



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

<b>STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR</b>			
<b>MAXWELL COASTAL PERMIT, DESIGN REVIEW, AND SECOND UNIT PERMIT</b>			
Item No:	C2.	Application No:	CP 09-25, DM 09-50, & SU 09-25
Applicant:	Onju Updegrave	Owner:	Katherine Maxwell
Property Address:	5 Drakes Summit Drive, Inverness	Assessor's Parcel:	114-330-19
Hearing Date:	April 16, 2009	Planner:	Scott Greeley
<b>RECOMMENDATION:</b>		<b>Approve with Conditions</b>	
<b>APPEAL PERIOD:</b>		<b>April 23, 2009</b>	
<b>LAST DATE FOR ACTION:</b>		<b>May 5, 2009</b>	

**PROJECT DESCRIPTION:**

The applicant is requesting Coastal Permit, Design Review, and Second Unit Permit approval to convert an approved storage shed into a new 399 square foot second unit. The new second unit would reach a maximum height of approximately 15 feet and would have the following minimum setbacks: (1) approximately 66 feet from the northerly front property line; (2) approximately 142 feet from the southerly rear property line; (3) approximately 109 feet from the westerly side property line; and (4) 118 feet from the easterly side property line. In addition, the applicant is proposing a remodel, as well as a 333 square foot addition on the main and upper levels, and a 113 square foot upper level porch addition to the existing, three level (including the understory, storage area), 1,845 square foot primary residence. The proposed addition to the primary residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) approximately 133 feet from the northerly front property line; (2) approximately 70 feet from the southerly rear property line; (3) approximately 85 feet from the westerly side property line; and (4) approximately 137 from the easterly side property line.

**GENERAL INFORMATION:**

Countywide Plan:	C-SF2 (Coastal, Single Family, 5-19 acre minimum lot size)
Zoning:	C-RSP-0.1 (Coastal, Residential, Single Family Planned, 1 dwelling unit per 10-acres)
Community Plan Area:	Inverness Ridge
Lot size:	77,222 square feet
Adjacent Land Uses:	Rural Residential

Vegetation: Native trees, vegetation, and grasslands  
Topography and Slope: Gentle to moderately sloping  
Environmental Hazards: None

#### **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails conversion of an approved storage structure into a second unit which will not result in potentially significant environmental impacts.

#### **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. No comments, adverse or otherwise have been received by staff in response to the public notice for the proposed project.

#### **PLAN CONSISTENCY:**

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Inverness Ridge Communities Plan, the Local Coastal Program, and Titles 22I (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in tree removal, significant grading, or other adverse impacts on the environment and surrounding property owners. Please refer to the plan consistency findings contained in the attached resolutions for more information.

#### **PROJECT ANALYSIS:**

The applicant is proposing to convert an approved 399 square foot storage building into a second unit. In addition, the applicant is proposing to renovate and add 446 square feet to the existing primary residence and relocate the existing driveway to remove an encroachment which currently exists on the neighboring property. The 1.77-acre property is primarily gently to moderately sloping, with native trees, vegetation, and grasslands on the property.

The applicant has submitted a minor Design Review for the addition and second unit, because it is in a C-RSP-0.1 zone, which is a planned zoning district. The Second Unit Permit is required to convert the approved storage structure into a second unit, however this type of permit is ministerial and therefore does not require approval by the Deputy Zoning Administrator for the proposed use. The project is within the recognized jurisdiction of the California Coastal Commission and requires a Coastal Permit to be issued prior to implementation of the project.

The project subject to discretionary review by the Deputy Zoning Administrator entails the Coastal Permit and the addition to the house, as well as the design of the proposed storage structure to be converted into second unit. The discretionary review is therefore subject to the policies of the Marin Countywide Plan, the Interim Zoning Ordinance (Chapter 22I), the Inverness Ridge Communities Plan, and the Local Coastal Program.

The conversion of the approved storage building (Building Permit # 121478, issued on November 12, 2008) into the proposed second unit entails no modifications to the building's prior approved exterior and meets the policies outlined by the above listed documents, as identified in the attached resolution.

