



**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR  
Molesworth-Siedman Coastal Permit**

**Recommendation: P3266**  
**Hearing Date: December 2, 2021**

Application No(s):	P3266	Owner(s):	Claire L Molesworth and Nathan M Siedman
Agenda Item:	4	Assessor's Parcel No(s):	192-091-32
Last Date for Action:	12/2/2021	Property Address:	440 Birch Road, Bolinas
		Project Planner:	Immanuel Bereket
		Signature:	
Countywide Plan Designation:	C-SF5 Rural Residential Coastal Zone		
Community Plan Area:	Bolinas Plan		
Zoning District:	C-RA:B2 (Coastal, Residential Agricultural, Combined)		
Environmental Determination:	Exempt per CEQA Guidelines section 15303, Class 3		

**PROJECT SUMMARY**

The applicant requests Coastal Permit approvals to (1) construct a 588-square-foot first-floor addition; (2) construct a 681-square-foot second-story addition (two bedrooms); (3) demolish 126-square-foot at the ground level; and (4) a roof deck to an existing 1,214-square-foot residence. The proposed addition, in combination with existing development on the site, would result in a floor area ratio (FAR) of 6 percent on the 48,200-square-foot lot. The proposed addition would reach a maximum height of 24 feet, eight inches above surrounding grade, and the exterior walls of the addition would have the following setbacks: 25 feet from the front (west) property line; 44 feet from the rear (east) property line; and over 50 feet from all other property lines. Other improvements entailed in the proposed development include constructing a new septic system, an interior remodel, demolition of decks, and site grading.

Coastal Permit approval is required under Section 22.68.060(G) of the Marin County Local Coastal Program Implementation Plan because the project involves constructing an onsite sewage treatment and disposal system.

**PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Total Lot Area: Total lot area-48,000 square feet, through lot.

Adjacent Land Uses: Single-family residences to the north, east and west and vacant lot to the south.

Topography and Slope: The site is relatively flat, with an average slope of less than one percent.

Existing Vegetation: Comprised of a mixture of native and non-native trees and shrub. A row of Coast live oak (*Quercus agrifolia*) are present on the site along the western and northern property line. Other tree species include California buckeye (*Aesculus californicus*), ornamental elm (*Ulmus* sp.), California bay (*Umbellularia californica*), and a valley oak (*Quercus lobata*). A few ornamental shrub and vine species occur in the residential area including pride of Madeira (*Echium candicans*), periwinkle (*Vinca major*), white onion (*Allium triquetrum*), African lily (*Agapanthus* sp.) and cala lily (*Zantedeschia aethiopica*). Climbing species are also present, such as English ivy (*Hedera helix*) and Japanese honeysuckle (*Lonicera japonica*). Ruderal species (broad leaf weeds) and nonnative grasses grow along the edge of Birch Road with species like Bermuda buttercup (*Oxalis pescaprae*), velvet grass (*Holcus lanatus*), ripgut brome (*Bromus diandrus*), wild oat (*Avena fatua*), foxglove (*Digitalis purpurea*), and fine-leaved fumatory (*Fumaria parviflora*).

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

The property is within the Bolinas Gridded Mesa Plan, located in the northeastern area of the Bolinas Gridded Mesa Plan area, Bolinas Beach. The project site is a corner lot accessed from Birch Road and is developed with a 1,169 square foot single-family residence, a septic system, and detached accessory structures. The site slopes from north to south and abuts Alder Creek along the southern boundary. In this reach of Alder Creek, it lacks a defined bed and bank and consists of a swale formation.

## **BACKGROUND**

A Coastal Permit and Use Permit application was submitted on August 2, 2021. Upon receipt, the project was transmitted to the Department of Public Works (DPW), Environmental Health Services (EHS), the California Coastal Commission (CCC), and posted online.

