



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

## STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR LIPPMAN COASTAL PERMIT, DESIGN REVIEW AND SECOND UNIT

Item No:	H-1	Application No(s):	CP 05-7, DR 05-13, SU 08-19
Applicants:	Stephen Antonaros	Owners:	Thomas Lippman
Property Address:	95 Highland Way, Inverness	Assessor's Parcel:	112-300-40
Hearing Date:	June 26, 2008	Planner:	Veronica Corella-Pearson
<b>RECOMMENDATION:</b>		<b>Approve With Conditions</b>	
<b>APPEAL PERIOD:</b>		<b>5 Working days to the Planning Commission</b>	
<b>LAST DATE FOR ACTION:</b>		<b>June 28, 2008</b>	

### PROJECT SUMMARY:

The applicant, Stephen Antonaros, has applied for Design Review, Coastal Permit and Second Unit approval, on behalf of the owner, Thomas Lippman, for new development on a lot with an existing garage/barn. The applicant is proposing a new three-story residence with an attached two car garage, a new detached second unit, a new septic system, a domestic well, and other appurtenant structures. The residence would have a total square footage of 5,568 and would attain a height of 24 feet. The second unit would be 743 square feet in size and attain a height of 15 feet. Also proposed is the legalization of an existing garage/barn and a storage shed that are 1,035 square feet and 350 square feet in size, respectively. The garage will be modified by removing a minimum of 1 foot, 6 inches of foundation, wall and roof that encroaches onto the neighboring property on the western property line.

### GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal, Single-family, 1-5 units per acre)
Zoning:	C-RSP-0.2 (Coastal, Residential Single-family Planned, 1 unit/0.2 acres)
Lot size:	8.53 acres
Adjacent Land Uses:	Residential
Vegetation:	California Bay, non-native grassland and invasive species
Topography and Slope:	Steep to moderately sloping
Environmental Hazards:	None Identified

### ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the

CEQA Guidelines because it entails construction which will not result in adverse impacts to listed species or their habitat, or adverse grading and tree removal.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the public hearing date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. At the time this Staff Report was drafted, comments have been received regarding the design of the project and potential negative impacts to ground water supplies, traffic, and Highland Road.

## **PROJECT ANALYSIS:**

### *Background:*

A code enforcement case on the property dates back to 1996. Prior to the purchase of the parcel by Mr. Lippman, there were 6 dwellings, and the existing garage/barn, which were all being served by the existing functioning well adjacent to the garage. These dwellings were demolished prior to Mr. Lippman purchasing the property. Upon purchase, he removed all demolished materials and agreed to apply for Planning approval to legalize the remaining structures.

### *Site Description:*

The proposed project is located on a parcel that is 8.23 acres in size. Development is constrained by steep slopes and a large number of protected trees. The perimeter~~s~~ of the parcel is largely populated with California bay (*Umbellularia californica*), and other native vegetation. Non-native invasive plants are located throughout the parcel, but are in greatest number near the location of proposed new structures. The parcel is within a quarter mile of a known nesting site for the Northern Spotted Owl (*Strix occidentalis caurina*, NSO). The project will require the removal of three California bays with diameters that are 12 inch, 10 inch, and a multi-trunk bay with stems no greater than 10 inches.

### *Development Issues:*

A Coastal Permit is required for the project because it is within the Coastal Zone and entails new additions and improvements. Design Review and Second Unit approval are required due to the RSP-0.2 zoning designation and to determine conformance with the mandatory requirements for a Second Unit pursuant to Marin County Code (Section 22.98.0911, modified by Ordinance #3385).

A biological report was provided and it was determined that the site lacks the habitat characteristics necessary to support NSO. The report also concluded that the site lacks the necessary habitat to support special status plants or animal species listed under the California Natural Diversity Database (CNDDB).

The proposed new residence would be 5,568 square feet in size, which would result in it being one of the largest residences in the vicinity. Yet, the parcel is substantially larger than majority of those within 600 feet, which average approximately 1 acre. The project would result in a total square footage of 7,696 for new and existing development with a floor area ratio of less than 2%. The second unit and main residence will not be visible to the public since it is surrounded by a large population of California bay that are all greater than 35 feet in height. Site disturbance would be minimized by locating the new residence near the site of a previous residence. Both structures

would be a substantial distance away from adjacent residences, avoiding impacts to views, light or privacy. The existing access road would be improved to meet the Department of Public Works (DPW) and the fire department's requirements regarding turnouts, construction material, drainage, slope, and width. No fences are proposed which may restrict the movement of wildlife and the project as conditioned will require the removal of non-native invasive vegetation. The construction period would be limited so that noise would not disturb owls during nesting season, and no mature trees that could provide nesting habitat for spotted owls will be removed. Further, the project has also been conditioned to provide for the protection of ground water sources.

#### **CONCLUSION:**

Staff finds the required findings for Coastal Permit, Design Review and Second Unit findings can be made to approve the project because the proposed project as conditioned will not adversely affect neighboring properties, viewsheds, or coastal resources. In addition, the project as conditioned would sufficiently address parking, water, and sewage to adequately serve the main residence and second unit in accordance with Marin County codes.

#### **RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the attached Resolution recommending approval of the Lippman Coastal Permit (CP 05-49), Design Review (DR 05-13) and Second Unit (SU 08-19).

#### **Attachments**

1. Proposed Resolution recommending conditional approval of the Lippman Coastal Permit, Design Review and Second Unit
2. CEQA Exemption
3. Location Map
4. Project Plans (5 sheets)
5. Exterior materials and colors sheet
6. Department of Public Works, memorandum received 4/9/08
7. Environmental Health Services – Sewage, transmittal sent 4/7/08
8. Environmental Health Services – Water, transmittal sent 5/16/08
9. Inverness Association, letter sent 4/16/08
10. Inverness Volunteer Fire Department, letter sent 3/29/2007
11. Inverness Public Utility District, letter received 9/14/07
12. Inverness Association, letter received 6/19/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION \_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING THE LIPPMAN COASTAL PERMIT (05-7),  
DESIGN REVIEW (DR 05-13) AND SECOND UNIT (SU 08-19)  
95 HIGHLAND WAY, INVERNESS  
ASSESSOR'S PARCEL 112-300-40

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Stephen Antonaros, has applied for Coastal Permit, Design Review, and Second Unit approval, on behalf of the owner, Thomas Lippman, for new development on a lot with an existing garage/barn. The applicant is proposing a new three-story residence with an attached two car garage, a new detached second unit, a new septic system, a domestic well, and other appurtenant structures. The residence would be 5,568 square feet in size and would attain a height of 24 feet. The second unit would be 743 square feet in size and attain a height of 15 feet. Also proposed is the legalization of an existing garage/barn and a storage shed that are 1,035 square feet and 350 square feet in size respectively. The garage will be modified by removing a minimum of 1 foot, 6 inches of foundation, wall and roof that encroaches onto the neighboring property on the western property line. The subject property is located at 95 Highland Way, Inverness and is further identified as Assessor's Parcel 112-300-40.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing June 27, 2008 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15303, Class 3 because it entails construction of a new single family residence and second unit that will not impact special-status species, or result in adverse impacts to their habitat.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that 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 project as conditioned will require the applicant to either provide an Acknowledgement of a Well Setback, which would be signed by the adjacent neighbors along the western property line that are within 100 feet of the existing functioning well. If the owner is unable to get the necessary approval, then a new well will be drilled that is over 100 feet away from any property line. The applicant has provided water well

yield reports and the existing functioning well has met the requirements of Environmental Health Services. Further, as conditioned the applicant is required to fill the pool from a water source other than an on site well.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed the project, and as conditioned, the proposed septic system is adequate to serve the second unit and main residence.

C. Grading and Excavation:

The project as conditioned will keep the grading to the minimum amount necessary to improve the access road, and for the sitting of the residence and second unit.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of archaeological sensitivity. Therefore, there are no potential impacts to archaeological resources.

E. Coastal Access:

The project site is not located adjacent to the shoreline and therefore will not affect coastal access.

F. Housing:

The proposed project would add a second unit that could provide affordable housing.

G. Stream Conservation Protection:

The project 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.

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:

A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for the Northern spotted owl (*Strix occidentalis caurina*). Yet, a review of the project site and a report from a biologist concludes that the site lacks the habitat necessary to support this species. However, there may be nest sites within one-quarter of a mile from the construction site. Construction noise within this distance could disturb an active nest. Therefore, a condition of approval has been added, which will restrict the

time period of construction, in order to prevent disturbance to the species during the breeding season.

J. Protection of Native Plant Communities:

A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the property is not located in an area containing any federally or state listed species. A site visit was conducted by a biologist and no special status plants were observed.

K. Shoreline Protection:

The proposed project would not occur within the shoreline protection zone and would have no impacts on the shoreline.

L. Geologic Hazards:

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program nor is the project site 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 proposed project does not entail expansion of public roads, flood control projects, or utility service and will not affect any public works projects.

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:

Both structures would be difficult to see from any public vantage point due to the dense growth of California bay trees and Monterey pine which are over 35 feet in height. The structures are also located over 400 feet away from Highland Road and are not visible to vehicles or residents of the community. Therefore, the project would not impact views to scenic resources from public roads, trails, beaches, or vista points.

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.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Marin Countywide Plan because:
- A. The project 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 complies with *CWP* 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 and BIO-1.6*).
  - 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 review (*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*).

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Inverness Ridge Communities Plan because the project as conditioned will:

- A. Involve the construction of a new single-family residence and second unit, which are principally permitted uses under the governing C-RSP-0.2 (Coastal, Single-family, 1 unit/1-5 acres) zoning district and its proposed use will ultimately add to the housing stock of the Inverness community;
- B. Not adversely impact the surrounding natural environment relative to sensitive species and their habitat 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 an on-site well and sewage disposal system approved by Marin County Environmental Health Services staff; and
- G. Not adversely impact the surrounding built environment relative to off-site views from adjacent properties and privacy for the subject and surrounding properties.

IX. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Design Review per Marin County Code, Chapter 22.82.040 for the following reasons:

- A. Construction of the single-family residence would conform to a principally permitted use in the C-RSP-0.2 (Coastal, Residential Single-family Planned, maximum density of 1 unit/5 acres) zoning district, which governs the subject property and would be situated solely on the subject property.
- B. Existing vegetation on-site would adequately screen the structures from off-site locations, and would enhance the privacy of the occupants of the subject and surrounding properties.
- C. The project as conditioned would be constructed using materials and colors that will not be unsightly.
- D. The project as conditioned would not impact improvements in the vicinity, on public or private lands and rights-of-way.
- E. The project will not result in adverse physical or visual effects.



## SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lippman Coastal Permit (CP 05-7), Design Review (DR 05-13) and Second Unit (08-19) subject to the following conditions of approval:

Marin County Community Development Agency, Planning Division

1. The Lippman Coastal Permit, Design Review, and Second Unit is approved for new development on a lot with an existing garage/barn. The applicant is approved for a new three-story residence with an attached two car garage, a new detached second unit, a new septic system, a domestic well, and other appurtenant structures. The residence will be 5,568 square feet in size and will attain a height of 24 feet. The second unit will be 743 square feet in size and attain a height of 15 feet. Also approved is the legalization of an existing garage/barn and a storage shed that are 1,035 square feet and 350 square feet in size respectively. The subject property is located at 95 Highland Way, Inverness and is further identified as Assessor's Parcel 112-300-40.
2. The plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "95 Highland Way, Inverness" consisting of 5 sheets prepared by Stephen Antonaros received March 28, 2008, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein including the following:
  - A. The garage will be modified by removing a minimum of 1 foot, 6 inches of foundation, wall and roof that encroaches onto the neighboring property on the western property line.
  - B. The bathroom shall include at a minimum a sink, tub or shower, and a toilet.
  - C. The terrace off of the second unit shall be reduced to be no greater than 550 square feet.
  - D. All new structures shall incorporate exterior colors and materials that are earth toned and subdued in color to blend with the natural environment.
3. 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.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall either provide a recorded "Acknowledgement of a Well Setback", that is to signed by the adjacent neighbors along the western property line that are within 100 feet of the service well, or the applicant will have to relocate the well to a site that is over 100 feet from any property line.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or

the United States Army Corps of Engineers. Staff is aware that approvals may be necessary from the California Department of Fish and Game and the Regional Water Quality Control Board for culverting the drainage course crossing the driveway. (Please factor the additional time that is required for approval from these other agencies in the project's construction schedule.)

6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide an Invasive Exotic Species Removal Plan prepared by a licensed landscape architect, designer, biologist or botanist, which indicates the location of invasive species to be removed.
7. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work approved herein, the applicant shall install temporary construction fencing around the drip line 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.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum distance of the garage/barn from the side (west) property line and distance of the new residence from the side (east) property line.
9. PRIOR TO FOUNDATION INSPECTION for the single-family dwelling, the applicant must remove the northwestern portion of the "as-built" garage which encroaches over the property line. The applicant must schedule an inspection with Code Enforcement staff to verify compliance.
10. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities and certifies the adequacy of the protective fencing installed. All site development construction practices shall be in accord with the recommend guidelines made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.
11. The initial filling of the pool shall be from a source other than an onsite well.
12. External construction that may cause loud noises shall not occur and no Building Permits shall be issued during the Spotted Owl's nesting season from February 15 until July 15, unless the applicant submits a report from a qualified biologist indicating that there are no nesting owls within 0.25 miles of the construction site.

| ~~12.13.~~ Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.

| ~~13.14.~~ 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.

| 14.15. All construction activities shall comply with the following standards:

| 15.16. 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.

| 16.17. 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.

| 17.18. 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.

| 18.19. 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 unit, additions to the single family residence and new garage, for which action is brought within the applicable statute of limitations.

| 19.20. 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.

21. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify garage/barn setback 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 front (northern) property lines based on the approved setbacks as shown on the Building Permit plans.
22. 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.
23. 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.
24. BEFORE FINAL INSPECTION, the applicant shall submit verification to the Community Development Agency - Planning Division that the pool was filled from a source other than an onsite well.
25. BEFORE FINAL INSPECTION, the applicant shall provide an written verification from a licensed landscape architect, designer, biologist or botanist, which indicates that the Invasive and Exotic Species Removal Plan has been fully implemented.
26. BEFORE FINAL INSPECTION, the applicant shall provide an written verification from an arborist, which indicates that the tree protection measures have been fully implemented during construction.
27. 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.

Department of Public Works, Land Development

PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following requirements:

28. 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.

29. A separate Building Permit is required for site/driveway retaining walls with a height more than 4 feet (or 3 feet when backfill area is sloped or has a surcharge). Provide engineer designs, calculations and cross-sections within the plan-set. Also provide cross-section references in the site plans for all retaining wall cross sections in the structural plans.
30. Provide drainage plan on the site plan for area around the residence and around the septic leach field. As per geotechnical report, surface drainage shall be diverted away from these structures.
31. Provide more detail on the collective drainage outlet of the recessed drains in series along the driveway.
32. Issuance of the Building Permit is subject to providing documentation that both the Regional Water Quality Control Board and California Department of Fish and Game have reviewed and approved the culverting of the water course crossing the driveway.

Community Development Agency – Environmental Health Services - Sewage

33. PRIOR TO ISSUANCE OF A BUILDING PERMIT, re-submit three new copies of the septic design with the addition of the subdrain described in John C.Hom and Associates, Inc., letter of November, 7, 2007.

Community Development Agency – Environmental Health Services – Water

34. Submit plans showing the location of all wells and cross-reference the wells to the Well Completion Reports.
35. BEFORE ISSUANCE OF A BUILDING PERMIT, a domestic water permit must be received from EHS.

Inverness Public Utility District

36. Interior fire sprinkler system is required for both the second unit and residence.
37. The applicant must provide a 3,000 gallon (minimum) tank in a location approved by the Fire Department.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Lippman Coastal Permit (CP 05-7), Design Review (DR 05-13), and Second Unit (SU 08-19) approvals by obtaining a Building Permit for the single-family dwelling, second unit, garage/barn, and the storage shed, and substantially completing all approved work by June 26, 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 above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130I of the Marin County Code. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

The Lippman 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 22.32.140 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 July 3, 2008.**

#### **SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 26th day of June 2008.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Recording Secretary