The addition to the primary residence is set back from the front property line and will be in part obscured by the second unit and mature trees found on the site, which have been identified to remain. The addition will match the exterior of the rest of the residence and is in keeping with the design of the house, the rural nature of the community, and the policies outlined by the above listed documents, as identified in the attached resolution.

The Department of Public Works has reviewed and provided conditions of approval with regards to the full scope of the project, including the proposed modification to the driveway, which are identified in the attached resolution.

Based on these factors, the proposed project would not result in adverse impacts to the public welfare or surrounding properties, and the Coastal Permit and Design Review findings can be made.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Maxwell Coastal Permit, Design Review, and Second Unit Permit.

- Attachments:**
1. *Recommended Resolution approving of the Maxwell Coastal Permit, Design Review, and Second Unit Permit*
  2. *CEQA Exemption*
  3. *Assessor's Parcel Map*
  4. *Project Plans*
  5. *Materials and Color Samples*
  6. *Marin County Department of Public Works Memo, dated 3/3/09*
  7. *Marin County Environmental Health Services (Sewage) Memo, dated 2/26/09*
  8. *North Marin Water District Memo, dated 3/6/09*
  9. *Marin County Fire Department, dated 4/8/09*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-  
A RESOLUTION APPROVING THE MAXWELL COASTAL PERMIT, DESIGN REVIEW, AND  
SECOND UNIT PERMIT  
5 DRAKES SUMMIT DRIVE, INVERNESS  
ASSESSOR'S PARCEL 114-330-19

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**SECTION I: FINDINGS**

- I. WHEREAS, Onju Updegrave, is seeking Coastal Permit, Design Review, and Second Unit Permit approvals to convert an approved storage shed into a new 399 square foot second unit. The new second unit would reach a maximum height of approximately 15 feet and would have the following minimum setbacks: (1) approximately 66 feet from the northerly front property line; (2) approximately 142 feet from the southerly rear property line; (3) approximately 109 feet from the westerly side property line; and (4) 118 feet from the easterly side property line. In addition, the applicant is proposing a remodel, as well as a 333 square foot addition on the main and upper levels, and a 113 square foot upper level porch addition to the existing, three level (including the understory, storage area), 1,845 square foot primary residence. The addition to the primary residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) approximately 133 feet from the northerly front property line; (2) approximately 70 feet from the southerly rear property line; (3) approximately 85 feet from the westerly side property line; and (4) approximately 137 from the easterly side property line. **The subject property is located at 5 Drakes Summit Drive at Inverness, and is further identified as Assessor's Parcel 114-330-19.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing April 16, 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 of the CEQA Guidelines because it entails conversion of an approved storage structure into a second unit which will not result in potentially significant environmental impacts.
- 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 would be consistent with the C-SF2 (Coastal, Single Family, 5-19 acre minimum lot size) land use designation;
  - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 5:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 4:00p.m. on Saturday. (CWP Policies, Noise Policies, NO-1.1, NO-1.3);

- C. The project has been designed to avoid hazards from erosion, landslide, floods, and fires, and will result in a built environment which is healthful, safe, quiet, and of good design both functionally and aesthetically. (CWP Policies, Environmental Hazards Policies, EH-2.3, EH-3.1, EH-4.1, EH-4.2, Community Design Policies DES-4.1, DES-4.c, DES-5.1);
  - D. The project will comply with Marin County development standards related to parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works. (CWP Policies, Biological Policies, BIO-3.1, BIO-4.20, and BIO-5.2);
  - E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services and facilities. To minimize the risk of fires and ensure adequate fire protection, the Inverness Public Utility District will ensure compliance with fire safety codes and standards including installation of fire sprinklers. (CWP Policies, Environmental Hazards Policies, EH-4.1);
  - F. The project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1 and BIO-2.1);
  - G. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (CWP Policies Energy and Green Building Policies *EN-1.1*, *EN-1.b*, *EN-1.c*, *EN-3.1*, *EN-3.a*);
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent Residential Development Design Review Guidelines and Natural Resources policies of the Inverness Ridge Communities Plan for the following reasons:
- A. The project will remove potentially flammable vegetation, but still retain a significant amount of mature, native trees and vegetation.
  - B. The project will utilize colors and materials that is consistent with previously approved designs found on the property.
  - C. The proposed development protects the views of the area by maintaining valuable screening of the residence from the larger community.
  - D. The proposed project is improving and continuing to utilize the existing driveway and much of the existing residence's site and will not result in a substantial increase in the removal of native vegetation or tree cutting.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.
- A. Water Supply
 

