



**MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

**ALEX HINDS, DIRECTOR**

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR  
FRANCIS COASTAL PERMIT AND DESIGN REVIEW**

Item No:	H1	Application Nos:	CP 08-42, DR 08-40
Applicant:	Anna Francis	Owner:	Anna Francis
Property Address:	35 MacDonald Lane, Point Reyes Station	Assessor's Parcel:	119-101-08
Hearing Date:	August 28, 2008	Planner:	Jeremy Tejirian, AICP

<b>RECOMMENDATION:</b>	<b>Approve With Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 Business Days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>September 14, 2008</b>

**PROJECT DESCRIPTION:**

The owner, Anna Francis, is proposing to construct a residence with an attached garage and two barns on a vacant property adjacent to State Route 1 in Point Reyes Station. The proposed two story 3,716 square foot residence and garage would reach a maximum height of 25 feet above natural grade and would be located more than 100 feet from all property lines at the end of a new driveway leading from McDonald Lane. The two barns would both be located several hundred feet southwest of the residence and would be set back a minimum of 45 feet from the northwestern property line and more than 100 feet from all other property lines. The barns would reach an approximate height of 15 feet above natural grade. The barns would be approximately 2,368 square feet in size and 1,470 square feet in size, respectively. Two existing sheds on the property are proposed to remain in their current location, which is a minimum of 20 feet from the eastern side property line. A new septic system would be installed, with the leachfield located on the northeastern portion of the property. Driveways would be constructed leading from McDonald Lane to the proposed residence, barns and sheds.

**GENERAL INFORMATION:**

Countywide Plan:	CWP Designation C-AG3 (Coastal, Agricultural, Residential, 1 unit per 1 to 9 acres)
Zoning:	C-ARP-0.3 (Coastal, Agricultural, Planned, 1 unit per 3 acres)
Lot Area:	29 acres
Adjacent Land Uses:	Residential, open space, agricultural
Vegetation:	Introduced and natural vegetation
Topography and Slope:	Moderate to steep slope
Environmental Hazards:	Earthquakes

## **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines section 15303, Class 3, because it would not result in substantial grading, vegetation removal or other potential impacts to the environment.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

## **PLAN CONSISTENCY:**

The proposed project is subject to the goals and policies of the Marin Countywide Plan, the Marin Interim Zoning Ordinance, the Point Reyes Station Community Plan, and the Development Standards. Please refer to the consistency findings contained in the attached resolution for more information.

## **PROJECT ANALYSIS:**

### **Application Review**

The subject property is characterized by a slope ascending from State Route 1 up a grassy hillside. There is a small cluster of conifers midway up the hillside on the north side of the property and an eroded drainage course in the southern end of the property. The site has been used as pasture for cattle and horses and is currently developed with two sheds and perimeter fencing. Cattle have been excluded from the eroded drainage course, which has been stabilized with jute and newly planted willow trees. The site is located at the northern boundary of the Point Reyes Station Community Plan area. Areas beyond the site to the north are zoned for agricultural production and the National Parks Service (GGNRA) owns and maintains the area to the northwest. Low density rural development is typical of the surrounding area to the south, where bed and breakfasts are operated by local residents. The proposed project consists of developing a new residence, two new barns and implementing an agricultural management plan. The agricultural management would consist of pasturing cattle and producing hay on the property.

The owner has submitted plans for the development, an exhibit of proposed exterior materials, an Agricultural Management Plan and erected story poles showing the proposed development. Further, the owner submitted a cultural resources evaluation and a geotechnical report which evaluated the site and the project. The cultural resources evaluation indicates that there are no archaeological resources evident on the property, and the geotechnical report indicates that the site is suitable for the proposed development.

The project has been reviewed by the Department of Public Works, the Marin County Fire Department and the North Municipal Water District and the Environmental Health Services Division. These agencies indicate that standard conditions of approval should be required and determined that the project is feasible according to their regulations.

## **Public Comment**

Prior to completing the project plans, the owner spent a considerable degree of effort meeting with the Point Reyes Village Association and surrounding residents to discuss the project. Ten letters from the public or the Village Association have been received to date commenting on various aspects of the project. The Village Association has indicated that they support the project as proposed. The Village Association did not support the County's requirement that the owner submit an Agricultural Management Plan for the property because they indicated that productive agriculture should not be a requirement for development in ARP districts. Staff concurs that agricultural standards are more flexible in ARP districts in comparison to APZ (agricultural production zone) districts. However, staff relied on several factors to determine that an Agricultural Management Plan would be required for the property. Although the property is not large enough to support an intensive agricultural operation that would support a family, it is large enough for a more limited operation that would contribute to the agricultural economy in the local area. Further, the property is located at the boundary of the community plan and provides a transition between the more densely developed area closer to the center of town and the undeveloped open space and agricultural lands to the north. Therefore, limited agricultural use of the property would reinforce the rural agricultural character of the Point Reyes Station community and enhance the visual appeal of the property.

