

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-109

A RESOLUTION CONDITIONALLY APPROVING THE FERGUS-BEEKMAN  
COASTAL PERMIT, MINOR DESIGN REVIEW, AND SECOND UNIT PERMIT  
193 PARK AVENUE, INVERNESS  
ASSESSOR'S PARCEL 112-251-14

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**SECTION I: FINDINGS**

- I. WHEREAS Thayer Hopkins, on behalf of the owners, Gary Fergus and Isabelle Beekman, requested Coastal Permit, Minor Design Review, and Second Unit Permit approval to construct a 736 square foot second unit with a 112 square foot lower utility room on a 17,375 square foot property in Inverness. As proposed, the second unit would maintain a maximum height of 22 feet, 10 inches above natural grade and would maintain the following setbacks from the closest corresponding property lines: 21 feet, 6 inches from the north (rear) property line, 6-feet 9¾-inches from the east (side) property line, and 72 feet from the west (side) property line. Proposed exterior materials include stained cedar siding and dark gray composition shingle roofing. The proposal includes the construction of an additional on-site sewage disposal system to serve the second dwelling unit. **The property is located at 193 Park Avenue, Inverness, and is further identified as Assessor's Parcel 112-251-14.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on November 15, 2007 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. At said hearing, the applicant submitted significant conceptual modifications to the proposed project. With the consent of the applicant, the Deputy Zoning Administrator continued the hearing to January 31, 2008 to allow the applicant time to develop the proposed modifications, including architectural design elements on the façade facing Edgemont, submit a conceptual landscape plan, and lower the height of the structure, including the crawl space and the mechanical room.
- III. WHEREAS Thayer Hopkins, on behalf of the owners, Gary Fergus and Isabelle Beekman, submitted a revised project proposing to construct a 736 square foot second unit with an approximately 91 square foot lower utility room on a 17,375 square foot property in Inverness. As proposed, the second unit would maintain a maximum height of 19 feet, 6-inches above natural grade and would maintain the following setbacks from the closest corresponding property lines: 21 feet, 6 inches from the north (rear) property line, 6-feet 9¾-inches from the east (side) property line, and 72 feet from the west (side) property line. Proposed exterior materials include stained cedar siding and dark gray composition shingle roofing. The proposal includes the construction of an additional on-site sewage disposal system to serve the second dwelling unit.
- IV. WHEREAS at the continued January 31, 2008 Deputy Zoning Administrator public hearing, after consideration of the merits of the modified project, review of the administrative record and hearing public testimony in favor of, and in opposition to, the modified project, the Deputy Zoning Administrator stated that she was prepared to conditionally approve the second unit with the following modifications and provisions:

- A. Lower the structure to 15 feet in height above natural grade. This can allow for certain deviations (e.g. architectural details);
- B. Reduce the under story to approximately 5 feet in height;
- C. Resubmit a fire safe landscape plan;
- D. Move the structure 2 feet northwest (minimum of 8-foot side yard setback from structure to property line; and
- E. Submit a report prepared by a licensed arborist that specifically addresses the provisions to undertake regarding the health of the oak tree in relationship to the second unit, including measures to preserve it long-term.

The Deputy Zoning Administrator (DZA) directed staff to return with a revised resolution on February 14, 2008, subject to the modifications and provisions above. The DZA noted that a public hearing would be held to take comments on the resolution.

- V. WHEREAS on February 13, 2008, via e-mail, the applicant submitted a further modified project and an Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008. proposing a 736 square foot second unit, with a height of 15 feet, 8 inches above natural grade, plus a clear story exceeding 2 feet, 6 inches above the 15-foot height resulting in a structure 17 feet 6 inches in height from natural grade to the highest roof ridge. The structure has a 91 square foot lower utility room, with a maximum exterior height of 5 feet above natural grade excavated two feet below grade, or a maximum interior clearance of 7 feet in height. The proposed structure would be sited 22 feet from the north (rear) property line, 8 feet, 10 inches from the east (side) property line, and 70 feet from the west (side property line).
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed modified project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a detached accessory structure to be used as a second dwelling unit, accessory to the existing primary single-family residence, which would not require excessive grading, tree removal, or result in other potentially significant impacts on the environment.
- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified, the proposed project is consistent with the pertinent policies of the Marin Countywide Plan because it will:
  - A. Comply with the C-SF3 (Coastal, Single-family Residential, one dwelling unit per one to five acres) land use designation;
  - B. Provide an additional housing opportunity in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
  - C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard, including the installation of fire sprinklers;
  - D. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works staff;
  - E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and

- F. Require minimal soil and natural vegetation disturbance.
- G. Evidence has been presented that a deviation of 8 inches from the 15 foot height limit would not result in any significant visual impacts or impacts neighborhood light, views or privacy.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the pertinent policies of the Inverness Ridge Community Plan and the Coastal Residential Single-family Planned District (C-RSP) Site Preparation and Project Design Standards (Marin County Code Section 22.57.086I) because it would:

- A. Involve the construction of a detached second unit, accessory to the primary residential development on the property, which is a principally permitted use under the governing C-RSP-1.0 zoning district and will contribute to the housing stock within the Inverness community;
- B. Not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage;
- C. Maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works staff;
- D. Be served by the existing roadway network;
- E. Not impact any streams or waterways;
- F. Be served by the Inverness Public Utility District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff; and
- G. 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; and
- H. Not exceed a maximum height of 15 feet, 8 inches above natural grade and this exception to the 15-foot height limit is acceptable as this deviation will not result in any significant visual impacts and will not impact neighboring views, sunlight, or privacy.
- I. Require minimal grading, disturbance of natural features of the land, and vegetation removal.
- J. Result in landscaping compatible with the natural setting consisting of native, drought tolerant, and fire resistant plant species, as recommended by Fire Safe Marin.

IX. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified, the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit II, as follows:

A. Water Supply:

The Inverness Public Utility District has indicated that adequate water is available to the property and can serve the proposed second dwelling unit.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that the proposed septic system will be adequate to serve the new second unit.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation of the foundation work to accommodate the proposed structure.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity. However, the proposed project is not likely to disturb cultural resources because grading would be limited to minor trenching for a foundation and septic system. In the unlikely event that cultural resources are discovered, conditions of project approval require that all work be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.

E. Coastal Access:

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During a 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 second dwelling unit will increase the availability of housing stock in Inverness.

G. Stream Conservation Protection:

The project site is not sited on or near a blue line stream as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

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

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base (CNDDDB), prepared by the State Department of Fish and Game, indicate that the subject property is located in an area potentially containing rare wildlife species. However, a Biological Assessment of the subject property prepared by Avocet Research Associates in February 2007 concluded that no special status animal species occur on the property and that the project site does not provide the habitat requirements of any of the animal species identified by the CNDDDB. In addition, the property is located outside of designated buffer zones surrounding Northern Spotted Owl activity sites. Finally, the project site is a developed and previously disturbed site. Accordingly, the project will not result in a significant impact to listed wildlife species.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base (CNDDDB), prepared by the State Department of Fish and Game, indicate that the subject property is located in an area potentially containing rare plants. However, a Biological Assessment of the subject property prepared by Avocet Research Associates in February 2007 concluded that no special status plant species occur on the property. Accordingly, the project will not result in a significant impact to listed plant species.

K. Shoreline Protection:

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

L. Geologic Hazards:

The project site is located in an area with some degree of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. However, the project site is located outside the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. Through the building permit plan checking process, Marin County Building Inspection staff will review the plans for conformance with Marin County Building Codes relative to seismic safety factors.

M. Public Works Projects:

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 structure will be compatible with the character of the surrounding built and natural environment. The proposed structure is small in size and is sited so that it does not obstruct public views, roads or adjacent properties, and will be partially screened by proposed landscaping and existing vegetation. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout the Inverness area would blend the structure into the natural and built environments to the greatest extent feasible.

