

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – February 26, 2009

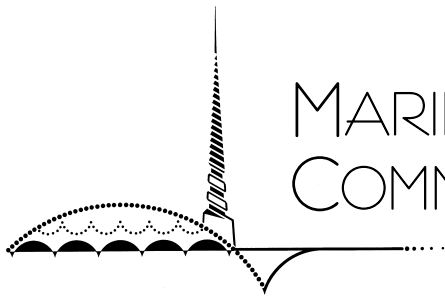
Hearing Officer Johanna Patri, AICP

Staff Present: Veronica Corella-Pearson, Planner

Joyce Evans, Recording Secretary

Reconvened at 9:01 A.M.
Adjourned at 9:04 A.M

February 26, 2009



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **PETER LAMBERT**

Application (type and number): Coastal Permit (CP 08-4) and Design Review (DR 08-6)

Assessor's Parcel Number: 199-221-20

Project Location: 100 Sunset Way, Muir Beach

For inquiries, please contact: Veronica Corella Pearson, Planner and

Decision Date: February 26, 2009

DETERMINATION: Approved with Conditions

Minutes of the February 26, 2009, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-23.

Marin County Community Development Agency

Johanna Patri, AICP,
Hearing Officer

**C1. COASTAL PERMIT (CP 08-4) AND DESIGN REVIEW (DR 08-6):
PETER LAMBERT**

A proposal requesting Coastal Permit and Design Review approval for the demolition of an existing single-family residence and replacement with a new 1 bedroom, 1.5 bath single-family residence on the 19,558 square foot lot. The existing residence is 1,378 square feet in size, with a 665 square foot, detached studio that would remain. The proposed new residence would be 2,801 square feet in size with an attached 945 square foot 2-car garage. The project would result in a total floor area of 3,944 square feet, with a Floor Area Ratio (FAR) of 20%. The residence would have a maximum height of approximately 24.5 feet. The project requires Design Review approval since it does not meet the minimum lot size based on slope (Marin County Interim Code Section 22.73.010). The proposed exterior materials for the new home are: wood siding, stone garage and retaining walls, metal and solar paneled roofing. Also proposed is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*) that are 26 inches and 36 inches in diameter. The subject property is located at **100 Sunset Way, Muir Beach**, and is further identified as **Assessor's Parcel 199-221-04 20. (Formerly known as Assessor's Parcel 199-221-04 and 08.)**

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The applicant was present, has reviewed the staff report, and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and approved the Lambert Coastal Permit and Design Review, based on the Findings and subject to the conditions in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-105

A RESOLUTION APPROVING THE LAMBERT COASTAL PERMIT (CP 08-4) AND DESIGN
REVIEW (DR 08-6)
ASSESSOR'S PARCEL 199-221-20
100 SUNSET WAY, MUIR BEACH

SECTION I: FINDINGS

- I. WHEREAS the applicant, Drosihn Architecture, has applied on behalf of the owner, Peter Lambert, for the demolition of an existing single-family residence and replacement with a new 1 bedroom, 1.5 bath single-family residence. The existing residence is 1,378 square feet in size with a 665 square foot, detached studio. The proposed residence would be 2,801 square feet in size with an attached 945 square foot 2-car garage on the 19,558 square foot lot. The project would result in a total floor area of 3,944 square feet and a Floor Area Ratio (FAR) of 20%. The residence would have a maximum height of approximately 24.5 feet. The proposed exterior materials for the new home are: wood siding, stone sided garage and retaining walls, metal and solar paneled roofing. Also proposed is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*). The project incorporates wheelchair accessibility features which are necessary to accommodate the owner's needs. The existing studio would also be remodeled and include the following work: 1) installation of a bathroom; 2) removal of existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing the area below the deck; 5) a concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) a breeze way connection to the proposed new residence. The subject property is located at 100 Sunset Way, Muir Beach, and is further identified as Assessor's Parcel 199-221-20.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 26, 2009 to consider the merits of the project, and hear testimony in favor of, and in opposition to 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 entails construction of a single family residence on a developed lot, which will be located within the footprint of the existing residence and will not result in adverse impacts to sensitive species.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
 - A. The project as conditioned is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3).