The project has been reviewed and accepted by EHS. Therefore, the project is consistent with this finding.
  - B. Septic System Standards
 

The project has been reviewed and accepted by EHS. Prior to building permit issuance, the applicant will need to modify and upgrade the septic system to a 5-bedroom system. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed, will keep grading to the minimum amount necessary. Therefore, the project is consistent with this finding.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of low archaeological sensitivity. A standard condition of approval has been applied to the project requiring that in the event 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 mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

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

F. Housing

The proposed project will actually increase the availability of affordable housing stock within the Inverness community. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any recognized sensitive streams or creeks subject to stream protection of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project entails an addition to the existing primary residence and the construction of a second unit from an approved storage unit, and would not disturb natural dunes. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the rural, northern community of Inverness, which has been identified by federal and state authorities as being home to several federal and state listed species including the Northern Spotted Owl, the Great Blue Heron, and the Great Egret. Nests of the Northern Spotted Owl have been found to be within 1/2-mile of the subject property. The project has been conditioned to permit exterior construction related activities during certain times of year that would minimize potential noise impacts to the nesting spotted owls. The Great Blue Heron was not seen on site. In addition, typically the Great Blue Heron nests around marine habitats and this site is further in-land. The Great Egret was not seen on-site. Additionally, the Great Egret nests in wetland areas and over water. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database, this region of Inverness is potentially suitable habitat for the Western Leatherwood, a dicot shrub that is endemic to only California. This species however is found in wetland-riparian habitats which is not the terrain found on the owner's property. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is outside of the LCP Unit I Geologic Hazards Maps and the finding is therefore not applicable.

M. Public Works Projects

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

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

An approved storage building is proposed to be converted into the proposed second unit. No changes to the building footprint or exterior structural changes are being proposed. The primary residence, in which the addition is proposed, is set back 133 feet from the northerly front property line. In addition, the height and scale of the proposed residence will comply with the standards of the governing zoning and will be compatible with the surrounding community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1931. Therefore, the project is consistent with this finding.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The

proposed project is within the intent and objectives for Design Review, based on the following findings:

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

The proposed project entails the construction of a second unit and an addition to the primary residence in a planned residential community. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF2 policies of the General Plan and the Inverness Ridge Communities Plan. Therefore, the project is consistent with this finding.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit as well as an addition to the existing primary residence. The roof on the primary residence will be replaced with a new standing seam metal roof, otherwise no changes are proposed. In order to avoid creating an unsightly impact or disharmony with the surrounding community, the project has been designed to compliment the existing design, color and material already being used onsite. Therefore, the project is consistent with this finding.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence. Since the project would be located substantially in existing structures on the property or else with minor additions to the footprint of existing structures, with minimal additional site disturbance required, the project should have no impact on further development, use, or the enjoyment of this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence. Since the project would be located substantially on the same building footprint accessed from the same private driveway as the existing residence, with minimal additional site disturbance required, the project should have no impact on further investment or improvements on this or any other properties in the area. Therefore, the project would be consistent with this finding.

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

No existing trees have been identified for removal with the proposed project. Therefore, the project would be consistent with this finding.



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

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence. The second unit is located in an approved storage building and will not modify the exterior of the building. The primary residence on which the addition is proposed is set over 130 feet from the rural road and complies with development standards.

2. Drainage systems and appurtenant structures,

The project should not result in substantial changes to existing drainage patterns. In addition, the Department of Public Works will review and approve a drainage plan prior to Building Permit issuance.