The project was deemed incomplete on August 30, 2021. The applicant submitted revised materials on September 1, 2021, which were promptly recirculated to DPW, EHS, and the CCC. Additionally, the applicant petitioned the Bolinas Community Public Utility District (BCPUD) for limited water use. The BCPUD approved the applicant's petition for limited water use at its regular meeting of August 18, 2021. On September 20, 2021, the application was deemed complete. Staff received written memos from DPW and EHS, and their correspondence is provided as Attachments No. 4 and No. 5 to this report. Upon request by staff due to the adoption of the LCP, the applicant agreed to extend the streamline deadline to December 2, 2021.

A notice was posted on the project site on August 18, 2021, 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 September 20, 2021, requesting any interested organizations or individuals to provide comments on the proposal. The Community Development Agency mailed public notice on November 10, 2021, identifying the applicant, describing the project and its location, hearing date, and location

per California Government Code requirements. Said notice was mailed to all property owners within 300 feet of the subject property.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Molesworth-Siedman Coastal Permit.

### Attachments:

1. Recommended resolution
2. Uniformly Applied Conditions 2021
3. CEQA exemption
4. Planning Application Review, Department of Public Works, dated August 10, 2021.
5. Planning Application Review, Environmental Health Services, dated September 2, 2021
6. Bolinas Community Public Utility District, e-mail correspondence, dated August 30, 2021
7. Project plans

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_  
A RESOLUTION APPROVING THE MOLESWORTH-SIEDMAN COASTAL PERMIT  
440 BIRCH ROAD, BOLINAS  
ASSESSOR'S PARCEL: 192-091-32

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SECTION I: FINDINGS

1. **WHEREAS**, the applicants, Mr. Andrew Alexander Green, on behalf of the owners, Claire L Molesworth, and Nathan M Siedman, has submitted a Coastal Permit application to (1) construct a 588-square-foot first-floor addition; (2) construct a 681-square-foot second-story addition (two bedrooms); (3) demolish 126-square-foot at the ground level; and (4) a roof deck to an existing 1,214-square-foot residence. The proposed addition, in combination with existing development on the site, would result in a floor area ratio (FAR) of 6 percent on the 48,200-square-foot lot. The proposed addition would reach a maximum height of 24 feet, eight inches above the surrounding grade. The exterior walls of the addition would have the following setbacks: 25 feet from the front (west) property line; 44 feet from the rear (east) property line; and over 50 feet from all other property lines. Other improvements entailed in the proposed development include constructing a new septic system, an interior remodel, demolition of decks, site grading, and other improvements.

The property is located at 440 Birch Road, Bolinas, and is further identified as Assessor's Parcel 192-091-32.

2. **WHEREAS**, on December 2, 2021, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the proposed project will not result in a potentially significant impact on the environment.

4. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (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 LUP public coastal access policies (C-PA-3, C-PA-4, C-PA-17, C-PA-21) and this finding because the project site is not near a bluff and would not interfere or impact coastal access as it is not located on a coastal bluff.

**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).**

The Marin County Land Use Plan includes policies to protect environmentally sensitive habitat areas (ESHAs), including C-BIO-1 which states:

"1. An environmentally sensitive habitat area (ESHA) is any area in which plant or animal life, or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

2. ESHA consists of three general categories: wetlands, streams, and riparian vegetation, and terrestrial ESHAs. Terrestrial ESHA includes non-aquatic habitats that support rare and endangered species; coastal dunes as referenced in C-BIO-7 (Coastal Dunes); roosting and nesting habitats as referenced in C-BIO-10 (Roosting and Nesting Habitats); and riparian vegetation that is not associated with a perennial or intermittent stream. The ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP."

As documented in the biological site assessment (BSA) report prepared by JK Botany and Wetland Science, Inc., Alder Creek flows gradually east to west and is close to the Pacific Ocean approximately 5,000 linear feet from the project site. It transitions to a seasonally wet swale lacking a defined bed and bank in its eastern reach in the vicinity of the project site. Within the project site, the Alder Creek swale has a length of approximately 217 feet along the entire southern property boundary, which lies east to west. According to the BSA, there is no prominent bed or bank in this portion of the ACS, but narrow rivulets are present between the emergent vegetation, which form hummocks, denoting flow over the ground surface. The topographic low of the ACS supports dense, medium-height perennial vegetation across its width and length within the property.