Five of the letters from surrounding residents indicate support for the project. Among the reasons stated for this support are the low level of density that is proposed for the site, in comparison to what may be allowed under the zoning district, the architectural style of the proposed residence and the locations of the barns. Overall, these letters indicate that the proposed development would enhance the rural agricultural character of the area. The other two letters from surrounding residents oppose the project, indicating that they object to the placement of the proposed barns, the existing sheds, and the driveway that would lead from the entry of the property to the sheds and the barns. In particular, the owner of Windsong Cottage, a Bed and Breakfast that is adjacent to the Francis property, objects to the location of the driveway leading along the southern property line.

The owner has responded to these letters of opposition, and indicated that the placement of the sheds, barns, residence and driveways has been carefully designed with input from local residents to minimize impacts. Further, the location of the development supports the implementation of the Agricultural Management Plan by creating large undivided areas to rotate pasture and haying without depleting the grassland on the site. Haying is likely to take place on the upper portion of the lot, where the conditions are favorable. Pasture would likely be placed on the lower portion of the property. Temporary fencing would be used to rotate the livestock on a seasonal basis. The owner has indicated that unnecessarily relocating the sheds, barns or driveway on the lower portion of the lot would divide the open areas of the property and compromise her ability to manage the land productively.

## **Conclusion**

Staff has considered the proposed project and the comments received from the public with respect to the placement of the structures and driveways. Based on the information in the record, staff does not recommend requiring the owner to relocate the barns, sheds or driveway. However, staff recommends including a condition that would allow the owner to relocate the driveway in the Building Permit plans if she can demonstrate that it would result in excessive grading, retaining walls or compromise her ability to successfully implement the Agricultural Management Plan. Staff also recommends a minor modification to the plans to reduce the

height of the retaining walls near the residence in order to comply with the Single Family Residential Design Guidelines. The design of the project would be compatible with the local community and consistent with the mandatory findings for Coastal Permit approval.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve with conditions the Francis Coastal Permit and Design Review based upon the findings and subject to the conditions contained in the attached Resolution.

Attachments:

1. Recommended Resolution approving the Francis Coastal Permit and Design Review
2. CEQA Categorical Exemption
3. Location Map
4. "Exhibit A", project plans
5. North Marin Water District comments, received 3-10-07
6. Marin County Fire Department comments, received 6-10-08
7. Marin County Department of Public Works comments, received 7-10-08
8. Atthow and Thomas comments, received 7-29-08
9. Francis comments, received 7-28-08
10. Point Reyes Village Association comments, received 7-24-08
11. Nelson comments, received 7-23-08
12. Francis comments, received 7-22-08
13. Marcoux comments, received 7-22-08
14. Salzman comments, received 7-21-08
15. Klutz comments, received 7-17-08
16. Lincoln comments, received 7-16-08
17. Ragona comments, received 7-8-08
18. Point Reyes Village Association comments, received 7-2-08
19. Point Reyes Village Association comments, received 5-8-08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION APPROVING WITH CONDITIONS

THE FRANCIS COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 119-101-08

35 MCDONALD LANE, POINT REYES STATION

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**SECTION I: FINDINGS**

- I. WHEREAS, the owner, Anna Francis, is proposing to construct a residence with an attached garage and two barns on a vacant property adjacent to State Route 1 in Point Reyes Station. The proposed two story 3,716 square foot residence and garage would reach a maximum height of 25 feet above natural grade and would be located more than 100 feet from all property lines at the end of a new driveway leading from McDonald Lane. The two barns would both be located several hundred feet southwest of the residence and would be set back a minimum of 45 feet from the northwestern property line and more than 100 feet from all other property lines. The barns would reach an approximate height of 15 feet above natural grade. The barns would be approximately 2,368 square feet in size and 1,470 square feet in size, respectively. Two existing sheds on the property are proposed to remain in their current location, which is a minimum of 20 feet from the eastern side property line. A new septic system would be installed, with the leachfield located on the northeastern portion of the property. Driveways would be constructed leading from McDonald Lane to the proposed residence, barns and sheds. The subject property is located at 35 McDonald Lane, Point Reyes Station, and is further identified as Assessor's Parcel 119-101-08.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on August 25, 2008 to consider the merits of the project, and hear testimony regarding the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it would not result in substantial grading, tree removal, or other adverse effects to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the reasons listed below.
  - A. The project would comply with the C-AG3 (Coastal, Agricultural, Residential, 1 unit per 1 to 9 acres).