- B. The project as conditioned requires the removal of exotic invasive plants in conformance with Policy BIO 1.7 and the project complies with natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (CWP Policies BIO-1.4, BIO-1.5, BIO-1.6 and BIO-1.7).
 - C. The project will not result in impacts to special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
 - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on the private open space adjacent to the project site, or impact corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
 - E. No wetlands or stream conservation areas will be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
 - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
 - H. The project design and improvements ensure adequate fire protection (CWP Policy EH-4.1), removal of hazardous vegetation (CWP Policy EH-4.2), water for fire suppression (CWP Policy EH-4.c), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
 - I. The project will ensure that development in the rural area is consistent with local design and scale and does not detract from the open character of the surrounding landscape or public open space (CWP Policy DES-1.2).
 - J. The project will require energy efficient standards for exterior lighting, reducing excessive lighting, light pollution, light trespass, and glare. (CWP Policy DES-1.h).
 - K. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
 - L. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (CWP Policy EN-1.c).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Muir Beach Community Plan due to the following factors.
- A. The project would involve the construction of a new single-family residence, garage and retaining walls, which are a principally permitted use under the governing C-RA-B2 zoning district.

- B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- D. It will not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit I as specified below:

A. Water Supply

The Muir Beach Community Service District is currently providing water service to the site and no correspondence has been received notifying the County of its inability to continue.

B. Septic System Standards

The Marin County Department of Environmental Health Services has reviewed the application and has found the project acceptable as shown.

C. Grading and Excavation

Grading and excavation has been proposed to allow for the portion of the garage, upper level, and basement to be placed into the hillside to reduce mass and bulk of the residence and to improve parking conditions. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

D. Archaeological Resources

The proposed project is located within an area of high archaeological sensitivity. Yet, due to the site being already disturbed, it is unlikely that archeological resources exist on the property. The standard conditions of approval have been applied to the project which will require that in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate protection measures.

E. Coastal Access

The subject property is not located between the sea and the first public road or located where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project, entails the removal of an existing residence and construction of a new single-family residence and would not result in a change to housing stock.

G. Stream Conservation Protection

This finding is not applicable. The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent streams.

H. Dune Protection

This finding is not applicable. The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in potential habitat area for Monarch butterfly (*Danaus plexippus*). A site visit was conducted by an ecologist on October 28th and November 18th of 2008. It was found that the site does not provide the density of vegetation necessary for roosting habitat, therefore the proposed project and removal of the Monterey pines would not likely adversely impact Monarch butterfly habitat or populations. The Biological Assessment noted that the project would provide future habitat for Monarch butterflies by retaining five Monterey cypress (*Cupressus macrocarpa*), and incorporating native landscaping (Redwoods, Ceanothus, and Wax myrtle) which are not susceptible to Pine pitch canker, and would improve vegetation diversity and density.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the property is not located in an area potentially containing rare plants. In addition, a review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, and the U.S. Fish and Wildlife Services on-line inventory of federally endangered and threatened species has been conducted. A list of special species that occur in the Point Bonita USGS quadrangle was reviewed. A site visit by an ecologist was conducted on October 28th and November 18th and no listed species were detected or found and it was determined that the required habitat for all potential species would most likely not occur on the project site. .

K. Shoreline Protection

This finding is not applicable. The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

This finding is not applicable. The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The height, scale and design of the proposed single-family residence, garage, and retaining walls are compatible with the character of the surrounding environment. The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Protection

The project site is located outside of the historic preservation boundaries for Muir Beach as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040) for the following reasons:

A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;

The project is consistent with this finding because the new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development, and would have minimal visibility to the public with the proposed new landscaping.

B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;

The project would maintain large setbacks from the side and rear property lines and would not result in the loss of light or privacy to adjacent neighbors. In addition all development will be contained within the parcel and would not impact development on public lands or rights-of-way.

C. The proposed development will not directly, or cumulatively, 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 proposed project is located entirely within the subject parcel and as conditioned would not result in development which would impact future improvements to the surrounding properties.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project would plant numerous California native trees and shrubbery and is removing the minimum amount of trees necessary. The garage would have a living roof which would use fill from the site and would have insulating properties, and blend the residence into the hillside. Further, the proposed landscaping would provide future habitat for wildlife.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design which blends the project into the natural topography of the site, and utilizes colors and materials which blend into the natural environment. Further, the project has been designed to incorporate stepbacks and wall articulation to minimize the appearance of mass and bulk and to reduce visual impacts.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of structures;**

The proposed residence would step up the hill and be compatible with the topography of the site. The residence incorporates a living roof on the garage and natural earthen materials that blend into the surrounding environment. The residence is broken into smaller components and incorporates stepbacks to reduce effective visual bulk. The project incorporates articulations and height changes which minimize mass and bulk, and roof mass. In addition, there are no unbroken vertical walls on the structure that exceed a height of 11 feet. The roof of the garage and bedroom level would be used as deck space for the upper levels and the slopes of the roof are oriented in the same direction as the natural slope. Therefore, the project has been designed to minimize adverse visual effects related to design and building massing.