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

The proposed project would result in a minimal level of ground disturbance.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence. This should have no impact on pedestrian, animal, or vehicular access.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence. The second unit will attain a maximum height of 15 feet and the proposed addition to the primary residence will attain a maximum height of 25 feet. The lots in the surrounding community range from approximately 2-acres to 20-acres. The nearest residence on adjacent properties is approximately one hundred feet from the proposed addition and approximately 200 feet from the proposed second unit. Therefore there should be no impact to sun and light exposure, views, or privacy.

Therefore, the project would be consistent with this finding.

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

The proposed project entails the conversion of portions of an approved storage building into a second unit and an addition to the primary residence, in a Residential Planned zoning district. The materials, coloring, and design will match that which is

already found on the property. The project will also be conditioned to meet a “certified” rating or better with the Marin County New Home Green Building Residential Design Guidelines checklist prior to final building permit inspection. Therefore, the project would be consistent with this finding.

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

### Marin County Community Development Agency, Planning Division

1. This Coastal Permit, Design Review, and Second Unit Permit approval shall permit the conversion of an approved storage shed into a new 399 square foot second unit. The new second unit shall reach a maximum height of approximately 15 feet and have the following minimum setbacks: (1) approximately 66 feet from the northerly front property line; (2) approximately 142 feet from the southerly rear property line; (3) approximately 109 feet from the westerly side property line; and (4) 118 feet from the easterly side property line. In addition, a remodel, as well as a 333 square foot addition on the main and upper levels, and a 113 square foot upper level porch addition to the existing, three level (including the understory, storage area), 1,845 square foot primary residence. The addition to the primary residence shall reach a maximum height of 25 feet above grade and have the following minimum setbacks: (1) approximately 133 feet from the northerly front property line; (2) approximately 70 feet from the southerly rear property line; (3) approximately 85 feet from the westerly side property line; and (4) approximately 137 from the easterly side property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as “File Copy,” entitled, “Residence Remodel & New Second Unit Maxwell Residence,” consisting of nine sheets prepared by Onju Updegrave, Architect, dated February 4, 2009 and received February 6, 2009 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials samples board which is identified as “Exhibit B,” received February 6, 2008, and on file with the Marin County Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT for the conversion of the accessory structure, the applicant shall obtain second unit permit approval.
5. If the presence of the northern spotted owl (*Strix occidentalis caurina*) is found at or near the site during the construction process, all construction activities shall cease, and the Community Development Agency staff shall be notified. A qualified wildlife biologist shall assess the site and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect the owls and the nesting activity. 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 the findings and recommendations of the biologist’s report, as approved by the Community Development Agency staff. An amendment to the permit may be required to implement mitigations to protect the owl species.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.

7. All utility connections and extensions serving the project shall be installed underground.
8. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.
9. All construction activities shall comply with the following standards:
  - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, 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 or the following holidays (New Year's Day, Presidents' Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, and Christmas Day). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
10. If archaeological resources are discovered during grading, trenching, or other construction activities, all work at the site shall stop immediately and the project sponsor shall inform the Marin County Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and submit a written report to the Marin County Community Development Agency Director advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Director. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Director.
11. 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.
12. BEFORE FINAL INSPECTION, the applicant shall obtain a building permit for the studio identified on the project plans.
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 approval of the Peterson 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.

Marin County Public Works Department, Land Development Division

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant's plans shall be reviewed and approved by a 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.
13. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. The drainage and grading plans may be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, 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). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project. The drainage plan shall include all drainage away from foundation of structures, roof runoff management and retaining wall back-drain management.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a note on the plans stating that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide all proposed grading for the project including the driveways. All parking areas should not exceed 5% slope and shall not exceed 8% slope in any direction.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall ensure that driveway slopes greater than 12% but less than 18% are paved with asphalt.

Marin County Community Development Agency, Environmental Health Services

20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the septic permit approval process to modify and upgrade the septic system to a 5-bedroom system.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before April 16, 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 Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized in this does not commence within one year from issuance of such permits. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of the permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the approval, and no extensions have been granted, the Building Permit may become null and void. Should you have difficulties in meeting deadlines for completing the work pursuant for a Building Permit, the applicant may apply for an extension at least ten days before the expiration.

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 April 23, 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 29<sup>th</sup> day of January 2009.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary