



**STAFF REPORT TO THE MARIN COUNTY
PLANNING COMMISSION
Sharp Appeal of Bolinas Community Land Trust Coastal Permit**

Recommendation: Deny the appeal and sustain the Deputy Zoning Administrator's Decision conditionally approving the Bolinas Community Land Trust Coastal Permit Coastal Permit

Hearing Date: Monday, November 18, 2019

Application No(s):	P2228	Owner(s):	Bolinas Community Land Trust
Agenda Item:	4	Assessor's Parcel No(s):	192-061-11, -12, and -13
Last Date for Action:		Property Address:	Overlook Drive, Bolinas
		Project Planner:	Immanuel Bereket
		Signature:	
Countywide Plan Designation:	C-SF5 (Coastal – Single Family 1 unit/2-4 acres)		
Community Plan Area:	Bolinas Community Plan		
Zoning District:	C-RA-B-2 (Residential, Agricultural)		
Environmental Determination:	Exempt per CEQA Guidelines §15303(a) (Class 3)		

PROJECT SUMMARY

The applicants request Coastal Permit approval to construct a new 1,550-square-foot single-family residence and a detached 1,145-square-foot accessory dwelling unit on a vacant property in Bolinas. The proposed development would result in a floor area ratio of 11 percent on the 24,000 square foot lot. The proposed main residence would reach a maximum height of 13 feet nine inches above surrounding grade and exterior walls would have the following setbacks: 25 feet from the west front property line; 10 feet from the north side property line; 48 feet from the east rear property line; 30 feet from west front property line; and more than 100 feet from the south side property line. The proposed accessory dwelling unit would have the following setbacks: 27 feet from the west front property line; 95 feet from the north side property line; 92 feet 3 inches from the south side property line; and approximately 52 feet from the east rear property line. The project also includes various site improvements, including installation of a septic system, landscape and creating five off-street parking spaces.

Coastal Permit approval is required because the project entails development and alteration of land in Coastal Zone pursuant to Marin County Municipal Code Section 22.56.055I.B.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area: 24,000 square feet

Adjacent Land Uses: vacant single-family lots to the north, south and west; and vacant lot to the east owned by the Bolinas Community Public Utility District.

Topography and Slope: The project site is generally flat.

Vegetation: Mostly non-native ruderal vegetation with a mix of native species, escaped ornamentals, and naturalized weeds.

Environmental Hazards: The project site is located in a high fire risk zone, and high seismic susceptibility.

The project site consists of three vacant lots and is located within the Bolinas Gridded Mesa Plan, in the northeastern quadrant of the Plan area. It is approximately one-half mile from coastal bluff. The predominant aspect is neutral, slopes range from two to five percent, and elevations range from 190 to 195 feet above sea level. An application to merge the three lots of record into one lot was approved in April of this year, and final recordation of the lot merger is anticipated to occur prior to submittal of a building permit.

BACKGROUND

Prior to submittal of the subject Coastal Permit application, the applicants petitioned the Bolinas Community Public Utility District (BCPUD) for water use and, at its regular meeting of June 20, 2018, the BCPUD approved the petition. A Coastal Permit application was submitted on November 5, 2018. Upon receipt, the application was transmitted to the Department of Public Works (DPW), Environmental Health Services (EHS) and the California Coastal Commission (CCC). The project was deemed incomplete on November 29, 2018. On March 27, 2019, the applicants submitted (1) revised project plans and (2) an additional biological site assessment report, which were promptly recirculated to DPW, EHS and the CCC. Staff received written memos from DPW and EHS and an e-mail correspondence from the CCC; their correspondences are provided as attachments to this report. The project was deemed complete on May 2, 2019.

A notice was posted on the project site on November 16, 2018, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted. Upon deeming the project complete, a Notice and Referral was posted online on May 2, 2019, requesting any interested organizations or individuals to provide comments on the proposal. The Community Development Agency mailed public notice on May 28, 2019, identifying the applicants, describing the project and its location, hearing date and location in accordance with California Government Code requirements. Said notice was mailed to all property owners within 300 feet of the subject property.