- B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works (Title 24 of the Marin County Code).
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
  - E. The project would be compatible with the rural residential and agricultural character of the local community.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Point Reyes Station Community Plan for the reasons listed below.
- A. The project would involve the construction of a detached accessory structure on the property, which is a principally permitted use under the governing zoning district.
  - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
  - C. The project would be served by the existing roadway network.
  - D. The project would not impact any streams or waterways.
  - E. The project would be served by the North Marin Water District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff.
  - F. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130 of Marin County Code) as specified below.
- A. Water Supply:

The proposed project would not adversely affect the ability of the North Marin Water District to continue to provide adequate water to the subject or surrounding properties. Therefore, the project is consistent with this finding.
  - B. Septic System Standards:

The proposed development would be served by a proposed septic system, which has been reviewed and approved by the Environmental Health Services Division's staff. Therefore, the project is consistent with this finding.

C. Grading and Excavation:

The proposed project would not entail substantial grading outside of the footprint of the proposed residence. Therefore, the project is consistent with this finding.

D. Archaeological Resources:

The applicant submitted a cultural resources evaluation prepared by Archaeological Resources Service, which indicates that there are no archaeological resources evident on site. Therefore, the project would not result in adverse effects to cultural resources and the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not governed by the C-VCR zoning district and would not result in the demolition of any housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map of the Local Coastal Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

According to the Natural Diversity Database and the Local Coastal Plan's Natural Resources maps there are no special status species of wildlife evident on the site. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

According to the Natural Diversity Database and the Local Coastal Plan's Natural Resources maps there are no special status species of wildlife evident on the site. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

The geotechnical report prepared for the project indicates that the site is suitable for the proposed project. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources:

The site is visually prominent from the surrounding area, including State Route 1 and the Golden Gate National Recreation Area across State Route 1 from the property. The proposed project would entail building a new residence with a traditional architectural style and new barns as well as establishing a limited agricultural operation that would include haying and cattle pasturing. The property would present a view of a ranch with a traditional residence with agricultural outbuildings, where cattle and horses are grazing on the lower portion of the property and haying is occurring on the upper portion of the property. This view would reinforce the rural agricultural character of the area. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a vacant private property and would have no effect on visitor or recreation facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation:

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Plan. Therefore, the project is consistent with this finding.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be consistent with the mandatory findings for Design Review approval (Section 22.82.040I of the Marin County Code) as discussed below.

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

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed in section IV above. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed in the mandatory findings for Coastal Permit approval in section V above.

The project would be consistent with the Marin County Single-family Residential Guidelines, with the exception of Design Guideline C-1.5, which discusses fences and retaining walls. This Design Guideline encourages reducing the mass and bulk of retaining walls by stepping the walls in increments and providing appropriate landscaping. A retaining wall adjacent to the residence would exceed a height of 10 feet. A condition of project approval requires that this retaining wall be broken into two separate retaining walls which would not individually exceed a height of 6 feet above grade. Further, in order to maintain the rural appearance of the site, a condition of approval requires that perimeter fencing on the site shall not be solid and shall be designed to compliment that agricultural character of the property. Therefore, the project is consistent with this finding.

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

The design of the project would feature simple building forms that are consistent with traditional development patterns in the area. The residence and each of the accessory structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. The individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. Further, a condition of project approval requires that the driveways not exceed a width of 12 feet, except where turnouts are required for emergency vehicle access to minimize alterations to the natural terrain on the site. Therefore, the project is consistent with this finding.

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

The project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring properties to avoid adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is consistent with this finding.

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

The project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. The proposed development would not encroach into any rights-of-way, conservation easements or public lands. Therefore, the project is consistent with this finding.

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

The proposed landscaping plan includes a wire mesh fence surrounding the area of the residence and plants near the residence and the driveway from McDonald Lane to the residence. Therefore, the project is consistent with this finding.

