize the existing residence.

The applicant modified the plans to show the construction of a new driveway and also submitted several studies pertaining to the proposed development. Several agencies commented on the proposed project, including the Bolinas Fire District, the Department of Public Works, and the Environmental Health Services Division. Conditions of approval reflect their requirements. During this review, staff concentrated on several key issues, including the protection of natural resources and the character of the local community.

On June 30, 2005, the proposed project went before the Deputy Zoning Administrator for a hearing on the Design Review, Coastal Permit, and Merger. The appellants and their attorney objected to the project during the hearing, requesting that the possibility of using the existing driveway be reconsidered refer to Attachments 10 and 11). The hearing on the Hillenbrand project was continued, with the consent of the applicant, to investigate the future use

of the existing driveway to provide passenger vehicle access. The DZA requested that the applicant submit conceptual drawings of the existing driveway, and include a possible improvement scheme. Staff indicated that the conceptual plans would be transmitted to the DPW Land Development section, MCSTOPPP, the Open Space District, and local community organizations that had made prior requests to be notified of proposed development within stream conservation areas. The applicant submitted the attached conceptual drawing, showing the existing driveway and a turnout located at the widest and most level portion of the driveway (refer to Attachment 12).

Staff transmitted the drawings to the Department of Public Works and consulted with MCSTOPPP, but did not transmit the drawings to the Open Space District. Although staff recognizes that these agencies would have an important role to play or an interest in reviewing an application to improve the existing driveway, the applicant does not have sufficient information regarding the environmental setting around the driveway available to include details regarding the topography, vegetation, watercourse and other environmental constraints of this area. In addition, the availability of plan information was not noticed to community organizations that may have an interest in the project. Therefore, anyone reviewing the conceptual drawing would need to be familiar with the site to be able to provide an informed evaluation of this alternative. DPW and MCSTOPPP staff is familiar with the site from previous site visits but Open Space District staff have not been to the property.

Since the existing residence was not constructed legally, DPW and MCSTOPPP reviewed the project for compliance with codes applied to the construction of a new residence. In their review of the drawings, MCSTOPPP staff indicated that the turnout shown in the conceptual drawings would require approval from the Regional Water Quality Control Board, the Army Corps of Engineers, and a stream alteration agreement with the Department of Fish and Game. MCSTOPPP staff also noted that the culvert extension in the conceptual drawing would be discouraged. DPW staff reviewed the drawings and indicated that the alternative shown would require an exception to Marin County Title 24 because two turnouts would normally be required for a driveway of this length and the driveway would need to be widened to meet the code requirements. Exceptions may be granted by the DPW based on the criteria established by Marin County Code section 24.15.020, which are the same as the state mandated requirements for Variance approval.

DPW staff indicated that more information would be required for a petition for exception by the applicant, including but not necessarily limited to, a site plan showing exact location of the road, the location of the watercourse, the top of banks, the topography, driveway profiles, and information regarding the driveway surface materials.

Staff consulted with the Marin County Environmental Coordinator regarding the improvements to the existing driveway, and the Environmental Coordinator indicated that the Categorical Exemption determination for the project would not apply to a substantially revised development proposal. Further, it would be necessary to have full and complete plans for the existing driveway and any proposed improvements prior to making a determination regarding the revised proposal's CEQA status. Therefore, a modified design relying on the existing driveway for access cannot be approved without additional information.

Appeal

The appellants assert that the proposed project would not have an appropriate scale or intensity of use in comparison with the character of the local community.

Response

Maintaining the rural character of the area has been a paramount concern in the review, analysis, and recommendation of the proposed project. Merging two legal lots of record into a single 7.68-acre lot would substantially reduce the development potential on the subject property. The design of the development preserves a large open meadow to the west of the proposed residence and the north of the proposed driveway and the ephemeral drainage to the south of the proposed driveway would be enhanced by planting additional trees and shrubs along its course. With the exception of the barn, the development would be located in the eastern portion of the property in proximity to the wooded area of the site. The trees in this area would be protected and would

provide a visual backdrop for the development. These design elements would integrate the development into the natural setting and reinforce the rural character of the area. The land use designation and zoning governing the area allow agricultural and residential development, and no commercial use has been proposed or is foreseen in the future.

The appellants assert that the development of a new driveway on the adjacent property would result in substantial adverse affects to their property and that the existing driveway is adequate for the development.

Response

The existing driveway is considered legal non-conforming because it was constructed prior to codified requirements for grading and driveway construction being instituted by the County. However, the residence on the subject property was illegally constructed without permits, as confirmed by Enforcement Section staff. Department of Public Works Land Use and Water Resources staff and the various Fire Departments throughout the County require that access be provided that is consistent with current standards for the construction or legalization of a new residence.

The existing driveway is narrow and steep, and ascends the hillside adjacent to an ephemeral creek until it crosses a culvert and continues to the residence. Substantial improvements to the existing driveway would be necessary for it to meet current standards, including the provision of turnouts by grading and constructing retaining walls. The applicant has indicated a disinclination to create a wide driveway with high retaining walls in order to meet the code requirements because of the aesthetic and natural resource values that would be lost by this scope of development. The ground disturbance, vegetation removal and construction entailed with these improvements would probably be inconsistent with the riparian habitat protection policies contained in the Local Coastal Program and Coastal Permit findings, as well as the stream conservation policies of the Countywide Plan. Any plans to improve the existing driveway to meet current standards may be subject to an initial study of environmental impact to determine the effects to the riparian habitat on the property and Bolinas Lagoon before a recommendation can be made with respect to policy consistency.

Developing a driveway from Horseshoe Hill Road to the proposed residence would provide access that is consistent with current standards and policies and compatible with the rural character of local area. Avoiding development near the ephemeral drainage would minimize ground disturbance and vegetation removal in an environmentally sensitive habitat area, and would not result in substantial adverse affects to the appellants' property. Surfacing the driveway with gravel instead of asphalt and aligning it along the edge of an existing meadow would make it similar to other driveways in the surrounding area. There is substantial vegetation along the boundary between the access easement and the appellants' property, and a condition of project approval requires a landscape plan that would include additional trees and shrubs to fill in any gaps in the existing vegetation to screen vehicles. Finally, fewer than ten vehicle trips per day are generated by a typical residence, which would not result in substantial adverse affects to the occupants of a residence located twenty feet from the driveway entrance and screened by vegetation.

The appellants assert that precedents allow the existing driveway to be improved without further review by permitting agencies and environmental organizations.

Response

Decisions regarding planning entitlements are influenced by previous interpretations of policies and standards. Although consistent interpretations are important for the planning process, planning decisions are ultimately governed by policy, State and Federal regulations and relevant published case law. With the listing of the Coho salmon and steelhead trout, the County, as well as other regulatory agencies, have placed a greater emphasis on regulating and protecting stream habitat and riparian resources. With respect to the proposed project, Department of Public Works and MCSTOPP staff have indicated that other agencies including the Army Corps of Engineers and the Department of Fish and Game may exercise permit jurisdiction for improvements to the existing driveway. Planning staff concurs with this assessment, and acknowledges that the Department of Fish and Game

generally requires initial studies before granting permits for stream alterations. These determinations are based on the requirements of the permitting agencies, which the County cooperates with in conformance with State and Federal requirements as well as sound planning practice

The appellants assert that the development of the proposed driveway would result in unacceptable environmental consequences.

Response

Based upon substantial evidence in the record, the proposed project would minimize adverse affects to the natural environment because it would reduce the development potential on the subject property by merging two legal lots of record and because the development would avoid the environmentally sensitive habitat area and SCA surrounding the ephemeral drainage on the property. The biological assessment submitted with the application concludes that the area where the proposed driveway would enter the property does not exhibit the characteristics or functions either by the definition found in the Countywide Plan or by the standard definition of being a moist streamside area with various levels of vegetation, and therefore does not require an SCA. SCA policies prohibit development in an SCA unless developing elsewhere on the site would result in more severe environmental consequences. Although the construction of the proposed driveway would result in ground disturbance and vegetation removal near to Horseshoe Hill Road, this would be preferable to development in the ephemeral drainage from an environmental standpoint. Less than twenty-five cubic yards of material would have to be excavated for the proposed driveway and none of the cypress trees at the entrance would have to be removed. Further, the development of the proposed driveway would conform to the arborist's recommendations for tree protection.

The appellant asserts that Planning staff is biased towards the proposed project and the analysis is not objective.

Response

Planning staff conducted an objective analysis of the proposed project and communicated emerging issues to the public and the applicant. Planning staff conducted an objective analysis of the proposed project and communicated emerging issues to the public and the applicant, consistent with the Agency's administrative practices. When the DZA requested that the applicant submit a conceptual study to improve the existing driveway, staff, in the interest of public disclosure regarding the status of the project description, made this information available to a local environmental organization that had requested to be notified of projects involving improvements within streams. Prior to the first DZA hearing on the project, staff informed the applicant that a condition of approval requiring additional landscaping along the proposed driveway was considered after the distribution of the staff report, but that staff would not recommend this condition to the DZA because of the amount of existing vegetation. However, the DZA concluded that this condition would be worthwhile, and modified the Resolution to require additional landscaping. Finally, merging the two lots on the subject property would reduce the future development potential in proximity to the appellant's residence, protecting the appellants' enjoyment of their property. Therefore, the proposed project offers benefits to the surrounding community, including the appellants.

Development Issues

Coastal and Natural Resources

Within the Coastal Corridor, Marin CWP policies call for a 100-foot wide Stream Conservation Area (SCA) buffer zone to be established between the edge of substantial riparian vegetation that exceeds 100 linear feet in area and the proposed development. The intent of County stream conservation policies is to maintain stream courses in their natural state to the greatest extent feasible for the purposes of water quality, wildlife habitat protection, erosion control, and aesthetics. The maintenance of a 100-foot buffer is intended to protect the visual and aesthetic appearance of the streamside environments and minimize or avoid development, which would

disturb vegetation, modify natural stream channels and banks, or increase erosion through soil disturbance. Development such as the construction of a single family residence may only be permitted within a stream buffer zone if the subject property falls entirely within the SCA, or if development on any other portion of the parcel (outside the SCA) would have a more adverse impact on water quality or result in other greater adverse environmental impacts, such as grading or tree removal. The creation of new building sites within stream conservation areas is specifically discouraged (Program EQ-2.3a).

The CWP Environmental Quality Element contains three policies that specifically address the protection and preservation of trees. The CWP requires that significant trees and oak woodland habitat shall be protected (Policy EQ-3.14) and encourages the retention of trees in a natural setting and a substantial area where natural litter and soils buildup can occur. Policy EQ-3.11 requires that tree cutting and damage be avoided wherever possible to maintain visual qualities of the natural and built environments. Significant oak trees that are removed for development purposes should be replaced at a ratio of 2:1.

In addition to the CWP policies, the Local Coastal Program contains general policies encouraging the protection of Environmentally Sensitive Habitat Areas (ESHAs), such as riparian areas and the habitats of special-status species. The LCP policies, and the Coastal Permit Findings that reflect them, call for minimizing disturbance of riparian areas and other significant vegetation. The applicant has addressed these policy considerations by designing the proposed development to be sensitive to the surrounding natural and built environment and by submitting extensive studies of the subject property.

The applicant submitted a geotechnical report, prepared by Salem Howes Associates, which evaluated the project with respect to geology and foundation conditions, drainage, and earthquake hazards. As a result of the evaluation, the geotechnical engineer concluded that the site is appropriate for the proposed development. Drainage conditions and improvements are adequate to avoid erosion problems on the site, and although the site is within the Alquist-Priolo Study zone it is not near a known fault trace. Further, the soils and geology on the site are relatively stable, which would reduce the probability of liquefaction, settlement and differential compaction, land sliding or flooding. The development has been properly designed to reflect the recommendations of the geotechnical engineer.

The applicant submitted an archaeological survey report, prepared by PCR, which evaluated the project with respect to cultural resources. As a result of the survey, the project archaeologist concluded that the site is appropriate for the proposed development. The literature review and site survey indicated that no surficial evidence of cultural resources is present. However, as a standard condition of approval, the applicant is required to stop construction activities if any cultural resources are discovered during construction activities.

