MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Manheim Family Trust et al., Coastal Permit

Decision: Approved
Date: November 1, 2022

Project ID No: P3604  Applicant(s): Ronald L Casassa
Owner(s): Manheim Family Trust et al.
Assessor’s Parcel No(s): 106-050-14
Property Address: 18876 State Route 1, Marshall, CA 94940
Project Planner: Joshua Bertain
(415) 473-3171
jbertain@marincounty.org
Signature: Joshua Bertain

Countywide Plan Designation: C-AG3 (Agriculture Coastal Zone)
Community Plan Area: East Shore
Zoning District: C-ARP-2 (Agriculture Residential Planned)
Environmental Determination: CEQA Guidelines section 15301, Class 1

PROJECT SUMMARY

The applicant requests Coastal Permit approval to construct a new 1,240 square foot two-story addition to an existing residence on a developed property in Marshall. The 1,240 square feet of proposed additions would include the following: (1) a 744 square foot first-floor addition designed to accommodate a garage and additional storage space; and (2) a 496 square foot second-floor addition designed to provide additional living space. The two-story addition would be structurally attached to the existing residence by a new flyover deck.

The proposed addition would reach a maximum height of 25 feet above the surrounding grade and the exterior walls would have the following setbacks: 32 feet from the western front property line; 6 feet from the northern side property line; more than 100 feet from the southern side property line; and 44 feet from the eastern rear property line. The proposed perimeter deck and the proposed flyover deck would reach a maximum height of 11 feet, 5 inches above the surrounding grade, and would maintain the following setbacks: 18 feet from the western front property line; 5 feet from the northern side property line; more than 100 feet from the southern side property line; and 43 feet from the eastern rear property line. Various site improvements would also be entailed in the proposed development, including a new trellis, gravel driveway, and stairway to access the new addition.
Coastal Permit approval is required pursuant to Section 22.68.060.C of the Coastal Zoning Code because the project is located within 300 feet of the inland extent of the sea.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the East Shore Community Plan for the following reasons:

A. The project is consistent with Community Development policies related to community character (CD-2 and CD-3) because the addition to the existing residence would be of a height and size that is compatible with the local setting and would not conflict with the community’s rural, small town scale.

B. The project is consistent with the Community Development policy related to driveways (CD-4) because the residence is sited near an existing roadway and does not require the construction of a new road system.

C. The project is consistent with the Community Development policy related to cultural resources preservation (CD-6) because no historical building or archaeological sites would be disturbed by the proposed project.

D. The project is consistent with Community Development policy related to traffic (CD-8) because an addition to an existing single-family residence would not cause a significant cumulative adverse impact on existing roadways and traffic conditions.

E. The project is consistent with Community Development policies related to agriculture (CD-15 and 16) because the project would not affect agricultural operations and agricultural development on lands zoned C-APZ-60.

F. The project is consistent with Environmental Quality policies related to natural resources (EQ-1, EQ-2, and EQ-6) because the project is not located in streamside, shoreline, or habitat protection areas, and would not negatively impact significant stands of native or introduced trees.

G. The project is consistent with Environmental Quality policies related to construction (EQ-6, EQ-7, and EQ-9) because the project would employ best management practices to minimize erosion, would be conditioned to minimize construction noise, and would be required to reduce dust borne air and be energy efficient as verified during Building Permit Review.

H. The project is consistent with the Environmental Quality policy related to visual resources (EQ-9) because the development would not be located near a ridge top, or negatively impact view corridors.

COASTAL IMPLEMENTATION PLAN AND DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 22.70.070)

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the
sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project is consistent with the Land Use Plan (LUP) public coastal access policies (C-PA-1, C-PA-3, C-PA-15, C-PA-16), and this finding because the project site is not located near a coastal bluff or beach access, and therefore would not interfere or impact existing coastal access.

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.050 (Biological Resources).

Lucy Macmillan, M.S., a consulting biologist, visited the site on June 17, 2022, and provided a Biological Resource Evaluation for the site and considered the construction of an addition to an existing residence on the western portion of a developed property. The evaluation did not identify the presence of either aquatic or terrestrial Environmentally Sensitive Habitat Areas (ESHAs) or other sensitive biological communities and determined that the area of proposed development is primarily dominated by non-native grasses and a variety of ornamentals including wild onion (Allium triquetrum), and sage (Salvia sp.).