P. Recreation/Visitor Facilities:

The proposed project will 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 Preservation:

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

- X. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the mandatory findings to approve a Minor Design Review per Marin County Code, Section 22.82.040 for the reasons listed below.

The proposed second dwelling unit would be consistent with the required findings cited above because the proposed structure would comply with the development standards of the governing zoning and would be consistent with the goals and policies of the Marin Countywide Plan and Local Coastal Program, including those related to visual character, architectural design and building materials, coastal views, and siting to minimize grading, tree removal, and other adverse physical effects on the natural environment. The design of the second unit will be compatible with that of other structures in the neighborhood and will utilize exterior colors and materials consistent with the prevailing community character. The proposed structure would maintain setbacks from property lines that are similar or greater than buildings on neighboring properties and would not block views or unreasonably impact the privacy of surrounding homes. In addition, the proposed second unit, in combination with the existing residence, would result in a total floor area ratio which is less than that of surrounding properties. Finally, as modified by conditions of approval, the proposed structure would not exceed a maximum height of 15 feet above natural grade with the exception of minor architectural features.

- XI. WHEREAS, the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the mandatory findings to approve a Second Unit set forth pursuant to Marin County Board of Supervisors Ordinance #3385 (Marin County Code Section 22.32.140).

- A. The second unit will be located on the same lot or parcel on which the owner of record maintains his/her principal residence.

The owner-occupancy requirement does not apply to second units in the Inverness community.

- B. The new second unit will meet all of the current property development standards of Title 22 (Development Code) for a dwelling unit in the residential zoning district in which it is located.

There are no setback, minimum lot size, or maximum floor area ratio requirements within the governing C-RSP-1 zoning district. In addition, as modified by conditions of approval, the structure would not exceed a maximum height of 15 feet above natural grade with the exception of minor architectural features.

- C. The second unit will meet all applicable building codes adopted by the County.

Through the Building Permit process, construction of the second unit will be required to comply with current Uniform Building Code as adopted by Marin County.

- D. The second unit is the only additional dwelling unit on the parcel.

A site visit conducted by staff indicates that the property is currently developed with one principally permitted single-family residence and an existing trailer/shed structure which will be removed as part of the proposed project. Therefore, the approved second unit will be the only additional dwelling unit on the property.

- E. Adequate sanitary service will be provided for the additional wastewater resulting from the new second unit, in compliance with County and State regulations, and with the requirements of the local sanitary district, if applicable.

**The proposed second unit will have adequate on-site sewage disposal from a proposed septic system, which has been reviewed and accepted by CDA – Environmental Health Services staff.**

- F. Adequate water supplies would be provided to serve the new second unit in compliance with County and State regulations, and with the requirements of the local water district, if applicable.

The Inverness Public Utility District has stated that it can provide water service to the new second dwelling unit on the property.

- G. The parcel on which the new second unit would be located meets the minimum building site area requirements of the zoning district in which it is located. The slope ordinance shall apply in determining the minimum parcel size, where appropriate. The minimum building site area requirements of the governing zoning and the slope ordinance shall be waived in those cases where the second unit is created within the footprint of an existing structure on the site.

The governing C-RSP-1.0 zoning district does not require a minimum lot size.

- H. The addition of a second unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.

The proposed structure will be finished in colors and materials (shingle siding and dark gray composition roofing) that will blend with the surrounding natural and built environment.

- I. The floor area of a new second unit shall not exceed 750 square feet. In addition, the floor area of the primary and second unit combined shall not exceed the floor area ratio of the particular residential zoning district in which the parcel is located, if applicable. For new-detached second units, the square footage of attached, potentially habitable storage or other accessory use areas (not including garage space) shall be counted toward the 750 square foot size limit.

The proposed second unit will be 736 square feet in size, in conformance with this finding. The governing zoning district does not establish a floor area ratio (FAR) limitation.