Within the project site, the Alder Creek swale supports an assemblage of plant species, including the Mexican rush (*Juncus mexicanus*), arroyo willow (*Salix lasiolepis*), and a patchwork of various annual and perennial species including Himalayan blackberry, sheep sorrel (*Rumex acetosella*), hedge nettle, white onion (*Allium triquetrum*), western buttercup (*Ranunculus occidentalis*), wild strawberry (*Fragaria vesca*), candy flower (*Claytonia siberica*), cow parsnip, velvet grass, foxglove, fine-leaved fumatory, Bermuda buttercup and others. At the higher elevations California coffeeberry (*Frangula californica*), California buckeye (*Aesculus californicus*) and toyon (*Heteromeles arbutifolia*) were observed.

As illustrated in Sheet A-100 of the architectural plans and Figure 7 of the BSA, the proposed septic system would be installed approximately 203 feet five inches away from the ACS. The proposed additions would occur entirely within the existing footprint of the building. They would be located approximately 108 feet seven inches away from the ACS. Since no improvements are proposed offsite or in areas adjacent to Alder Creek, the project will not result in any impact upon stream or wetland resources and will comply with the LCP's riparian protection policies. This criterion is met.

Additionally, per the BSA, vegetation at the northern portion of the project site surrounding the existing residence is comprised of a mixture of native and non-native trees and shrub.

A row Coast live oak (*Quercus agrifolia*) are present on the site along the western and northern property line. Other tree species include California buckeye (*Aesculus californicus*), ornamental elm (*Ulmus* sp.), California bay (*Umbellularia californica*), and a valley oak (*Quercus lobata*). A few ornamental shrub and vine species occur in the residential area including pride of Madeira (*Echium candicans*), periwinkle (*Vinca major*), white onion (*Allium triquetrum*), African lily (*Agapanthus* sp.) and cala lily (*Zantedeschia aethiopica*). Climbing species are also present, such as English ivy (*Hedera helix*) and Japanese honeysuckle (*Lonicera japonica*). Ruderal species (broad leaf weeds) and non-native grasses grow along the edge of Birch Road with species like Bermuda buttercup (*Oxalis pescaprae*), velvet grass (*Holcus lanatus*), ripgut brome (*Bromus diandrus*), wild oat (*Avena fatua*), foxglove (*Digitalis purpurea*), and fine-leaved fumatory (*Fumaria parviflora*).

The septic system would be installed on the vacant area of the lot where non-native lawn and native and non-native trees currently exist. The septic system would entail the removal of six trees (two Birch, one Bay, two Oak trees, and one fruit tree). Given the presence of Alder Creek swale, the proposed septic location and septic lateral alignment represent the least biologically invasive alternative. Additionally, because the project site features a dense variety of plant species, removing six trees would not be significant.

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-3, C-BIO-7, C-BIO-8, 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 section 1.5 below.

**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 installing a septic system and additions to an existing single-family residence. It is located within an area governed by a conventional residential zoning district, C-RA:B2 (Coastal, Residential Agricultural, Combined). 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).**

As discussed in Section 4B above, Alder Creek flows gradually east to west and is close to the Pacific Ocean approximately 5,000 linear feet from the project site. It transitions to a seasonally wet swale lacking a defined bed and bank in its eastern reach in the vicinity of the project site. Within the project site, the ACS has a length of approximately 217 feet along the entire southern property boundary, which lies east to west. According to the BSA, there is no evident bed or bank in this portion of the ACS. The topographic low of the Alder Creek swale supports dense, medium-height perennial vegetation across its width and length within the property.

Though the project entails site grading for the septic system and associated septic lateral, resulting in the removal of native and non-native vegetation, the project has been sited to avoid significant biological resources, including the Alder Creek swale. As such, the project is consistent with the standards related to water quality, grading, and excavation because it entails adequate water quality and erosion control measures, and associated grading would be the minimum necessary for the development.

Therefore, the project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, 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 located within a developed residential neighborhood. The surrounding area is generally flat, with residences constructed with varying setbacks and patterns. The subject property is surrounded by single-family residences that are primarily single-story. While older residences in the neighborhood are generally one-story in height, the two-story residences are a combination of newer residences and older residences with second-floor additions. Single-story residences in the neighborhood tend to have a ranch architectural style, while two-story residences tend to have a contemporary architectural style. Because of the flat terrain of the location and due to existing mature trees, there are no up-slope and down-slope views, and views of Highway 1 or the ocean are permanently blocked by existing development and naturally occurring topographic features. Any available view is distant in nature, as opposed to short-range, does not include a view of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges, or bodies of water.

The property is located in an area governed by the C-RA:B2 zoning district where a maximum height of 25 feet is allowed under the Marin County Implementation Plan, Table

5-4-a. The residence is proposed to reach a maximum height of 24 feet, six inches above surrounding grade where a maximum of 25 feet is permitted.

As such, the project is consistent with the Bolinas Community Standards under Marin County Implementation Plan Section 22.66.050, LUP policies related to development in Bolinas (Land Use Plan Policy C-BOL-1) because the height, scale, and design of the residence are compatible with the existing pattern of development in the neighborhood. Additionally, the proposed improvements to the existing residence are consistent with Land Use Plan Policy C-BOL-3, which applies to properties in Bolinas Gridded Mesa. The project is consistent with the Land Use policy related to geologic hazards (LU-1) because environmental constraints can be overcome and the project would not contribute to groundwater mounding, nitrate accumulation, or bluff erosion on the Mesa, which would be verified during the review of the Building Permit application.

**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 Section 22.64.110 (Community Development).**

The project site is located within a developed residential neighborhood in Bolinas. Further, the project entails an addition to an existing primary residence in accordance with the C-RA:B2 zoning district. Therefore, the project is consistent with 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 as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during 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 Bolinas Community Public Utility District (BCPUD) provides water to the project site. On August 18, 2021, the BCPUD approved the applicant's petition for limited water use. Additionally, the project site is currently served by a septic system. Due to the proposed

addition, the project includes the installation of a new septic system, which was reviewed and preliminarily approved by Environmental Health Services on September 2, 2021. Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1 and C-PFS-7) and this finding because the project would be adequately served by existing public water service and the proposed an onsite sewage disposal system located on the existing residential lot that would be adequately sized to meet the needs of the development, as verified during the review of the Building Permit application.

**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 Birch Road 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, and the project 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, and the project site is located 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.

5. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval pursuant to Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L.

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

While there are dunes in Bolinas Beach, there are no dunes on the project site. Therefore, the project is consistent with this finding because no dunes are located on the site, and the project has been sited landward from the sandy beach to the greatest extent possible.

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

The proposed project is not located within a bluff erosion zone, and it does not impact coastal access.

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

The project entails the construction of a new onsite sewage treatment and disposal system and an addition to an existing primary residence. The proposed project would be constructed in accordance with the applicable requirements. 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."

**SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator 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.

**SECTION III: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Molesworth-Siedman Coastal Permit, subject to the conditions as specified below:

**CDA-Planning Division**

1. This Coastal Permit approval authorizes the construction of a 588-square-foot first-floor addition, a 681-square-foot second-story addition, the demolition of a 126-square-foot space at the ground level, and the construction of a roof deck to an existing 1,214-square-foot residence. The proposed addition, in combination with existing development on the site, shall result in a floor area ratio (FAR) of 6 percent on the 48,200-square-foot lot. The proposed

addition shall reach a maximum height of 24 feet, eight inches above surrounding grade, and the exterior walls of the addition shall have the following setbacks: 25 feet from the front (west) property line; 44 feet from the rear (east) property line; and over 50 feet from all other property lines. Other improvements entailed in the proposed development include constructing a new septic system, an interior remodel, demolition of decks, site grading, and other improvements.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "440 Birch Road," consisting of 31 sheets prepared by Andrew Alexander Green, received in final form on July 30, 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 Standards 2021" with respect to all of the standard conditions of approval.

#### **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 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.

#### **SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County 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 ten business days from the date of this decision.

#### **SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 2<sup>nd</sup> day of December 2021.

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MICHELLE LEVENSON  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Michelle Reid  
DZA Recording Secretary