The project site does not contain watercourses or wetlands, the project would not extend into any dunes or beaches, and the project does not propose the removal of mature trees or native vegetation. Therefore, the project is consistent with the LUP biological resources policies for the protection of natural transitions and connections associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-4, C-BIO-7, C-BIO-10, C-BIO-14, C-BIO-23) and this finding because the project would not substantially alter the margins along environmentally sensitive habitat areas including riparian corridors, wetlands, baylands, woodlands, or coastal dunes where none currently exist on the project site. Further, the project would not entail the irreplaceable removal of groves of trees.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.060 (Environmental Hazards).

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin’s LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of ongoing work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 22.32.
The project entails the construction of a single-family residence on a residential lot previously graded and disturbed in anticipation of a development. The project site is located within an area governed by an Agricultural Residential Planned zoning district, C-ARP. As the project does not entail agricultural or maricultural uses, this finding does not apply.

E. **Water Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.080 (Water Resources).

The applicant provided a preliminary grading and drainage plan that was reviewed by the Department of Public Works and found to be acceptable. The applicant also provided information about the existing domestic water supply and the existing service provided by the Marshall Community Wastewater System Phase II that was reviewed by the Community Development Agency, Environmental Health Services Division and found to be acceptable.

Therefore, the project is consistent with the LUP Water Resources policies (C-WR-1, C-WR-2, C-WR-3, C-WR-4, C-WR-5, C-WR-6) 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. **Community Design.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.100 (Community Design).

The subject property is developed with an existing two-story residence, located on the east shore of Tomales Bay on the east side of State Route 1, and located in a unique area where neighboring development includes a mix of residential, agricultural, and commercial uses, structures, and styles ranging in height from one to two stories.

The proposed addition would serve as an extension of the existing residence and the height of the addition would not exceed the 25-foot height limit allowed for new structures. Due to the project's location in an Agriculture Residential Planned (C-ARP) zoning district, the Marin County Local Coastal Program has no minimum setback requirements that apply to the project. Nevertheless, the project provides a minimum 10-foot development setback from the nearest property line, which provides sufficient distances between adjacent properties and buildings. The neutral color palette would be appropriate for the site and would accentuate the architectural features, contributing to a project that is compatible with the site and context of the neighborhood. Further, all proposed exterior lights are shielded and downward facing.

The project would not disrupt significant views of the ocean or scenic coastal areas because it is not highly visible from public viewing areas. Further, the project would minimize exterior lighting and structures would be sited to avoid the removal of trees. While the project site is not within the historic area boundary for Marshall, the project would be consistent in scale, design, and materials to those existing in the surrounding community. Therefore, the project is consistent with the LUP Community Design policies (C-DES-1, C-DES-2, C-DES-3, C-DES-4, C-DES-7, C-DES-8), and this finding because the project is compatible with surrounding development, protects visual resources, conforms to the height limit for new structures, minimizes exterior lighting, and would not require the removal of any trees.
G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Chapter 22.66 (Community Development).

As discussed above, the project site is located in a developed area of Marshall that contains a mix of residential, commercial, and agricultural uses and structures. The project entails an addition to a conforming residential structure and use, and it provides a minimum 10-foot setback from the nearest property line where no setbacks are required due to the underlying C-ARP zoning district. Therefore, the project is consistent with LUP Community Development Policies (C-CD-1, C-CD-2, C-CD-20) and this finding.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.120 (Energy).

The project would be required to satisfy all energy-saving standards required by the County's Building and Safety Division before issuing a building permit. Therefore, the project is consistent with the LUP energy policies (C-EN-1, C-EN-2, and C-EN-3), and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during the review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.130 (Housing).

The proposed project would not result in the removal or demolition of low and/or moderate-income housing. Therefore, the project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policies C-HS-1) because the project does not entail the demolition of existing deed-restricted affordable housing and would not affect the available housing stock in the surrounding community.

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.140 (Public Facilities and Services).