- J. The parcel on which the new second unit will be located shall have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit. Off-street parking spaces assigned to the second unit shall be independently accessible and shall be in addition to those required for the primary residence, in compliance with Title 24 standards.

At least one independently accessible parking space will be provided for the proposed one bedroom second unit. The parking plan has been reviewed and accepted by the Department of Public Works.

- K. A second unit shall be allowed only where the street providing access to the site is of the minimum width necessary to allow for the safe passage of emergency vehicles, in compliance with Title 24 standards, as determined by the Department of Public Works.

The existing width of Park Avenue is adequate to provide safe passage for emergency vehicles as reviewed by the Department of Public Works.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fergus-Beekman Coastal Permit, Minor Design Review, and Second Unit Permit, pursuant to Chapters 122.56, 122.82, and 22.32.140 of the Marin County Code, subject to the following conditions:

### **Marin County Community Development Agency, Planning Division**

1. The Fergus-Beekman Coastal Permit, Minor Design Review and Second Unit Permit hereby approves the construction of a maximum 736 square foot second unit with a maximum height of 15 feet, 8 inches above natural grade to the roof ridge, with a maximum 91 square foot lower utility room, with a maximum exterior height of 5 feet, excavated 2 feet below grade, or a maximum interior clearance of 7 feet in height on the 17,375 square foot subject property. The second shall maintain the following minimum setbacks to corresponding property lines: 22 feet from the north (rear) property line, 8-feet 10 inches from the east (side) property line, and 70 feet from the west (side) property line. The second unit is approved to be finished with shingle siding and dark gray composition shingle roofing to match the existing residence. The approval includes the construction of an additional on-site sewage disposal system to serve the second dwelling unit. **The property is located at 193 Park Avenue, Inverness, and is further identified as Assessor's Parcel 112-251-14.**



2. Except as modified by conditions of approval, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Fergus-Beekman Residence," consisting of 7 sheets prepared by Thayer Hopkins, Architect and 2 sheets prepared by AYS Engineering, submitted September 18, 2007, with revisions submitted dated January 17, 2008, and proposed landscape plans prepared by Thayer Hopkins, dated January 17, 2008, on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, revised plans shall be submitted for review and approval of the Community Development Agency showing the following modifications:
  - a. With the exception of minor architectural features, the second unit height shall not exceed 15 feet, 8 inches above natural grade;
  - b. The understory area shall be reduced in exterior height to approximately 5 feet.;
  - c. The second unit shall be shifted 2 feet further to the northwest (away from the side property line). As modified, the structure shall maintain a minimum setback of 22 feet from the north (rear) property line, and 8-feet 10 inches from the east (side) property line;

In conjunction with the required modifications, the applicant shall submit a report prepared by a licensed arborist which specifically addresses necessary measures to preserve the long term health of the existing heritage oak tree (including specific construction methods and impacts of the existing tree house).

4. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color. Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the following requirements.
  - a. 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.
  - b. Revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low-wattage fixtures, and must be directed downward and hooded. Cut sheets or details of all exterior lighting fixtures shall be included in the building permit plans.
  - c. The plans shall include notes that all soils disturbed by development of the project shall be recontoured to their natural state to the greatest extent possible and shall be landscaped or reseeded with native grasses or wildflowers to control erosion.
  - d. The Building Permit plans shall depict low-flow toilets and showerheads and shall utilize to the greatest extent possible all energy and resource saving systems.
  - e. The Building Permit plans shall accurately locate the Oak Tree, with actual trunk diameter and actual existing canopy.

- f. Fully dimensioned elevations and cross sections shall be submitted based upon the same topographic datum as shown on Sheet A1.0 of Exhibit "A". The cross section shall be through the highest roof ridge.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The fencing shall be installed in conformance with the Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008 on file in the Marin County Community Development Agency.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a final landscape plan for review and approval by the Community Development Agency Director designed to provide visual and privacy screening between the approved structure and adjoining properties, particularly to the north and to the east. Plantings shall be native, drought tolerant, and fire resistant plant species, as recommended by Fire Safe Marin.
8. DURING CONSTRUCTION ACTIVITIES, all measures, identified as Tree Care, Building Design, and Building Construction Recommendations, as outlined in the Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008 on file in the Marin County Community Development Agency, shall be implemented under the direction of Mr. Gross.
9. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side (east) property line and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the side (east) property line based on the approved setbacks as shown on the Building Permit plans.
10. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.