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

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

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

2. Drainage systems and appurtenant structures,

The proposed project retains a large portion of the property downslope of the proposed buildings as area that is undeveloped, providing adequate area for water to infiltrate into the soil. Therefore, the project is consistent with this finding.

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

As modified by the conditions of project approval, the siting and design of the improvements would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as rolling land forms and native vegetation such as the existing conifers on the upper portion of the site. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. The development would avoid creating large graded terraces for building pads. Terracing would be minimal and would be performed by creating a series of small incremental steps, rather than a wide bench. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. 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 proposed project and determined that it is consistent with the County's access and parking standards. Therefore, the project is consistent with this finding.

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

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

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

The proposed project would minimize potential adverse physical and visual impacts because it would be constructed of building materials with colors that compliment the surrounding natural environment and would be consistent with the surrounding community character. Further, proposed project would comply with the Marin County Green Building standards.

## **SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Francis Coastal Permit and Design Review subject to the following conditions:

### **Marin County Community Development Agency**

1. This Coastal Permit and Design Review authorizes the construction of a residence with an attached garage and two barns on a vacant property adjacent to State Route 1 in Point Reyes Station. The approved two story 3,716 square foot residence and garage shall reach a maximum height of 25 feet above natural grade and shall be located more than 100 feet from all property lines at the end of a new driveway leading from McDonald Lane. The two barns shall both be located several hundred feet southwest of the residence and shall be set back a minimum of 45 feet from the northwestern property line and more than 100 feet from all other property lines. The barns shall reach an approximate height of 15 feet above natural grade. The barns shall be approximately 2,368 square feet in size and 1,470 square feet in size, respectively. Two existing sheds on the property are proposed to remain in their current location, which is a minimum of 20 feet from the eastern side property line. A new septic system shall be installed, with the leachfield located on the northeastern portion of the property. Driveways would be constructed leading from McDonald Lane to the approved residence, barns and sheds. The driveways shall not exceed a width of 12 feet, except where turnouts are necessary for emergency vehicles. The subject property is located at 35 McDonald Lane, Point Reyes Station, and is further identified as Assessor's Parcel 119-101-08.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Anna Francis Residence," consisting of 25 sheets prepared by Toby Long Architects, ILS Associates, and W.W. Kirsch and Associates with final revisions submitted on June 16, 2008 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The applicant shall modify the project to reduce the maximum height of the retaining walls to six feet, by terracing the retaining walls adjacent to the residence.
4. Perimeter fencing shall not be solid and shall be designed to compliment the rural agricultural character of the property.
5. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by the applicant, submitted February 25, 2008, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
7. The owner shall implement the Agricultural Production and Stewardship Plan, submitted on June 16, 2008, identified as "Exhibit C" and on file with the Marin County Planning Division.
8. The owner may mangle the location of the proposed driveway leading from the entrance to the property to the sheds and barns, provided that the relocation does not result in substantial grading or retaining walls, or compromise the owner's ability to implement the Agricultural Production and Stewardship Plan.
9. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
10. All construction activities shall comply with the following standards:
  - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding,

sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
11. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
12. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of (description of project being approved), for which action is brought within the applicable statute of limitations.
13. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
14. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

**Marin County Department of Public Works, Land Use and Water Resources**

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
  - A. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.
  - B. Provide a detailed geotechnical report.
  - C. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
  - D. Revise plans to show turnouts that are required on driveways over 150-feet in length or if sight distance problems exist unless the driveway is at least 16-feet in width [MCC §

24.04.275]. The turnouts shall be no less than 18-foot wide (full driveway width) and 60-foot long, including transition.

- E. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- F. A separate Building Permit is required for each site/driveway retaining wall with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
- G. Provide a drainage plan for all proposed structures that shows drainage away from the foundations and subsequent site drainage management.
- H. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

**Marin County Fire Department**

17. BEFORE FINAL INSPECTION, the applicant shall submit verification from the Marin County Fire Department that the department's requirements have been satisfied.

**North Marin Water District**

18. BEFORE FINAL INSPECTION, the applicant shall submit verification from the water district that the district's requirements have been satisfied.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Francis Coastal Permit and Design Review (CP 08-42, DR 08-40) approval by August 25, 2010, by obtaining a Building Permit and substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on September 2, 2008.

**SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28<sup>th</sup> day of August, 2008.

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JOHANNA PATRI, AICP  
DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans

Deputy Zoning Administrator Secretary