On June 13, 2019, the Deputy Zoning Administrator conditionally approved the project. On June 24, 2019, John E. Sharp, on behalf of several community members, submitted a timely appeal of the Bolinas Community Land Trust Coastal Permit approval.

The Planning Commission was initially scheduled to consider the appeal at its meeting of August 12, 2019. On July 25, 2019, once public hearing notice was published, staff received correspondence from the applicant and appellant requesting a continuance in order to explore

potential resolution to the matter. Since the parties did not reach a resolution, the appeal is now scheduled for a Planning Commission's consideration.

KEY ISSUES

The project is located in a jurisdictional boundary of the BCPUD, which is an independent public utility district whose governance authority is codified in the California Public Utilities Act of 1913. As a public utility district, the BCPUD directly or indirectly provides water, sewer, solid waste, drainage, and parks and recreation services within its boundaries. In a memorandum dated October 19, 2018, the BCPUD that the project can be served water for domestic consumption (see attachment 10). Further, with respect to solid waste and wastewater, the applicant's proposal to install a new septic system was reviewed and approved by EHS.

PUBLIC COMMENT

During the project review process, the County received comments regarding the availability of adequate water for the project and the minimum level of CEQA analysis required for the project. As discussed above, water for domestic consumption would be provided by the BCPUD who have confirmed in writing availability of water to serve the project in accordance with their requirements. All correspondences are included as part of the Deputy Zoning Administrator file for this project.

RECOMMENDATION

Staff recommends the Planning Commission review the administrative record, conduct a public hearing, and deny the Appeal and sustain the Deputy Zoning Administrator's Decision conditionally approving the Bolinas Community Land Trust Coastal Permit, based on the findings and subject to the conditions contained in the attached resolution.

Attachments:

1. Recommended resolution
2. CEQA exemption
3. Public Correspondences
4. Biological Documentation and Wetland Assessment, prepared by WRA, Inc., March 8, 2019
5. Biological Site Assessment, prepared by WRA, Inc., dated January 2019
6. California Coastal Commission project comments, dated May 29, 2019
7. California Coastal Commission project comments, dated December 11, 2018
8. Planning Application Review, Department of Public Works, dated April 11, 2019
9. Planning Application Review, Environmental Health Services, dated January 30, 2019
10. Bolinas Community Public Utility District memorandum, dated January 25, 2019
11. Petition of Appeal, received June 24, 2019
12. California Coastal Commission Statewide Interpretive Guidelines (relevant portions only)
13. Project plans

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE SHARP APPEAL AND APPROVING THE BOLINAS COMMUNITY LAND TRUST COASTAL PERMIT OVERLOOK DRIVE, BOLINAS ASSESSOR’S PARCEL: 192-061-, -12 and -13

SECTION I: FINDINGS

1. WHEREAS, Arianne Dar, on behalf of Bolinas Community Land Trust, submitted a Coastal Permit application for the construction of a new 1,550-square-foot single-family residence and a detached 1,145-square-foot accessory dwelling unit on a vacant property in Bolinas. The proposed development would result in a floor area ratio of 11 percent on the 24,000 square foot lot. The proposed main residence would reach a maximum height of 13 feet nine inches above surrounding grade and exterior walls would have the following setbacks: 25 feet from the west front property line; 10 feet from the north side property line; 48 feet from the east rear property line; 30 feet from west front property line; and more than 100 feet from the south side property line. The proposed accessory dwelling unit would have the following setbacks: 27 feet from the west front property line; 95 feet from the north side property line; 92 feet 3 inches from the south side property line; and approximately 52 feet from the east rear property line. The project also includes various site improvements, including installation of a septic system, landscape and creating five off-street parking spaces. The properties are located on Overlook Drive, Bolinas and is further identified as Assessor’s Parcel 192-061-11, 12 & 13.

2. WHEREAS, on June 13, 2019, the Deputy Zoning Administrator conditionally approved the project.

3. WHEREAS, on June 24, 2019, John E. Sharp, on behalf of several community members, submitted a timely appeal of the Bolinas Community Land Trust Coastal Permit approval.