The applicant submitted an arborist's report, prepared by MacNair and Associates, which evaluated the project with respect to protecting significant trees on the site. As a result of the evaluation, the arborist indicated that a single oak tree would be removed and replaced with two oak trees in a similar location on site. In addition, the project would be subject to conditions of approval requiring the implementation of tree protection measures recommended by the arborist.

The applicant submitted a biological assessment, prepared by Tetra Tech, which evaluated the project with respect to biological resources. As a result of the evaluation, the biologist concluded that the site is appropriate for the proposed development. Special status species were not located on the site by the biologist, although staff has observed monarch butterflies flying in the area. The area of the ravine, which is characterized by a mature eucalyptus grove has not supported a colony of wintering monarchs in the past, and may be too dark to support a colony in the future. Although the eucalyptus grove is in close proximity to a water source and provides adequate buffering from the wind, and therefore has some of the characteristics of habitat suitable for monarch butterflies, it is not considered an ESHA under the LCP because there is not a colony of butterflies that over-winters in the ravine. Further, the project avoids impacts to the grove, and therefore would be consistent with sound environmental practices.

The project biologist evaluated the habitat surrounding the watercourse and found three separate reaches on the property that have different vegetation characteristics. Reach "A" is the area upslope from the ravine, reach "B" is the middle portion of the ravine, beginning where the existing driveway crosses the watercourse, and reach "C" is the area below the driveway crossing that descends to Olema-Bolinas Road, which is in close proximity to the Bolinas Lagoon. Based on biological research as well as CWP and LCP policies, the biologist concluded that the lowest reach "C" is subject to the County's SCA policies as well as the ESHA protection policies contained in the LCP. The biologist found that the middle reach "B" is not characterized by riparian vegetation that exceeds more than one hundred linear feet of area, and therefore is not subject to the SCA policies contained in the CWP or the ESHA policies in the LCP. One of the key reasons this area does not support more riparian species is because chemicals released from the eucalyptus roots discourage other species of plants from growing within the eucalyptus grove. The biologist found that the upper reach "A" does not support riparian vegetation at the present time, and is not subject to SCA or ESHA policies. However, in order to improve the drainage and habitat qualities of this area, a condition of project approval requires that the applicant plant riparian species along this reach of the watercourse. The proposed development would be located beyond 100 feet from the edge of the riparian vegetation, and therefore is consistent with the SCA and ESHA policies.

Staff has conducted site inspections and a review of the record and the County GIS and concurs with the findings of the consultants evaluating the proposed project.

Visual Resources and Community Character

The CWP requires that visual qualities and view potential of the natural and built environments must be considered in reviewing development projects. Development of residential structures should be in scale with environmental constraints such as steep slopes and the design character of the existing neighborhood (Policy EQ-3.25). In particular, preserving visual resources should be achieved by avoiding the removal or damage to trees (Policy EQ-3.11).

The project would preserve unique natural site amenities including hillsides, ridges, water courses, stands of significant trees, and other natural features that are distinguishing characteristics of the surrounding area. The visibility of the proposed development would be minimized by using existing natural site characteristics for screening such as trees and topographic features.

New residences should be compatible with the scale (height, bulk, mass) and appearance (colors, materials, and design) of residences in the immediate neighborhood and would be integrated with and subordinate to the natural setting of the surrounding area. The project would not substantially affect enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. Additionally, the project has been designed to protect and preserve the existing views, light, and privacy of surrounding residences.

Staff has conducted an analysis of the size and scale of other residences within a quarter mile of the subject property, based upon the residential living area and parcel area information available from the Assessor's Office. The results of this analysis indicate that, of the 28 developed properties within a quarter mile, the median floor area is 1,530 square feet and the median size of these developed parcels is 2.411 acres. Although this data is approximate, it suggests that both the proposed size of the residence and the proposed size of the subject property would exceed what is typical in the area. Considerations of scale are important in preserving community character, and very large homes can be detrimental from a visual perspective and the perspective of resource efficiency. The proposed residence and other development incorporate features such as solar energy that improve the resource efficiency of the development. Further, the placement of the structures and merger of the property ensure that the development would remain in a secluded location, screened by vegetation and distant from the surrounding properties. Therefore, the scale of the proposed development is appropriate for its setting.

The project would result in minimal adverse physical and visual impacts because it would be constructed of exterior materials with colors that compliment the surrounding natural and built environment and would be

consistent with the surrounding community character. Further, the applicant would retain significant vegetation and install landscaping that would reduce and soften visual impacts of the new construction, stabilize and prevent the erosion of graded soils around the structure, and enhance the privacy of the occupants of the subject and surrounding properties.

Finally, the project design would incorporate elements that further current goals and policies contained in the Marin Countywide Plan and the Bolinas Community Plan. As discussed in the recommended Resolution, the project would require minimal alterations to the natural environment by reducing grading activities and maintaining adequate buffers to important environmental features such as the Lagoon, and would maintain the character of the area.

CONCLUSION:

The proposed project would enhance the property by demolishing an unauthorized residence and reducing the future development potential by merging two lots on the same property. Further, the proposed project would be consistent with the Marin Countywide Plan, the Bolinas Community Plan, and the mandatory Findings for Coastal Permit, Design Review and Merger approval. The appeal does not provided sufficient basis to overturn the approval of the project.

RECOMMENDATION:

Staff recommends that the Marin County Planning Commission review the administrative record, conduct a public hearing, and adopt the attached Resolution approving the proposed project.

ATTACHMENTS:

1. Recommended Resolution denying the appeal and conditionally approving the proposed project
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Appeal form and letter
6. DZA approval and hearing minutes from 8-25-05
7. DPW, Land Use and Water Resources comments regarding driveway requirements, received 8-22-05
8. Bolinas Fire Protection District comments regarding driveway, received 7-11-05
9. DZA hearing minutes from 7-14-05
10. Appellant comments for the DZA hearing, received 7-14-05
11. Appellant's attorney's comments for the DZA hearing, received 8-24-05
12. Enforcement letter to the previous owner of the subject property, sent 2-22-01

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION APPROVING WITH CONDITIONS
THE HILLENBRAND COASTAL PERMIT, DESIGN REVIEW AND MERGER
ASSESSOR'S PARCEL NUMBERS 188-140-66 AND 188-150-04
655 OLEMA-BOLINAS ROAD, BOLINAS

SECTION I: FINDINGS

- I. WHEREAS the owner, Gretchen Hillenbrand, is requesting Design Review and Coastal Permit approval in order to demolish an existing residence and construct a two-story, 3,139 square foot single-family residence, a 256 square foot bathhouse, a 286 square foot guesthouse, a 700 square foot barn, and various site amenities including landscaping and a pool. The applicant also proposes to convert an existing second unit into a 560 square foot guesthouse. The proposed structures would reach a maximum height of 25 feet above existing grade and maintain setbacks exceeding 90 feet from all property lines. The subject property is developed with a septic system, which would be upgraded, and a well that would be granted an operating permit. A new driveway would be constructed within an access easement that leads to the subject property from Horseshoe Hill Road and the use of existing driveway leading to Olema-Bolinas Road would be abandoned. The merger would combine two legal lots of record into a single 7.68-acre legal lot of record. The subject property is located at 655 Olema-Bolinas Road, Bolinas, and is further identified as Assessor's Parcels 188-140-66 and 188-150-04.
- II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on July 14, and August 25, 2005, to consider the merits of the project, and hear testimony regarding the project, and conditionally approved the proposed project.
- III. WHEREAS a timely appeal of the Deputy Zoning Administrator's decision was filed by the appellants on September 1, 2005.
- IV. WHEREAS the Marin County Planning Commission denies the appeal for the following reasons:
 - A. Maintaining the rural character of the area has been a paramount concern in the review, analysis, and recommendation of the proposed project. Merging two legal lots of record into a single 7.68-acre lot would substantially reduce the development potential on the subject property. The design of the development preserves a large open meadow to the west of the proposed residence and the north of the proposed driveway and the ephemeral drainage to the south of the proposed driveway would be enhanced by planting additional trees and shrubs along its course. With the exception of the barn, the development would be located in the eastern portion of the property in proximity to the wooded area of the site. The trees in this area would be protected and would provide a visual backdrop for the development. These design elements would integrate the development into the natural setting and reinforce the rural character of the area. The land use designation and zoning governing the area allow agricultural and residential development, and no commercial use has been proposed or is foreseen in the future.
 - B. The existing driveway is considered legal non-conforming because it was constructed prior to codified requirements for grading and driveway construction being instituted by the County. However, the residence on the subject property was illegally constructed without permits, as confirmed enforcement Division staff. Department of Public Works Land Use and Water Resources staff and the various Fire Departments throughout the County require that access be provided that is consistent with current standards for the construction or legalization of a new residence.

The existing driveway is narrow and steep, and ascends the hillside adjacent to an ephemeral creek until it crosses a culvert and continues to the residence. Substantial improvements to the existing driveway would be necessary for it to meet current standards, including the provision of turnouts by grading and constructing retaining walls. The applicant has indicated a disinclination to create a wide driveway with high retaining walls in order to meet the code requirements because of the aesthetic and natural resource values that would be lost by this scope of development. The ground disturbance, vegetation removal and construction entailed with these improvements would probably be inconsistent with the riparian habitat protection policies contained in the Local Coastal Program and Coastal Permit findings, as well as the stream conservation policies of the Countywide Plan. Any plans to improve the existing driveway to meet current standards may be subject to an initial study of environmental impact to determine the effects to the riparian habitat on the property and Bolinas Lagoon before a recommendation can be made with respect to policy consistency.

Developing a driveway from Horseshoe Hill Road to the proposed residence would provide access that is consistent with current standards and policies and compatible with the rural character of local area. Avoiding development near the ephemeral drainage would minimize ground disturbance and vegetation removal in an environmentally sensitive habitat area, and would not result in substantial adverse affects to the appellants' property. Surfacing the driveway with gravel instead of asphalt and aligning it along the edge of an existing meadow would make it similar to other driveways in the surrounding area. There is substantial vegetation along the boundary between the access easement and the appellants' property, and a condition of project approval requires a landscape plan that would include additional trees and shrubs to fill in any gaps in the existing vegetation to screen vehicles. Finally, fewer than four vehicle trips per day are generated by a typical residence, which would not result in substantial adverse affects to the occupants of a residence located twenty feet from the driveway entrance and screened by vegetation.

- C. Decisions regarding planning entitlements are influenced by previous interpretations of policies and standards. Although consistent interpretations are important for the planning process, planning decisions are ultimately governed by policy, related State and Federal regulations, and relevant published case law. With the listing of the Coho salmon and steelhead trout, the County, as well as other regulatory agencies, have placed a greater emphasis on regulating and protecting stream habitat and riparian resources. With respect to the proposed project, Department of Public Works and MCSTOPP staff has indicated that other agencies, including the Army Corps of Engineers and the Department of Fish and Game, may exercise permit jurisdiction for improvements to the existing driveway. Planning staff concurs with this assessment, and acknowledges that the Department of Fish and Game generally requires initial studies and other appropriate environmental review documents before granting permits for stream alterations. These determinations are based on the requirements of the permitting agencies, which the County cooperates with in conformance with State and Federal requirements as well as sound planning practice.
- D. Based upon substantial evidence in the record, the proposed project would minimize adverse affects to the natural environment because it would reduce the development potential on the subject property by merging two legal lots of record and because the development would avoid the environmentally sensitive habitat area and SCA surrounding the ephemeral drainage on the property. The biological assessment submitted with the application concludes that the area where the proposed driveway would enter the property does not exhibit the characteristics or functions either by the definition found in the Countywide Plan or by the standard definition of being a moist streamside area with various levels of vegetation, and therefore does not require an SCA. SCA policies prohibit development in an SCA unless developing elsewhere on the site would result in more severe environmental consequences. Although the construction of the proposed driveway would result in ground disturbance and vegetation removal near to Horseshoe Hill Road, this would be preferable to development in the ephemeral drainage from an environmental standpoint. Less than twenty-five cubic yards of material would be necessary to excavate for the driveway, and none of the cypress trees at the entrance would have to be

removed. Further, the development the proposed driveway would conform to the arborist's recommendations for tree protection.