The project is served by the Marshall Wastewater System and a condition of approval will require that the project decommission a bedroom and deed restrict its use within the existing residence. The project is also served by a water system that was permitted in 1974 for five houses served by a spring without the benefit of any treatment. A condition of approval will require that the water system undergo chlorination treatment. Conformance with these conditions would ensure adequate levels of service for wastewater treatment and water supply that would be verified by the Environmental Health Services Division during the review of any related Building Permits. Therefore, the project is consistent with this finding.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.150 (Transportation).
The project is currently accessed from State Route 1 and would not entail any alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not entail any alterations to existing roadway facilities or adversely impact the scenic quality of Highway One.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.160 (Historical and Archaeological Resources).

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. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project site is not located adjacent to any public park or open space. The project does not entail any construction or development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. The project would occur entirely on a private property within a residential zoning district. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3), and this finding because the project is proposed entirely on an existing residential property that is not located within a mixed-use coastal village commercial/residential zone and does not entail any construction of development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

Mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130.I.H, 22.56.130.I.K, and 22.56.130.I.L.

A. Dune Protection (Marin County Interim Code Section 22.56.130.I.H)

The project is located in the town of Marshall. There are no natural dunes in the development area or in the immediate surrounding area.

B. Shoreline Protection (Marin County Interim Code Section 22.56.130.I.K)

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

C. Geologic Hazards (Marin County Interim Code Section 22.56.130.I.L)

The project entails the construction of an addition to an existing residence on a developed lot. The Marin County Community Development Agency, Building and Safety Division will require seismic compliance with the California Building Code prior to the issuance of a project building permit. Because the project is potentially subject to geologic and hydrologic hazards and to further ensure compliance with the LCP, 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”.

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 Coastal Permit approval authorizes the construction of a new 1,240 square foot two-story addition to an existing residence on a developed property in Marshall. The 1,240 square feet of approved additions shall include the following: (1) a 744 square foot first-floor addition designed to accommodate a garage and additional storage space; and (2) a 496 square foot second-floor addition designed to provide additional living space. The two-story addition shall be structurally attached to the existing residence by a new flyover deck.

The approved addition shall reach a maximum height of 25 feet above the surrounding grade and the exterior walls shall have the following setbacks: 32 feet from the western front property line; 6 feet from the northern side property line; more than 100 feet from the southern side property line; and 44 feet from the eastern rear property line. The approved perimeter deck and the approved flyover deck shall reach a maximum height of 11 feet, 5 inches above the surrounding grade, and shall maintain the following setbacks: 18 feet from the western front property line; 5 feet from the northern side property line; more than 100 feet from the southern side property line; and 43 feet from the eastern rear property line. Various site improvements are also entailed in the approved development, including a new trellis, gravel driveway, and stairway to access the new addition.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Manheim Residence,” consisting of 17 sheets prepared by Ronald L. Casassa, received in final form on August 10, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed Land Surveyor or Civil Engineer with proper surveying certification – license C33965 or lower - submit a written (stamped) building Roof Elevation Certification confirming that the addition does not exceed a height of 25 feet above the surrounding grade.

4. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2022” with respect to all of the standard conditions of approval and the following special conditions: 4.
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 three 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 10 business days from the date of this decision (November 16, 2022).

cc: {Via email to County departments}
   CDA – Assistant Director
   CDA – Planning Manager
   DPW – Land Development
   CDA – Environmental Health Services
   County Fire (CSA 31)

Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Department of Public Works, Land Development Division, dated September 6, 2022
3. Community Development Agency, Environmental Health Services Division, dated August 23, 2022
4. Coastal Commission Comments, dated May 24, 2022
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: 9/6/2022

TO: Joshua Bertain
FROM: Maurice Armstrong
APPROVED: [Signature]
RE: Planning Division Transmittal - Manheim Family Trust et al., Coastal Permit P3604
APN: 106-050-14
ADDRESS: 18876 State Route 1, Marshall

DUE: 9/5/2022

TYPE OF DOCUMENT
X COASTAL PERMIT

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

X Find it COMPLETE
X Find it INCOMPLETE, please submit items listed below

Merit Comments
Prior to Issuance of a Building Permit:

Driveways:
1. Per Marin County Code § 24.04.320, driveways outside the city-centered corridor and village areas need not be paved except those sections over twelve percent in grade or along any section where paving is deemed necessary by the agency to provide a safe and adequate access. Where paving is not required, the driveway shall be surfaced with at least four inches of compacted crushed rock. Demonstrate compliance.

Parking:
2. Per Marin County Code § 24.04.400, the maximum cross-slope or grade of a parking area shall not be more than eight percent. Demonstrate compliance.

3. Grading & Drainage Plans: Provide the following information on the drainage and grading plan:
   a. The plan shall also incorporate any recommendations from the Geotechnical Engineer.
   b. Indicate means of restoring all disturbed areas.
   c. Add a note on the plans indicating that the plan preparer shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.

Erosion & Sediment Control Plan:
4. Per Marin County Code § 24.04.625(b)(e), provide an Erosion and Sediment Control Plan (ESCP) which shall include information required in the most recent version of the MCSTOPPP ESCP Standard Template. The template can be found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link:
5. **Vegetation Management:** Vegetation along southern frontage of the property may need to be trimmed back to maintain adequate sight distance.

6. **Internal Inconsistency:** Plans shall be internally consistent, Sheet A1.2 & A3.2 show a driveway slope of 12% while sheet C1 shows a driveway slope of 16%.

-END-
DATE: August 23, 2022

TO: Joshua Bertain, Planner

FROM: Becky Gondola, Senior REHS

RE: Manheim Family Trust et al.,

AP#: 106-050-14

ADDRESS: 18876 State Route 1
Marshall, CA 94940

TYPE OF DOCUMENT

DESIGN REVIEW
LAND DIVISION
USE PERMIT
VARIANCE
MASTER PLAN

x COASTAL PERMIT
LOT LINE ADJ.
OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

x WATER x SEWAGE SOLID WASTE
POOLS HOUSING FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

FIND IT COMPLETE.
FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.
FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.
RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency’s standards.

Septic: Yes, the application contains enough information.
Water: Yes, the application contains enough information.

2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency’s standards, please list the information that you will need to make this determination.

Septic: N/A
Water: N/A

3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency’s standards.
Septic: The applicant will have to record a deed restriction limiting the use of the sitting room at the time of the building permit application.

Water: Applicant will have to amend existing domestic water supply permit at time of building permit application.

4. If the project needs to be substantially modified to comply with your agency’s standards, please describe the scope of those modifications.

Septic: N/A
Water N/A
Joshua Bertain, Assistant Planner  
County of Marin, Community Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

Subject: Coastal Commission Comments – P3604 Manheim Family Trust Coastal Permit

Dear Joshua,

Thank you for the opportunity to provide comments on the proposed project at 18876 State Route 1, Marshall, CA 94940, Project ID P3604 (Manheim Family Trust). The project includes a new 1,240 square foot two-story addition to an existing single-family residence on a developed property in Marshall, plus various site improvements.

While the proposed 25-foot maximum height complies with the maximum allowed height in the C-ARP zoning district, we are concerned about the visual impact of this proposed two-story development, especially given the proximity to Highway One. To ensure consistency with the certified LCP policies on public views and visual resources, including LUP C-ES-1 Community Character of the East Shore of Tomales Bay; C-DES-2 Protection of Visual Resources; and C-TR-2 Scenic Quality of Highway One, a view impacts analysis with visual simulations of the proposed development from various public vantage points should be submitted as part of this CDP to determine potential impacts to public views.

Additionally, a biological assessment should be prepared and submitted to determine the potential presence of Environmentally Sensitive Habitat Area (ESHA) and/or other biological resources on site, and detailed information on any trees proposed to be removed should be included as part of this assessment, if no assessment has yet been conducted.