4. WHEREAS, on July 25, 2019, the appellants and the applicants submitted a joint request for delay of the appeal consideration by the Planning Commission in order to explore potential agreement.

5. WHEREAS, on November 21, 2019, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

6. WHEREAS, the bases of appeal and the reasons why they are insufficient to overturn the Deputy Zoning Administrator’s decision, for the reasons discussed below.

A. The appellant alleges that the Deputy Zoning Administrator’s adoption of (the) CEQA Exemption is in error.

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303(A) of the CEQA Guidelines

("New Construction or Conversion of Small Structures") - as the project falls squarely within the requirements for this exemption, as demonstrated by substantial evidence in the record and explained below.

1. CEQA and its implementing regulations (the State CEQA Guidelines) establish a three-tier process for assessing the environmental impact of proposed activities (See Guidelines, § 15002, subd. (k)):

When a lead agency finds a project approval to be categorically exempt from CEQA, this determination at the initial step of CEQA's multi-tiered process *necessarily includes an implied finding* that no exceptions to the categorical exemption are applicable. A party challenging an agency's categorical exemption determination on the basis that the "unusual circumstances" exception applies generally has the burden to show both (1) unusual circumstances (i.e., the project has some feature distinguishing it from others in the exempt class, such as size or location), and (2) "a reasonable possibility of a significant effect [on the environment] due to [those] unusual circumstance[s]." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105, 1115.)

Furthermore, the project, as proposed, does not trigger any of the exceptions in State CEQA Guidelines Section 15300.2. Neither the project site nor any of the adjacent properties are listed in the California Register of Historical Resources or in the National Register of Historic Places. There are no designated scenic highways adjacent to the project site and the project site is not located on a hazardous waste site list compiled pursuant to Government Code Section 65962.5. As documented in the biological site assessment reports prepared by WRA, Inc., the reports for the project site clearly document that there are no sensitive habitats, streams or wetlands present on the site or within 100 feet of the proposed development. No significant impacts due to unusual circumstances, nor any cumulatively significant impacts (such as traffic), were identified during the review process. Additionally, staff notes there are no mapped environmentally sensitive habitats or sensitive plants or animal species on the subject parcel. Therefore, none of the exceptions in CEQA Guidelines Section 15300.2 apply to the project site.

The appellant does not (1) provide any evidence that the project will have a significant effect on the environment nor (2) prove both the presence of unusual circumstances and a significant environmental effect would occur due to the project.

2. CEQA Class 3, Section 15303 applies to projects that are limited to a single-family residence, or a second dwelling unit in a residential zone.

The proposed housing project consists of a single-family residence with an accessory dwelling unit and is a permitted use in the C-RA-B-2 (Residential, Agricultural) District. It will be developed consistent with all applicable development standards, including but not limited to the maximum height, maximum floor area ratio, maximum density, minimum setbacks, and minimum required off-street parking spaces. In addition, under Government Code Section 65852.2, an accessory dwelling unit is not considered to exceed the allowable density for the lot upon which it is located. Thus, contrary to the appellants assertions that the project constitutes a multi-family project, the proposed project involves construction of a single-family residence and is consistent with the Countywide Plan, the Marin County Interim Code and the Local

Costal Program I. Therefore, the project qualifies for categorical exemption under State CEQA Guidelines Section 15303 and no evidence has been submitted by the appellant to negate the use of categorical exemption in this case.

B. The appellant alleges the proposed project is part of multiple similar projects proposed by the applicant in the same neighborhood and, therefore, does not qualify for categorical exemption.

The appellant is referring to a project located at 430 Aspen Drive, which is proposed by the same applicant, and suggests that additional environmental impact analysis would have been required if development of both parcels were considered together. Unlike this project, the project at 430 Aspen Drive involves an *existing* single-family residence for which the applicant sought a permit to legalize an addition and a conversion of unpermitted construction to an accessory dwelling unit whereas this project is for *new* construction.

State CEQA Guidelines require evaluation of potential environmental impacts on a per project basis and require analysis of “the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects” (*CEQA Guidelines §15355*). The scope of this project is limited to the project description above and this project is not a portion of a larger cumulative project. Further, there are no other currently pending applications at lots abutting the subject property and, therefore, staff can only base its analysis for this project on the project itself, the existing neighborhood, and other pending or approved projects nearby.

Per State CEQA guidelines Section 15300.2, determination that a project is categorically exempt is subject to several exceptions, including “Cumulative Impact: All exemptions...are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” In other words, for this pending application, staff considered the proposed project, and all other proposed and approved developments in the neighboring area and ultimately determined that no significant cumulative impact would occur. Analysis of impacts from any future proposals in the area (by the applicant or anyone else) would be evaluated according to the same criteria and would therefore be required to take into consideration impacts of the other pending developments when determining appropriate level of environmental review. Other than speculation that potential future projects similar to the one under consideration could cause a cumulative adverse impact, the appellant provides no evidence to negate use of categorical exemption in this case.

C. The appellant alleges the project violates the current Certified Local Coastal Program as well as the California Coastal Act because it abuts a wetland.

As documented in the biological site assessment reports prepared by WRA, Inc., the project site itself does not contain streams, wetlands or special-status species; however, a constructed drainage ditch and a freshwater emergent wetland, created by the BCPUD for purposes of sanitation operations, are situated to the west on the adjacent BCPUD lands. As documented in March 8th biological site assessment report, the freshwater emergent wetland and the constructed drainage meet the 1-parameter definition of wetlands but the constructed ditch meets the exemption under the California Coastal Commission Adopted Interpretive Guidelines for drainage ditch and therefore is not considered a wetland.

D. The appellant alleges that the Deputy Zoning Administrator erred in approving the proposed density on reliance on state laws.

As described above, the proposed project consists of a single-family residence with a detached accessory dwelling unit, and was approved in compliance with the C-RA-B-2 zoning district, which permits construction of a primary residence and accessory dwelling unit. As approved by the Deputy Zoning Administrator, the entire project, including the accessory dwelling unit, will be developed consistent with all applicable development standards, including but not limited to maximum height, maximum floor area ratio, maximum density, minimum setbacks, and minimum required off-street parking spaces.

Pursuant to Government Code Section 65852.2, an accessory dwelling unit that conforms to all applicable development standards is deemed to be an accessory use or an accessory building and it not considered to exceed the allowable density for the lot upon which it is located, and must be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. In addition, the accessory dwelling unit cannot not be considered in the application of any local ordinance, policy, or program to limit residential growth. In other words, an accessory dwelling unit does not increase the density of the lot beyond a single-family residence. Therefore, the Deputy Zoning Administrator did not approve the project in error.

E. The appellant alleges that there is no sufficient water supply is available for the proposed high-density project.

First, as stated above, the proposed housing development consists of a single-family residence and detached accessory dwelling unit, and it is not a multi-family (high density) project as the appellant alleges.

Second, the project is located in a jurisdictional boundary of the BCPUD, which is an independent public utility district whose governance authority is codified in the California Public Utilities Act of 1913. As an independent public utility district, the BCPUD directly or indirectly provides water, sewer, solid waste, drainage, and parks and recreation services within its boundaries. Prior to submittal of the subject Coastal Permit application, the applicants petitioned the Bolinas Community Public Utility District (BCPUD) for water use and, at its regular meeting of June 20, 2018, the BCPUD approved the petition. In a memorandum dated October 19, 2018, the BCPUD affirmed there is sufficient water to serve the proposed single-family residence and detached accessory dwelling unit. The appellant provides no evidence to support the allegation the BCPUD does not have sufficient water to serve the proposed housing project.

F. The appellant alleges that project site contained native plant communities prior to submittal of the application to the County.

In this appeal point, the appellant argues the CEQA baseline should include the native plant communities that were allegedly removed by the applicant prior to applying in order to qualify for categorical exemption. However, no evidence has been submitted to demonstrate that there were environmentally sensitive habitat present on the site in the past.

G. The appellant alleges that proposed project will result in adverse traffic and circulation impact.

A traffic study (or analysis) is not required for the development of a single-family residence because the potential traffic generated is low. The expected level of traffic generated by the proposed project is anticipated to be only two peak hour trips per day. Therefore, the anticipated increase in traffic due to the project will not conflict with any applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system. The appellant provides no evidence to demonstrate the project would generate significant amount of traffic so as not to qualify for a categorical exemption.

7. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project entails construction of a new single-family residence on an infill lot in an developed area that would not result in potentially significant impacts to the environment.

8. **WHEREAS**, the project is consistent with the goals and policies of the Bolinas Gridded Mesa Plan for the following reasons:

- A. The project is consistent with the Land Use policy (LU-1) because it is not located within the Bluff Erosion Zone.
- B. The project is consistent with Land Use policy related to stream protection (LU-2) because it is not located within the Alder Creek buffer area.
- C. The project is consistent with Land Use Policy related to septic capacity (LU-4) because the size and design of the system considers the cumulative impacts of septic systems in the area, including groundwater mounding and soil nitrate accumulation. As designed, and approved by Environmental Health Services, the septic system will incorporate low flow water fixtures and water saving devices, which will be verified during building permit review.

9. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.130I).

A. Water Supply

The Bolinas Community Public Utilities District (BCPUD) will provide water to the subject property. Therefore, the project site has a viable water source. This criterion is met.

B. Septic System Standards

The Marin County Environmental Health Services (EHS) regulates individual sewage disposal systems in Bolinas. Upon review of the proposed septic system, EHS determined the proposed septic system complies with the Marin County Environmental Health regulations. Therefore, this criterion is met.

C. Grading and Excavation

The project entails no excavation or offhaul, and 473 cubic yards of fill. Sheet C1 includes details related to erosion control during construction, consistent with 22.56.130I.C.3.a. An increase in impervious surfaces is limited to the proposed structures and concrete walkways. Landscaping and softscaping is included in the scope of work, allowing plants to absorb runoff/pollutants in an effective manner. This criterion is met.

D. Archeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that virtually the entire Bolinas area, including the subject property, is considered an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because the proposed project is does not involve extensive excavation. Per Title 22 of the Marin County Codes Section 22.20.040, in the event archeological or paleontological resources are uncovered during construction, all work shall immediately cease and the services of a qualified consulting archeologist will be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access

The project does not impact coastal access as it is not located on a coastal bluff. This criterion is met.

F. Housing

The proposed project will increase the availability of affordable housing stock within the Bolinas community because it will create affordable housing for persons of low- and moderate-income categories.

G. Stream and Wetland Resource Protection

As documented in the biological site assessment reports prepared by WRA, Inc., the project site itself does not contain streams, wetlands or special-status species; however, the proposed project site is adjacent to a lot owned and maintained by BCPUD, which contains a constructed ditch and freshwater emergent wetland. As documented in March 8th biological site assessment report, the freshwater emergent wetland and the constructed drainage ditch meet the 1-parameter definition of wetlands but the constructed drainage ditch meets the exemption under the California Coastal Commission Adopted Interpretive Guidelines for drainage ditch and therefore is not considered a wetland. As proposed, the development will be setback at least 100 feet from the emergent freshwater wetland. All material and equipment staging will occur 100 feet or greater from the wetland. Since no improvements are proposed offsite or in areas adjacent to a freshwater emergent wetland, the project will not result in any impact upon stream or wetland resources and will comply with the LCP's riparian protection policies.

H. Dune Protection

While there are dunes in Bolinas Beach, there are no dunes in the project vicinity or on the project site.