- E. Planning staff conducted an objective analysis of the proposed project and communicated emerging issues to the public and the applicant, consistent with the Agency's administrative practices. When the DZA requested that the applicant submit a conceptual study to improve the existing driveway, staff, in the interest of public disclosure regarding the status of the project description, made this information available to a local environmental organization that had requested to be notified of projects involving improvements within streams. Prior to the first DZA hearing on the project, staff informed the applicant that a condition of approval requiring additional landscaping along the proposed driveway was considered after the distribution of the staff report, but that staff would not recommend this condition to the DZA because of the amount of existing vegetation. However, the DZA concluded that this condition would be worthwhile, and modified the Resolution to require additional landscaping. Finally, merging the two lots on the subject property would reduce the future development potential in proximity to the appellant's residence, protecting the appellants' enjoyment of their property. Therefore, the proposed project offers benefits to the surrounding community, including the appellants.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails the merger of two properties and the construction of a new residence, accessory structures, septic system, and driveway. The project would not result in any potentially significant adverse affects to sensitive habitats or water quality, or otherwise result in potentially significant effects to the environment.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project would be consistent with the Marin Countywide Plan as discussed below:
 - A. The proposed project would be consistent with the governing Countywide Plan Coastal, Agricultural land use designation (C-AG3);
 - B. The proposed project would provide housing opportunities on an infill site which is served by existing roadways, and necessary public and community facilities within the Coastal Recreational Corridor;
 - C. The proposed 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;
 - D. The proposed project would comply with the governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works;
 - E. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
 - F. The proposed project would conform with the Streamside Conservation policies contained in the Countywide Plan, including policies EQ-2.8, EQ-2.9, EQ-2.24, and EQ-2.33;
 - G. The proposed project would protect special status species, wildlife and edge habitats, in conformance with Marin Countywide Plan Policies EQ-2.36, EQ-2.87, EQ-2.87e;
 - H. The proposed project would be in scale with the environmental constraints of the site and would protect the visual resources of the area, in conformance with Marin Countywide Plan Policies EQ-3.25 and 3.11.

VII. WHEREAS the Marin County Planning Commission finds that the proposed project would be consistent with the Bolinas Community Plan as discussed below:

- A. The proposed project would not adversely affect the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass and bulk.
- B. The subject property maintains adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
- C. The subject property would have adequate water supply and sewage disposal, as confirmed by the Marin County Environmental Health Services Division.
- D. The proposed project would not adversely affect the surrounding natural environment relative to vegetation, species habitats or on-site drainage.

VIII. WHEREAS the Marin County Planning Commission finds that the proposed project would be consistent with the mandatory findings for Coastal Permit approval pursuant to the requirements and objectives of the Local Coastal Program, Unit I (Section I22.56.130 of the Marin County Interim Coastal Zoning Code) as described below.

A. Water Supply:

The property is developed with a water well, which provides potable water for domestic use. The Marin County Environmental Health Services Division (EHS) has reviewed the proposal and indicated that the well would provide adequate water supplies for a single-family residence. A condition of project approval requires that the applicant obtain an operating permit for the well. Based on the foregoing, the proposed project would be consistent with this Finding.

B. Septic System Standards:

The property is developed with a septic system, which will be repaired and upgraded in conformance with the pertinent EHS standards. The septic system would provide adequate setbacks from all sensitive habitats and would not result in slope instability or other environmental affects to the surrounding area. Based on the foregoing, the proposed project would be consistent with this Finding.

C. Grading and Excavation:

The proposed development, including the structures and new driveway, would result in approximately 442 cubic yards of excavated material, which would be distributed on the site. The subject property has been developed in the past, but retains the natural topography on a large proportion of the site. The proposed residence would be located on a naturally level portion of the site to minimize grading. Further, the other proposed improvements would not substantially reform the natural topography of the site by extensive terracing or retaining walls outside of the footprints for the buildings. All grading and excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements. Based on the foregoing, the proposed project would be consistent with this Finding.

D. Archaeological Resources:

A review of cultural resource maps maintained by the Marin County Community Development Agency indicates that the subject property is located in an area of archaeological sensitivity but not

in close proximity to a known archaeological site. The applicant submitted an archaeological report on the subject property, which indicated that cultural remains were not found on the site and concluded that there is a low probability that there are cultural resources on the property. In accordance with the recommendations of the project archaeologist, a condition of project approval requires that in the event that cultural resources are discovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist shall be engaged to assess the value of the resource and to develop appropriate protection measures. Based on the foregoing, the proposed project would be consistent with this Finding.

E. Coastal Access:

The project is not located adjacent to the shoreline and is on the opposite side of Olema-Bolinas road from Bolinas Lagoon. Therefore, the proposed project would not adversely affect coastal access. Based on the foregoing, the proposed project would be consistent with this Finding.

F. Housing:

The proposed project does not involve the demolition or conversion of authorized housing affordable to households of lower or moderate income. Based on the foregoing, the proposed project would be consistent with this Finding.

G. Stream Protection:

The applicant submitted a biological assessment, prepared by Tetra Tech, which evaluated the project with respect to biological resources. The project biologist analyzed the habitat surrounding the watercourse and found three separate reaches on the property that have different vegetation characteristics. Reach "A" is the area upslope from the ravine, reach "B" is the middle portion of the ravine, beginning where the existing driveway crosses the watercourse, and reach "C" is the area below the driveway crossing that descends to Olema-Bolinas Road, which is in close proximity to the Bolinas Lagoon. Based on biological research as well as CWP and LCP policies, the biologist concluded that the lowest reach "C" is subject to the County's SCA policies as well as the ESHA protection policies contained in the LCP. The biologist found that the middle reach "B" is not characterized by riparian vegetation that exceeds more than one hundred linear feet of area, and therefore is not subject to the SCA policies contained in the CWP or the ESHA policies in the LCP. One of the key reasons this area does not support more riparian species is because chemicals released from the eucalyptus roots discourage other species of plants from growing within the eucalyptus grove. The biologist found that the upper reach "A" does not support riparian vegetation at the present time, and is not subject to SCA or ESHA policies. However, in order to improve the drainage and habitat qualities of this area, a condition of project approval requires that the applicant plant riparian species along this reach of the watercourse. The proposed development would be located well beyond 100 feet from the edge of the riparian vegetation, and therefore is consistent with the SCA and ESHA policies. Based on the foregoing, the proposed project would be consistent with this Finding.