Finally, while the submitted geotechnical report concludes that this site is not at risk from environmental hazards, the parcel’s low-lying location directly across Highway 1 from Tomales Bay means that exposure to coastal hazards cannot be ruled out during the project’s lifespan. If a CDP for new development is approved at this hazardous location, the County should include Special Conditions, as outlined below, to ensure that the Applicants internalize any such risks in such a way that future adaptation and coastal hazard response associated with this site does not lead to adverse impacts to coastal resources, including those which may be borne by the public. Additionally, even if the actual proposed structure is not impacted by hazards during its lifetime, various
sections of Highway 1, the residence’s only access road, will likely be flooded at various times during the project’s lifespan. To that end, we recommend including condition 2.b. **Lack of Services**, detailed below. Specifically, staff recommends conditioning any potential approval to include the following:

**A. Hazards Related Conditions of Approval:** This bay-adjacent site is subject to a wide range of environmental hazards, including but not limited to flooding and groundwater intrusion. These issues will only be exacerbated by rising sea levels during the project’s expected life span.

1. **Coastal Hazards.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:

   a. **Coastal Hazards.** This site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, storms, tsunami, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.

   b. **CDP Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistent with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.

   c. **No Future Armoring.** No new shoreline armoring (including but not limited to seawalls, revetments, retaining walls, gabion baskets, tie backs, piers, groins, caissons/grade beam systems, etc.) shall be constructed to protect the development approved pursuant to this CDP in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235, the Marin County LCP, or any other applicable law, shall be waived, and no portion of the approved development is an “existing structure” for purposes of Section 30235.

   d. **Public Trust.** This CDP does not allow encroachment onto public trust lands, and any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain. Any future encroachment would also be subject to the State Lands Commission’s (or other designated trustee agency’s) leasing approval.

   e. **Assume Risks.** (1) All risks to the Permittees and to the property that is the subject of this CDP are assumed by the Permittees, including any injury and/or damage from coastal hazards in connection with this
permitted development; (2) any claim of damage or liability against Marin County, its officers, agents, and employees for injury or damage from coastal hazards are unconditionally waived; (3) Marin County, its officers, agents, and employees are indemnified and held harmless by the Permittees with respect to Marin County’s approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to coastal hazards; and (4) all responsibility for any adverse effects to property caused by the permitted project is assumed by the Permittees.

2. Coastal Hazard Response. The Permittees are required to remove and/or relocate all or a portion of the development authorized by this CDP, and to restore the affected portion of the site, if any of the following occur:

a. Unsafe Conditions. Marin County or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that some or all of the approved development is currently and permanently unsafe for occupancy or use due to damage or destruction from coastal hazards, and that there are no feasible measures that could make such development suitable for occupancy or use without the use of shoreline armoring.

b. Lack of Services. Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to coastal hazards, including due to the degradation and/or failure of adjacent sections of Highway One as a viable roadway, and/or degradation and/or failure of utilities serving the site. Marin County and any other providers shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances.

c. Adaptation Planning. Removal and/or relocation is required pursuant to LCP policies for sea level rise adaptation planning. Required removal and/or relocation shall require Marin County approval of a plan to accommodate same prior to any such activities. In the event that portions of the approved development fall into the bay or to the ground before they are removed and/or relocated pursuant to the above criteria, the Permittees shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Marin County approval.
3. **Future Permitting.** All future proposed development related to this CDP shall require a new CDP or a CDP amendment.

4. **Real Estate Disclosure.**Disclosure documents related to any future marketing and/or sale of the site/residence, including but not limited to marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of **Special Condition 2.** A copy of this CDP shall be provided in all real estate disclosures.

5. **Deed Restriction.** **WITHIN ONE-YEAR OF ISSUANCE OF THE CDP,** which deadline Marin County may extend for good cause, the Permittees shall submit for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction: (1) indicating that, pursuant to this CDP, Marin County has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; (2) imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of all of the parcels governed by this CDP. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this CDP shall continue to restrict the use and enjoyment of the subject property so long as either this CDP or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

Thank you for sharing these comments with the Applicant and including them in the public record. We look forward to continued collaboration on this project.

Sincerely,

Honora Montano  
Coastal Planner, North Central Coast District, California Coastal Commission

Cc (via email):  
Julia Koppman Norton, North Central Coast District Supervisor, California Coastal Commission
Stephanie Rexing, North Central Coast District Manager, California Coastal Commission

Manheim Family Trust et al., Applicant