

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION**  
Lawson Design Review

**Decision:** Approve  
**Date:** September 21, 2021

Project ID No:	P3285	Applicant(s):	Tom Flynn
Application No(s):	N/A	Owner(s):	Lawson Nita T L/E of Lawson Brothers Partnership
		Assessor's Parcel No(s):	100-100-21
		Property Address:	4000 Dillion Beach Rd., Dillon Beach
		Project Planner:	Immanuel Bereket (415) 473-2755 <a href="mailto:lbereket@marincounty.org">lbereket@marincounty.org</a>
		Signature:	
Countywide Plan Designation:	C-APZ (Coastal, Agricultural Production Zone)		
Community Plan Area:	Dillon Beach		
Zoning District:	C-APZ (Coastal, Agricultural Production Zone)		
Environmental Determination:	Categorically Exempt under Section 15303, Class 3		

**PROJECT SUMMARY**

The applicant requests Design Review approval to construct an approximately 5,400 square foot structure (barn) on a vacant parcel in Dillon Beach. The 5,400 square feet of the proposed development would result in a floor area ratio of 0.04 percent on the 130,680 square foot (3 acres) parcel. The proposed building would reach a maximum height of 23 feet above the surrounding grade. The exterior walls would have the following setbacks : 112 feet, four inches from the south front property line; and over 200 feet from all other property lines. Other site improvements entailed in the proposed development include installing a gravel driveway, site grading, and other general site improvements to accommodate the proposed project.

A Design Review is required under the Planned District zoning because the proposed barn is located less than 300 feet from the nearest property line of an abutting property under a different ownership per Section 22.82.030.B (I).

## **KEY ISSUES**

On October 9, 2020, the California Coastal Commission approved the demolition of the existing barn near the entrance road and construction of the proposed project as part of the Lawson's Landing Master Plan through a Coastal Permit. Under the Commission's approval, the new barn would be located at the southeast of the Lawson family farm compound at 4000 Dillon Beach Road, approximately one and one-half miles east of the main entrance to the Lawson's Landing campground. The project is sited away from environmental and biological resources. The project is proposed in accordance with the approved Master Plan and Coastal Permit.

## **COUNTYWIDE PLAN CONSISTENCY**

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

## **COMMUNITY PLAN CONSISTENCY**

The proposed project is consistent with the Dillon Beach Community Plan for the following reasons:

- A. The project is consistent with the Environmental Quality policies (EQ-4.1, EQ-6.4 and EQ-8.1) because it would not be located in any established stream or wetland buffers as specified by the Local Coastal Program, Unit 2, nor would it be located in an area with special status plants or animals.
- B. The project is consistent with the Cultural Resources policy (EQ-10.1) because the project would not be located in an area with archaeological or other cultural resources.
- C. The project is consistent with the Environmental Hazards policies (EH-1.1, EH-1.2, and EH-1.5) because the project is not located in the Alquist-Priolo zone, an area with known landslides, or an area with a mapped slope stability of 3 or 4. Further, the project would be reviewed for conformance with all building code seismic safety standards during building permit review.
- D. The project is consistent with the Environmental Hazards policies related to flooding and erosion (EH-1.4, EH-1.6, EH-1.7, EH-1.8, EH-1.9, EH-1.10, and EH-1.11) because the project is not located within: a cliff, bluff, dune, or creek erosion area; in the FEMA flood zone; or, in a tsunami zone. Further, the project is consistent with the Environmental Hazards policy related to shoreline protection (EH-1.7) because no shoreline protection structures are proposed.
- E. The project is consistent with the Environmental Health policies (EH-1.12, EH-1.13, and EH-1.14) because it minimizes the amount of impervious surface, would infiltrate all runoff on site, and would comply with all fire suppression requirements, which would be verified during building permit review.
- F. The project is consistent with Communitywide policies related to community character (CD-1.3, CD-1.5, CD-1.6, CD-2.1, and CD-2.2) because the project would be of a height, scale and design that is compatible with the character of the natural and built environment by minimizing the use of non-native vegetation, conforming to the natural landforms, and screening development where appropriate, while preserving views from neighboring residences and public viewing places.
- G. The project is consistent with the Communitywide policy related to historic resources (CD-3.1) because the project would not alter or demolish a pre-1930's structure.
- H. The project is consistent with the Community Facilities policies (CF-8.1, CF-8.2 and CF-8.4 and 8.5) because the project would be served by an onsite septic system for sewer service.

## **ZONING CODE CONSISTENCY**

### **Mandatory Findings for Design Review (Marin County Code Section 22.82.040I)**

**A. It is consistent with the Countywide Plan and any applicable community plan and local coastal program;**

As discussed in the findings above, the project is consistent with the Countywide Plan, the Dillon Beach Community Plan, and the Local Coastal Program because it consists of a barn intended to further facilitate the continued use of the site for agricultural purposes. The project site is governed by C-APZ-60 (Coastal, Agricultural Production Zone) zoning regulations and would not affect the established rural character of the area.

**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 proposed barn would be located on a large agriculturally zoned parcel and would be compatible with the use of the site for livestock grazing. The facility would be located 112 feet from the nearest property line and screened by topography and existing vegetation on the subject and surrounding properties. Therefore, the proposed project would not adversely impact visual resources.

**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 proposed barn would not unduly impact the existing light or privacy of surrounding properties because, as stated above, the project is located a substantial distance away from the surrounding properties. The proposed project would not adversely affect rights-of-way or pathways for circulation since the lot does not provide circulation to the surrounding neighbors.

**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 encroach upon any neighboring private properties or upon public lands and rights-of-way, nor would it directly, or in a cumulative manner impair, inhibit, or limit further investment in the vicinity. Therefore, the 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 property contains adequate mature landscaping, rolling hills, and other natural features that would be retained in its current condition. The project would not remove any vegetation and does not entail the removal of any trees.

**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 proposed structure will minimize adverse physical or visual effects related to the mass, scale, and height because it is located away from property lines and would be

partially screened by topography. Further, it would not require any tree removal, would not obstruct views from off-site locations. Further, the colors, materials, and building forms would blend the project into natural and built environments. All exterior lighting would be directed downward and shielded so as not to cast glare on nearby properties. The scale, mass, and height would be consistent with the rural settings.

**2. Drainage systems and appurtenant structures,**

All conceptual drainage plans have been reviewed by the Department of Public Works (DPW) and would occur in accordance with the standards outlined by the Department of Public Works during the Building Permit review process.

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

A minimal amount of cut and fill is proposed as part of the project, in equal proportion with no off-haul. Fifty-five cubic yards of cut and the same amount of fill are proposed in order to prepare the site for the proposed additions, which would not necessitate any storage of the site spoils either on the site, or to be hauled away. Therefore, the project is 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 project to ensure that no work would be located within rights-of-way or affect the movement of people or vehicles. No new fencing is proposed that would affect the circulation of wildlife.

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

The project as designed is consistent with the policies of the Countywide Plan, Dillon Beach Community Plan, Local Coastal Program, the Interim Zoning Code Title 22I, and is otherwise consistent with the general height and bulk of other barns found in the community. As designed and situated on the lot, the proposed project would not result in impacts upon sun and light exposure, views, vistas, or privacy presently enjoyed by neighboring properties.

**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.**

The proposed exterior materials consist of corrugated metal vertical siding in brown color with a non-reflective matte finish, and corrugated metal roof in light brown color also with a non-reflective finish. The colors and materials are meant to blend into the surrounding environment. The proposed house will also need to satisfy all energy-saving standards required by the Building Division before issuance of building permit. Therefore, the project would be consistent with this finding.

## **ACTION**

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. 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.

## **CONDITIONS OF PROJECT APPROVAL**

### **CDA-Planning Division**

1. This Design Review approval authorizes the construction of a new 5,400 square foot barn on a vacant parcel in Dillon Beach. The 5,400 square feet of approved development shall result in a floor area ratio of 0.04 percent on the 130,680 square foot lot. The approved building shall reach a maximum height of 23 feet above the surrounding grade. The exterior walls shall have the following setbacks: 112 feet, four inches from the south front property line; and over 200 feet from all other property lines. Other site improvements entailed in the proposed development include installing a gravel driveway, site grading, and other general site improvements to accommodate the proposed project. Various site improvements are also entailed in the approved development, including installing a gravel driveway, site grading, and other general improvements to accommodate the proposed project.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "New Upland Barn At Lawson Ranch," consisting of 8 sheets prepared by Robert W. Hayes, received in final form on August 19, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval.

## **VESTING**

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.

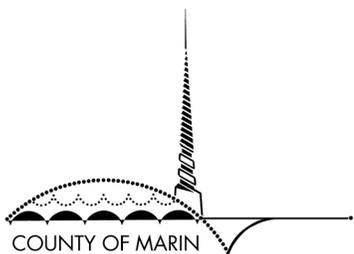
## **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. 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 five business days from the date of this decision.

cc: *{Via email to County departments}*  
CDA – Assistant Director  
CDA – Planning Manager  
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2021
2. Department of Public Works, Inter-Office Memorandum dated September 7, 2021



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS  
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

**2021**

**STANDARD CONDITIONS**

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall 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 this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

**SPECIAL CONDITIONS**

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

### CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

# PLANNING APPLICATION REVIEW

## DEPARTMENT OF PUBLIC WORKS

### Inter-office Memorandum - First Transmittal

DATE: September 7, 2021

DUE: September 3, 2021

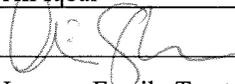
TO: Immanuel Bereket

**TYPE OF DOCUMENT**

DESIGN REVIEW

FROM: Ali Iqbal

COASTAL PERMIT

APPROVED: 

LAND DIVISION

RE: Lawson Family Trust Precise Development Plan

VARIANCE

P3285

USE PERMIT

APN: 100-100-59

ADU PERMIT

ADDRESS: 4000 Dillon Beach Road

ENVIRONMENTAL REV.

Dillon Beach, CA

OTHER: Precise Development Plan

Department of Public Works Land Use Division  
has reviewed this application for content and:

Comments Included (Inc.) or  
Attached (Att.) from other DPW  
Divisions:

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic
- Flood Control
- Other: \_\_\_\_\_

**Merit Comments**

**Prior to Issuance of a Building Permit:**

1. **Driveways:** On Sheet C1.0 shows a drainage swale in the driveway entrance of nearly 1.5' deep. Please confirm this design is adequate for the farming equipment that will use the proposed barn.
2. **Grading & Drainage Plans:** On Sheet C1.0, Section A shows pad as 179.5, not 379.5 as shown on the plan view. Plan set should be internally consistent.
3. **Erosion & Sediment Control Plan (ESCP):** Sheet C1.0 states more than 250CY of material is being displaced on the project, per Marin County Code § 24.04.625(b)(e). This triggers a Marin County Stormwater Pollution Prevention Program (MCSTOPPP) ESCP's Standard Template. The County acknowledges the receipt of the Erosion and Sediment Control Plan (Sheet 3.0), but the MCSTOPPP ESCP Standard Template is missing. The template for the document can be found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual form to fill out begins on page 11 of the document. On section 2c, in the first blank space please include County of Marin – Dept of Public Works and MCC 24.04.625 in the second blank space. Additionally, please include "D", "S", and "PT" in Legend on Sheet C3.0.
4. **Stormwater Control Plans:** On Sheet C1.0, it is calculated the barn will contain roughly 5,200sf of impervious surface and nearly 5,000sf of impervious driveway. Projects that create or replace 5,000 sf or more of impervious surface are considered Regulated Projects and require submittal of a Stormwater Control Plan, as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. Please follow the instructions in the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2>. As outlined in the BASMAA Manual, please prepare and submit a Stormwater Control Plan (Appendix D) and Stormwater Facilities Operation and Maintenance (O&M) Plan.

-END-