11. 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.

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 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 the second dwelling unit (for which action is brought within the applicable statute of limitations).

14. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all second unit standards, with the Marin County Recorder's Office. Recordation of the Notice of Decision shall serve to advise future property owners of the standards applicable to maintenance of the second unit.

15. BEFORE FINAL INSPECTION, the applicant shall install all proposed and required landscaping. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days prior to the anticipated completion of the project. Alternatively, the applicant may submit photo documentation demonstrating installation of said landscaping. Failure to pass inspection may result in withholding of final occupancy clearance and imposition of hourly fees for subsequent re-inspections.

16. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval to determine if an application amendment is required, before the contemplated modifications may be initiated. Any construction involving modifications that do not substantially comply with the approval, as determined by the CDA staff, will be required to be halted until proper authorization for the modifications are obtained by the applicant.

17. No additional dwelling units other than the primary dwelling unit and the approved second dwelling unit shall be permitted on the property. A second dwelling unit may be rented, but shall not be sold separately from the primary single-family unit.

Community Development Agency – Environmental Health Services

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant/owners shall comply with the all requirements of Environmental Health Services related to installation of an on-site sewage disposal system for the approved second unit.

Department of Public Works, Land Development

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit pertinent design information as specified below:

- a. The plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise of a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
- b. A Registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- c. A separate Building Permit is required for site/driveway retaining walls with a height more than 3 feet (or 4 feet when backfill area is not sloped).
- d. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
- e. Provide documentation that the driveway and turnaround design have been reviewed and approved by the Fire Department.
- f. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.
- g. Submit Erosion and Siltation Control plans if site work occurs between October 15<sup>th</sup> and April 15<sup>th</sup>.

Inverness Public Utility District

20. Interior residential fire sprinklers are required in the second unit. In the event installation of fire sprinklers requires a larger water meter than currently installed, the applicant/owners shall enter into an agreement with the District to upgrade the property's meter and connection to the main.

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

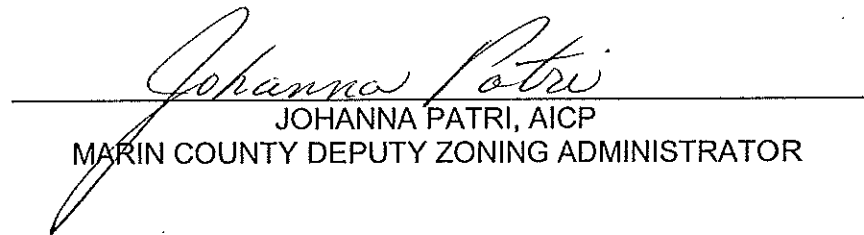
NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Fergus-Beekman Coastal Permit (05-52), Minor Design Review (05-93), and Second Unit (08-18) approvals by obtaining a Building Permit for the approved work and substantially completing all approved work by February 14, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Director approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130 of the Marin County Code. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

The Fergus-Beekman Second Unit Permit shall be valid for the remaining life of the approved structure so long as the applicant or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of this Second Unit Permit are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Second Unit Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88 of the Marin County Code.

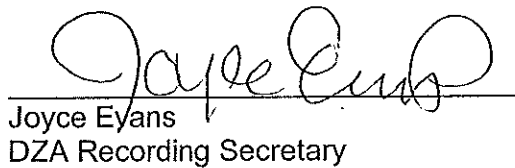
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 22, 2008.

**SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of February 2008.

  
JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

  
Joyce Eyans  
DZA Recording Secretary