H. Dune Protection:

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. Based on the foregoing, the proposed project would be consistent with this Finding.

I. Wildlife Habitat:

The applicant submitted a biological assessment, prepared by Tetra Tech, which evaluated the project with respect to biological resources. As a result of the evaluation, the biologist concluded that the site is appropriate for the proposed development. Special status species were not located on the site by the biologist, although staff has observed monarch butterflies flying in the area. The area of the ravine, which is characterized by a mature eucalyptus grove has not supported a colony of wintering monarchs in the past, and may be too dark to support a colony in the future. Therefore, the eucalyptus grove in the ravine is not considered an ESHA under the LCP because there is not a colony of butterflies that over-winters in the ravine. Further, the project avoids impacts to the grove, and therefore would be consistent with sound environmental practices. Based on the foregoing, the proposed project would be consistent with this Finding.

J. Protection of Native Plant Communities:

The applicant submitted an arborist's report, prepared by MacNair and Associates, which evaluated the project with respect to protecting significant trees on the site. As a result of the evaluation, the arborist indicated that a single oak tree would be removed and replaced with two oak trees in a similar location on site. In addition, the project would be subject to conditions of approval requiring the implementation of tree protection measures recommended by the arborist. Please refer to Findings V.G. and H. above for additional information. Based on the foregoing, the proposed project would be consistent with this Finding.

K. Shoreline Protection:

The project is not adjacent to the shoreline. Based on the foregoing, the proposed project would be consistent with this Finding.

L. Geologic Hazards:

The applicant submitted a geotechnical report, prepared by Salem Howes Associates, which evaluated the project with respect to geology and foundation conditions, drainage, and earthquake hazards. As a result of the evaluation, the geotechnical engineer concluded that the site is appropriate for the proposed development. Drainage conditions and improvements are adequate to avoid erosion problems on the site, and although the site is within the Alquist-Priolo Study zone it is not near a known fault trace. Further, the soils and geology on the site are relatively stable, which would reduce the probability of liquefaction, settlement and differential compaction, land sliding or flooding. The development has been properly designed to reflect the recommendations of the geotechnical engineer. Based on the foregoing, the proposed project would be consistent with this Finding.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services. Based on the foregoing, the proposed project would be consistent with this Finding.

N. Land Division Standards:

No land division or lot line adjustment is proposed as part of this project. Two legal lots of record would be merged, reducing the future development potential on the subject property. Based on the foregoing, the proposed project would be consistent with this Finding.

O. Visual Resources:

The proposed development would be of a comparable height, size and scale with other structures in the surrounding community. The development would not impact the existing light or privacy of surrounding residences because it would not exceed a height of 25 feet above existing grade and would be constructed of building materials that compliment the surrounding natural environment. Further, the development would be partially surrounded by mature trees and would built in a secluded location, distant from other residences and public viewpoints. Based on the foregoing, the proposed project would be consistent with this Finding.

P. Recreation/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses. Based on the foregoing, the proposed project would be consistent with this Finding.

Q. Historic Resource Preservation:

The site has been previously developed and is not used for religious or ceremonial purposes. Further, the subject property is not located within the Historic District of Bolinas as designated by the LCP.

IX. WHEREAS the Marin County Planning Commission finds that the property is subject to Merger, pursuant to Section 20.12.125 of Marin County Code and Section 66451.11 of the State Subdivision Map Act, as described below.

- A. The lots on Assessor's Parcels 188-140-66 and 188-150-04 are contiguous and held by the same property owner.
- B. The lot on Assessor's Parcel 188-150-04 is not developed except for a well, which serves the residence on the adjacent lot on the property.
- C. The lot on Assessor's Parcel 188-150-04 does not meet slope stability standards because more than fifty percent of the lot is located within slope stability zone 3 or 4 as shown on maps entitled "Interpretation of the Relative Stability of Upland Slopes" (Smith, Rice and Strand) on file in the Planning Division.
- D. The Community Development Agency provided a certified Notice of Intent to Record Notice of Merger to the owner of record. This notice was filed with the Marin County Recorder on the date that the certified notice was mailed to the owner.

X. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Design Review, as established by Section 22.82.040 of Marin County Code, as follows:

- A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

The design of the proposed residence would be consistent with the current goals and policies contained in the Marin Countywide Plan, the Bolinas Community Plan, and the development standards in the Marin County Code. The project would minimize alterations to the natural environment by reducing grading activities and avoiding the removal of significant trees. As discussed in the Coastal Permit Findings above, the project would avoid disturbing the SCA surrounding the watercourse and would not adversely affect habitats that would be suitable for special-status species. Based on the foregoing, the proposed project would be consistent with this Finding.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The project would preserve unique natural site amenities including the hillside, the watercourse, stands of significant trees, and other natural features that are distinguishing characteristics of the surrounding area. Although the proposed barn would exceed a height of 15 feet above grade, it would be compatible with the rural agricultural character of the surrounding area and would not adversely affect the views or sunlight enjoyed on adjacent properties. The visibility of the new development would be minimized by using existing natural site characteristics for screening such as trees and topographic features. Based on the foregoing, the proposed project would be consistent with this Finding.

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

The project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would not result in adverse affects to the air, light, or privacy of surrounding properties because it would be in a secluded location and would be screened by existing and proposed vegetation. Based on the foregoing, the proposed project would be consistent with this Finding.

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

The project would not limit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district. Further, the development would not exceed a height of 25 feet, which is lower than the crowns of the surrounding trees, and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. The proposed development would not encroach into any rights-of-way, conservation easements or public lands. Based on the foregoing, the proposed project would be consistent with this Finding.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;

The majority of the property would be left in its natural state by the proposed development, except for those areas where construction of buildings, the septic system and the new driveway would occur. Further, the project and conditions of approval entail the protection of existing trees that would reduce and soften visual impacts of the new construction, stabilize and prevent the erosion

of graded soils around the structure, and enhance the privacy of the occupants of the subject and surrounding properties. In order to improve the natural habitat and visual quality surrounding the ephemeral watercourse on the site, a condition of project approval requires that the areas within twenty feet of either side of the watercourse upstream from the SCA shall be landscaped with appropriate species. Based on the foregoing, the proposed project would be consistent with this Finding.

F. It will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The project would result in minimal adverse physical and visual impacts because it would be constructed of building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structure such as articulations in the building facades. Based on the foregoing, the proposed project would be consistent with this Finding.

2. Drainage systems and appurtenant structures,

The property is steeply sloped in some areas, but does not currently exhibit gullies or other drainage problems that would indicate excessive surface runoff. The proposed project retains a large portion of the property as undeveloped area, providing adequate area for water to infiltrate into the soil. Further, the plans indicate that there would be a drainage system for the development, which would dissipate the energy of the stormwater over a broad area to reestablish the natural drainage pattern downslope of the buildings and avoid erosion. Based on the foregoing, the proposed project would be consistent with this Finding.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

In general, the siting and design of the improvements would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as steep slopes, native vegetation, trees and the watercourse. Where grading is required, such as for the new driveway, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. The development would avoid creating large graded terraces for building pads because there is sufficient level area on the site to locate the development. Based on the foregoing, the proposed project would be consistent with this Finding.

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

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access and parking standards. The existing driveway cannot continue to be used as a primary access because fire vehicles would not be able to navigate the narrow curves and steep slope from Olema-Bolinas Road to the top of the mesa. Further, improving the existing driveway may conflict with the SCA policies contained in the

Countywide Plan, depending on the amount of construction that would be required by the Fire District and Department of Public Works. Therefore, the applicant has proposed closing off the existing driveway and constructing a new driveway that accesses the subject property from Horseshoe Hill Road. Conditions of project approval require that a gate be constructed at the bottom of the existing driveway to close off access and that a new address be assigned to the property in conformance with Fire District requirements. Based on the foregoing, the proposed project would be consistent with this Finding.

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

The development would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Based on the foregoing, the proposed project would be consistent with this Finding.

- G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

Solar collectors are integrated into the roof design of the structures to be unobtrusive and conserve energy. The project shall also be required to comply with the building materials recycling and energy conservation Ordinances. Based on the foregoing, the proposed project would be consistent with this Finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Hillenbrand Coastal Permit, Design Review and Merger approval subject to the following conditions:

Marin County Community Development Agency-Planning Division

1. Pursuant to the Marin County Interim Coastal Zoning Code, this Coastal Permit, Design Review and Merger approval authorizes the demolition of an existing residence and construction of a two-story, 3,139 square foot single-family residence, a 256 square foot bathhouse, a 286 square foot guesthouse, a 700 square foot barn, and various site amenities including landscaping and a pool. The structures shall reach a maximum height of 25 feet above existing grade and maintain setbacks exceeding 90 feet from all property lines. The subject property is developed with a septic system, which shall be upgraded, and a well that must be granted an operating permit prior to occupancy. A new driveway shall be constructed within an access easement that leads to the subject property from Horseshoe Hill Road and the use of the existing driveway leading to Olema-Bolinas Road shall be abandoned. The merger shall combine the two legal lots of record on the property into a single 7.68-acre legal lot of record. The subject property is located at 655 Olema-Bolinas Road, Bolinas, and is further identified as Assessor's Parcels 188-140-66 and 188-150-04
2. EXCEPT AS MODIFIED HEREIN, subsequent development, use of, and permits for, the subject property shall be in substantial conformance with application materials on file with the Marin County Community Development Agency Department consisting of materials samples, lighting details, and 18 sheets of plans, labeled "Exhibit A": Hillenbrand/ Arlt Residence" prepared by Christopher/Bischoff, White and Prescott, Arcadia, and Rich Lincoln and Sons.
3. EXCEPT AS MODIFIED HEREIN, the colors and materials of the approved development shall conform to the colors and materials as they are shown on "Exhibit B", consisting of a colors and materials board. All the colors used for the development shall be dark earthtones to blend in with the surrounding environment.
4. BEFORE ISSUANCE OF GRADING OR CONSTRUCTION PERMITS, 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 and Design Review conditions of approval as notes.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record with the County Recorders Office a "Waiver of Liability" which shall hold the County harmless of liability of any matter resulting from the existence of geologic hazards or activities on the property.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape and irrigation plan for review and approval by the Community Development Agency Director. The plan shall include a palette of trees and shrubs to be planted along the southeasterly side property line of Assessor's Parcel 188-140-66, which would fill in the existing gaps in the vegetation and visually screen vehicles from the adjoining property at 240 Horseshoe Hill Road (Assessor's Parcel 188-140-40).
7. BEFORE ISSUANCE OF GRADING OR CONSTRUCTION PERMITS, the plans shall be modified to conform with the following stipulations:
 - A. The environmental design shall be modified to show the location, species and size of appropriate plant materials to be planted within 20 feet on either side of the watercourse from the boundary of the SCA to the property line. Appropriate species shall consist of species of native grasses, shrubs and trees that will thrive in these conditions.
 - B. The plans shall be revised to remove the notation regarding an upper level kitchen.

- C. The plans shall be revised to show a 4-foot high gate at the bottom of the existing driveway for the review and approval of Planning Division staff. The design of the gate shall be consistent with the rural surroundings.
8. BEFORE ISSUANCE OF GRADING OR CONSTRUCTION PERMITS, the applicant shall submit a letter from an arborist verifying that the tree protection fencing has been installed in conformance with “Exhibit A”, and the recommendations of the project arborist. This fencing shall be maintained during construction activities and any encroachments into the TPZ shall be monitored by the project arborist. All construction practices shall conform to the tree “Construction Protection Recommendations” and “Tree Protection Procedures” contained in the Tree Evaluation prepared by MacNair and Associates and submitted on October 7, 2004.
 9. 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.
 10. BEFORE ISSUANCE OF GRADING OR CONSTRUCTION PERMITS, the applicant shall apply for an address change from the Planning Department that will assign a new address from Horseshoe Hill Road.
 11. During construction activities, the applicant shall comply with the following activities:
 - A. If significant archaeological resources are discovered during demolition, all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Community Development Agency of the discovery.
 - B. A qualified archaeologist shall assess the site and shall submit a written report to the CDA staff advancing appropriate measures to protect the resources discovered.
 - C. If it is determined that a prehistoric site exists the following shall be implemented:
 - (1) no future development activity shall take place at or in close proximity to the prehistoric site within the development area;
 - (2) the historical site(s) shall be filled to protect the resources there;
 - (3) no additional excavation shall occur at these locations other than to remove surface organic material; and the project sponsor may be required to submit a revised project to protect the resource(s). No further work at the site may recommence without approval of the CDA staff.
 12. Hours of site preparation and actual construction shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturday. No site preparation or construction shall be permitted on Sundays or holidays. The approved hours of construction must be noted on any subsequent development plans. At the applicant's request, the Director may administratively authorize minor modifications to these hours of construction.
 13. During construction activities, the developer shall take all appropriate measures, including daily 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.
 14. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
 15. The developer shall be responsible for ensuring that all construction vehicles, equipment and materials are stored on site and off the street so that pedestrians and vehicles can pass safely at all times.

16. The developer shall be responsible for ensuring that the number of construction vehicles shall be limited to the minimum number necessary to complete the project.
17. Significant vegetation shall not be removed from the site without receiving Coastal Permit approval authorizing the activities. Significant vegetation includes species of trees listed in the Tree Ordinance, Eucalyptus trees in the ravine on the property, and any riparian plants surrounding the watercourse.
18. 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.
19. BEFORE FINAL INSPECTION, the developer shall submit written verification from a qualified biologist, landscape architect or landscape contractor that the vegetation required within 20 feet of the watercourse and the replacement oaks shown on "Exhibit A" have been installed.
20. BEFORE FINAL INSPECTION, written verification from an arborist shall be submitted that all arboricultural, construction, and related soil work for the improvements was performed in conformance with these conditions.
21. BEFORE FINAL INSPECTION, the applicant shall install a gate at the bottom of the existing driveway. The design of the gate shall be consistent with the rural character of the surrounding area and shall not exceed a height of four feet above grade. The gate is authorized by this Design Review approval.
22. BEFORE FINAL INSPECTION, the applicant shall install all required landscaping required in these conditions. All plants shall be clearly labeled with their species and size. 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. Staff will inspect the landscaping and the development to assure compliance with these conditions of project approval. Failure to pass the inspection will result in withholding of the occupancy and imposition of hourly fees for subsequent reinspections.
23. The property owner shall be responsible for ensuring on-going maintenance and preservation of the existing and approved trees and riparian vegetation needed for screening the development and enhancing the environment. Only those trees shown on the site plan as approved for removal, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent safety hazards to people and property. Removal of significant vegetation on the site shall not commence prior to obtaining Coastal Permit approval.
24. 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.

Department of Public Works-Land Use and Water Resources

25. Provide documentation that the driveway and turnaround area have been reviewed and approved by the local Fire Department.
26. Drainage outlets shall be provided with energy dissipaters.

27. An Erosion and Siltation Control plan shall be provided.
28. An encroachment permit shall be required for work within the county road right-of-way.
29. The plans shall be reviewed and approved by a Registered Soils Engineer. Certification shall be by either the engineer's stamp and signature on the plans, or by stamp and signed letter.
30. Note on plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Bolinas Fire Protection District

31. An approximate four (4) foot wide A.C. apron shall be provided as a transition from the street to the concrete pavers.
32. Street addresses to be posted where readily visible from both directions of travel on Horseshoe Hill Road. Signs to be of three-inch minimum letters with 3/8" stroke and with background of contrasting color. Place 3" blue reflective marker on address signs at street to left of number indicating private water supply.
33. Driveway to be minimum twelve foot wide all weather surface capable of supporting 40,000 pounds weight with an unobstructed vertical clearance of fifteen feet for entire length and a five foot safety zone either side.
34. Gate entrances shall be at least two feet wider than traffic lane and at least thirty feet from public roadway to allow vehicle to stop without obstructing traffic.
35. Turnout at midpoint (for driveway between 150 and 800 feet in length), ten feet wide, thirty feet long, with twenty-five foot taper at each end. Turnouts not to be used for parking.
36. Maximum grade to be sixteen percent.
37. Horizontal inside turning radius to be not less than fifty feet; additional surface width of four feet shall be added to curves of 50' - 100' and two feet for curves of 100' - 200'.
38. Minimum radius of forty feet from centerline of driveway. If a Hammerhead T is used, top of T shall be minimum of sixty feet in length. Parking not to interfere with turnaround. (Turnaround as noted in plans is acceptable).
39. Provide 8,000 gallons of water dedicated to fire suppression. Total minimum fire protection water supply to be supplied by a permanent, adequate, and reliable water source. Domestic water supply requirements are in addition to fire protection supply. Additionally, we recommend installing a drafting hydrant that would provide access to water from the pool. Tank and hydrant to be placed prior to construction. (Water from pool can be used in conjunction with another permanent water source for fire suppression).
40. Mark hydrant(s) with 3" blue reflective marker on fire retardant post and place 3" blue reflective marker on address sign at street to left of number. Water storage and hydrant to be installed and in service prior to commencement of framing. Notify Fire Department prior to installation for complete construction requirements and for specific siting of hydrant.
41. Residential fire sprinklers to be installed per Marin County requirements.
42. Provide smoke detectors per UBC/UFC.

43. Class A roof per Marin County requirements.
44. 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.
45. It is recommended that propane tank be sited thirty feet away from driveway so as not to interfere with access in the event of flame impingement, which may cause tank to vent flames. Provide fifteen feet defensible space around propane tank.
46. Provide main electrical disconnect accessible to Fire Department.

Environmental Health Services Division

47. BEFORE FINAL INSPECTION, the applicant shall obtain an operating permit for the well to provide domestic water.
48. The applicant shall comply with the Environmental Health Services Division's requirements pertaining to septic system improvements.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the owner must vest this Coastal Permit and Design Review approval by no later than October 24, 2007, or all rights granted in this approval shall lapse unless the owner applies for an extension at least 30 days before the expiration date above and it is approved by the Agency Director. Vesting shall entail receiving foundation inspection approval for the residence. An extension to the entitlement may be approved for cause by the Planning Division based upon the submission of an extension application.

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 **October 31, 2005.**

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 24th day of October, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE THOMPSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

KIM SHINE, PLANNING COMMISSION SECRETARY