I. Wildlife Habitat Protection

Per the biological assessment reports, prepared by WRA Inc., there are no special-status species present on site. However, the following four special-status plants species have a moderate to high potential to occur within a mile of the project site: Coastal bluff morning-glory (*Calystegia purpurata* ssp. *Saxicola*), white hayfield tarplant (*Hemizonia congesta* ssp. *Luzulifolia*), short-leaved evax (*Hesperis matronalis* var. *brevifolia*), and showy rancheria clover (*Trifolium amoenum*). While there is a probability that these species are within a mile of the subject property, the study concludes none of the plants have a potential to occur on site due to topographic and hydrologic conditions necessary to support the special status plant species. Therefore, this criterion is met.

Further, the study concluded that although American badger (*Taxidea taxus*) and California red-legged frog (*Rana draytonii*) have potential to occur on the vicinity, there was no evidence of their presence on project site. Since American badger may hunt or disperse where ground squirrels or other mammal burrows congregate, there was no evidence to suggest ground squirrels or other mammal burrow were present on the project site, and are unlikely to be present on the BCPUD land due to continued inundation. Therefore, the permanent residence of American badger is unlikely to occur on the site or on the adjacent BCPUD lot. Further, the California red-legged frog may breed in the BCPUD land since it can possible provide aquatic conditions; however, the site does not provide such habitat.

J. Protection of Native Plant Communities

As noted above, the biological assessments concluded that there are no native plant communities within the project site. Therefore, the proposed project will not result in impacts to special-status plants. As illustrated on Sheet L1, the project proposes a landscape plan and proposed plantings are identified on the landscape plan. While all proposed species that are native to the western California, there are no plantings that are native to west Marin. Because of this, a condition of approval has been placed on the project requiring a minimum of 50 percent of plantings to consistent of native species to the Bolinas area as identified by the Marin Chapter of the California Native Plant Society. As conditioned, this criterion is met.

K. Shoreline Protection

The proposed project does not involve shoreline protection work and will not restrict navigation, mariculture or other coastal use and will not create a hazard in the area in which it is built. Therefore, the proposed project would not impact shoreline resources.

L. Geologic Hazards

As the project is potentially subject to geologic hazards, a condition of approval shall be placed on the project stating, "The applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards." As conditioned, this criterion is met.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works projects in the area. This criterion is met.

N. Land Division Standards

No Land Division or Lot Line Adjustment is proposed as part of this project. This criterion is met.

O. Visual Resources and Community Character

There are no trees, historic buildings, rock outcroppings, or similar visual resources on the project site; nor is the project site located near a designated scenic highway. This criterion is met.

P. Recreational/Commercial/Visitor Facilities

The project will not provide commercial or recreational facilities, and the subject property is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Research

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Additionally, completion of the proposed work would not affect or impact the character of the Bolinas community.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Mr. Sharp's appeal and approves the Bolinas Community Land Trust Coastal Permit subject to the conditions of project approval.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby partially approves the Bolinas Community Land Trust Coastal Permit, subject to the conditions as specified below.

CDA-Planning Division

1. This Coastal Permit approval authorizes construction of a new 1,550-square-foot single-family residence, a detached 1,145-square-foot accessory dwelling unit, and installation of a septic system on a vacant property in Bolinas. The proposed development would result in a floor area ratio of 11 percent on the 24,000 square foot lot. The proposed main residence would reach a maximum height of 13 feet nine inches above surrounding grade and the exterior walls would have the following setbacks: 25 feet from the west front property line; 10 feet from the north side property line; 48 feet from the east rear property line; 30 feet from west front property line; and more than 100 feet from the south side property line. The proposed Accessory Dwelling Unit would have the following setbacks: 27 feet from the west front property line; 95 feet from the north side property line; 92 feet 3 inches from the south side property line; and approximately 52 feet from the east rear property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Overlook Affordable Housing," consisting of 11 sheets prepared by Steve Matson, received in final form on March 27, 2019, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The landscape plan shall be modified to include a minimum of 50 percent of plantings that are native to Marin County as identified by the Marin Chapter of the California Native Plant Society.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2019" with respect to all of the standard conditions of approval and the following special conditions: 4.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within two years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (December 3, 2019).

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 18th day of November 2019 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

DAVID PAOLI, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Recording Secretary