- 2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works and appurtenant structures are in conformance with the Single-family Design Guidelines.

- 3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The residence and road have been designed to minimize the amount of grading required, and the remaining fill will be used on site in the planters, and in the living roof of the garage.

- 4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and**

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles.

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The applicant is proposing construction which would meet the highest Green Building Rating of "Platinum," and the project would be required to meet Title 24 and Ordinance 3492.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed project as conditioned is consistent with all applicable regulations and as described in "F" above, meets the design guidelines and would not be detrimental to the public or County.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lambert Coastal Permit (CP 08-4) and Design Review (DR 08-6) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, the Lambert Coastal Permit and Design Review is approved for the demolition of an existing single-family residence and replacement with a new 1 bedroom, 1.5 bath single-family residence. The residence is approved to be 2,801 square feet in size with an attached 945 square foot 2-car garage on the 19,558 square foot lot. The project will result in a total floor area of 3,944 square feet and a Floor Area Ratio (FAR) of 20%. The residence will have a maximum height of approximately 24.5 feet. The exterior materials for the new home are: wood siding, stone sided garage and retaining walls, metal and solar paneled roofing. Also approved is: 1) a new driveway; 2) new landscaping and hardscape; 3) new retaining walls; 4) new terrace; 5) replacement of existing septic system; and 6) removal of 2 Monterey pines (*Pinus radiata*). The existing studio is approved to be remodeled and include the following work: 1) installation of a bathroom; 2) removal of existing skylights; 3) installation of solar panels; 3) new windows, doors and board siding; 4) replacement of existing deck railing with glass; 5) enclosing the area below the deck; 5) a concrete barrier around the perimeter, under grade; 6) replacement of foundation vents; and 7) a breeze way connection to the proposed new residence. The subject property is located at 100 Sunset Way, Muir Beach, and is further identified as Assessor's Parcel 199-221-20.

2. Plans submitted for a building permit shall substantially conform to plans entitled, "Peter Lambert Residence," consisting of 18 sheets, prepared by Drosihn Architects, received July 25, 2007, and on file in the Marin County Community Development Agency with revisions dated January 28, 2009 and received February 5, 2009.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "100 Sunset Way, Muir Beach," received July 25, 2007 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
5. 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 be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts 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.
6. 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.
7. BEFORE FINAL INSPECTION, all invasive species identified in the "Biological Assessment: Sensitive Plants and Animals," must be removed in accordance with Countywide Plan Policy BIO 1.7. Removal will be verified by the landscape inspection required in Condition of Approval #8.
8. BEFORE FINAL INSPECTION, the applicant shall install all landscaping, remove all invasive species, and install an automatic drip irrigation system. The landscaping shall be installed in conformance with Sheet 2 of the "Exhibit A." The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
9. All construction activities shall comply with the following standards:

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.

10. 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. 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 measures 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 protection measures. 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.
12. 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.
13. The owners 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 the Lambert Coastal Permit and Design Review for which action is brought within the applicable statute of limitations.
14. 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

15. 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.
16. Plans shall show all retaining wall detail to include site locations, heights, cross section references and engineer plans and calculations.
17. Provide a drainage plan for the project and all retaining walls. Include drainage from downspouts, the driveway, retaining wall back-drains and diversion from septic systems. There shall be no direct discharge onto Sunset Way from the driveway and all driveway improvements shall not interfere or significantly alter the roadside drainage. Also, all drainage infrastructure shall be within property lines.

18. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
19. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
20. Provide surface type for the driveway. Note that all surfaces over 12% slope, but less than 18% slope shall be asphalt. All surfaces over 18% but less than 25% shall be brushed concrete. No driveway slope may exceed 25% [MCC § 24.04.280]. Also, driveway approach surfaces within the road right-of-way shall be asphalt.
21. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.
22. Provide a destination for the proposed excess cut earth.

Environmental Health Services

23. BEFORE ISSUANCE OF A BUILDING PERMIT a Class 1 sewage disposal system permit must be approved by EHS.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Lambert Coastal Permit (CP 08-4) and Design Review (DR 08-6) approval by obtaining a Building Permit for the approved work and substantially completing all work before **February 26, 2011**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 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 March 5, 2009**.

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 26th day of February, 2009.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary