



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
 LIND VARIANCE**

Item No:	C1	Application No:	VR 09-5
Applicant:	Christian Lind	Owner:	Christian Lind and Lisa Bernardi
Property Address:	440 Vista Grande, Greenbrae	Assessor's Parcel:	070-012-03
Hearing Date:	May 14, 2009	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	May 29, 2009
LAST DATE FOR ACTION:	June 14, 2009

PROJECT DESCRIPTION:

The project consists of the proposed construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions would be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house would not change from the existing nonconforming height of 31.5 feet. The proposed 3,922-square foot structure would result in a 15.2% floor area ratio and would maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. Exterior finishes would include new brown stucco siding, bronze windows, and white trim. The project also includes the following changes within the front yard setback: 1) modifications to the front entry that would move the entry steps to the southwest corner of the house and 2) the addition of photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. A Variance is required because approximately 1,320 square feet of the increased floor area would encroach a maximum of 20.75 feet into the 25-foot front yard setback required by the R1-B2 zoning district, and the remodeled entry deck would be located 3.5 feet from the front property line. (Note: The proposed 6-foot high fence along the southwesterly front property line is exempt from Land Use Permits.)

GENERAL INFORMATION:

Countywide Plan:	SF5 (Single-family, 10,000 to 20,000 square foot minimum lot area, 2-4 units/ acre)
Zoning:	R1-B2 (Residential Single-family, 10,000 sq. ft. minimum lot area)
Community Plan:	Kentfield/Greenbrae Community Plan
Lot size:	22,823 square feet
Adjacent Land Uses:	Single-family residential

Vegetation: Native oak and bay woodland with ornamental landscaping
Topography and Slope: Steeply sloped
Environmental Hazards: Landslide hazard and Urban Wildland Interface fire area

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 15301(e), Class 1 of the CEQA Guidelines because it entails an addition to the understory of an existing single-family residence that would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Kentfield/Greenbrae Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

Setting

The subject property is a steeply sloped lot that fronts on Vista Grande and extends downhill through a densely vegetation oak woodland. The parcel is located near the cul-de-sac end of Vista Grande which runs along a minor ridge, which provides a limited area to build a short driveway and residence. Most homes in the neighborhood are located on steep lots and situated within the required 25-foot front yard setback. The property is currently developed with a two-story 1,957-square foot single family residence with a floor area ratio of 8% that encroaches 20.75 feet into the front yard setback. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles. Fourteen of the seventeen homes along this block of Vista Grande encroach into the 25-foot front yard setback. The large lot, steep downslope, and dense vegetation provide screening of the proposed project from neighbors.

Ridge and Upland Greenbelt Area Policies

The northerly undeveloped portion of the property is within the Ridge and Upland Greenbelt. While the existing house is not located in the designated greenbelt, the proposed project is consistent with related Countywide Plan policies to minimize visual impacts as viewed from adjacent properties and public view corridors. The existing house is low profile with a predominately flat roof, and will remain so. Since the entire addition is within the footprint of the existing house, there would be no increase in the visual mass and bulk of the structure.

Setback

The existing flat-roofed, two-story house encroaches 20.75 feet into the front yard setback. The following changes within the front yard setback require Variance review:

1. Increased floor area – The top floor of the existing house is at street level, with the lower floors barely visible from the street. Most of the 1,450.5 square feet of the existing top/ground floor is

located within the required 25-foot front yard setback. Conversely, most of the existing 506 square feet of living space on the middle/lower floor is located outside the front setback. The proposed project would add 1,326 square feet of living space to the middle/lower floor by converting unfinished understory within the front yard setback. Similarly, the project would convert 189 square feet of understory on the bottom/lowest floor for an unheated mechanical room to be accessed strictly from the outside. Only a small portion of the mechanical room is located within the front yard setback.

Converting understory areas is consistent with the County's Single-family Residential Guidelines for hillside design. Moreover, utilizing space within the existing envelope will avoid ground disturbance, additional impervious surface, and loss of critical vegetation; no trees will be removed as part of this project.

2. Remodeled front entry deck - While a portion of the existing deck has been removed already, project plans indicate that the previously existing 218-square foot entry deck will be replaced by a smaller 126-square foot deck. The proposed entry deck and railing would start at the front property line, but would not reach 18 inches in height until approximately 3.5 feet from the property line, the point at which Variance approval is required for the new steps and railing.

The new entry would be framed by existing oaks and staff is recommending as a condition of approval that the entry area be included in a new landscape plan. As conditioned, a qualified arborist will examine the health of any trees to be trimmed and perform or oversee any necessary pruning.

The reduced front yard setback is a privilege enjoyed by other properties in the neighborhood with the same zoning due to the steep topography. The location and design of the project will not adversely affect the visual quality of the area because the increase square footage will be entirely within the understory and footprint of the existing house. Changes to the front entry within the front yard setback are compatible with the surrounding natural environment.

Height

The existing nonconforming house attains a maximum height of 31.5 feet along the southern sloped portion of the flat roof, exceeding the 30-foot allowable height in the R1-B2 zoning district. A building permit issued in 1992 confirms that the house exceeded the 30-foot height limits at that time. According to Marin Development Code, Section 22.112.B2, "Additions to a nonconforming structure may be made as long as the additions are in conformance with this Development Code." Therefore, if Variance findings can be made for setbacks, the proposed project can be approved despite the nonconforming height.

The proposed project does not entail any change to the existing roof height. While the proposed photovoltaic panels would extend a maximum of 1.5 feet above the existing flat portion of the roof, they are exempt from height measurements per Development Code Section 22.20.060.E3, provided no part of the equipment exceeds a height of 32 feet above grade. Design Review would be required if any portion of the solar panels exceeds 32 feet. The applicant has agreed to move the panels out of a valuable viewshed of a concerned neighbor.

Parking

The existing two-car garage provides the only dimensionally compliant on-site parking; the existing driveway is shorter than the normal required length for exterior head-in parking spaces. However, the Marin County Department of Public Works has accepted the existing reduced-length parking as acceptable to accommodate the proposed project.

The Greenbrae Property Owners Association (GPOA) recommended more on-site parking, suggesting on-site parking could be located in the area of the proposed front fence and lawn. However, this area is sloped steeply downhill. To construct parking in this area would entail significant construction, land disturbance, and removal of an oak near the front entry. Staff defers to the Department of Public Work's determination that no additional parking is required

Fence

The applicant has proposed a 6-foot high fence approximately 1 foot from the southern front property line to screen a landscaped side yard. The Greenbrae Property Owners Association commented that the fence violates their Covenants, Conditions, and Restrictions. However, since the fence is 50% open and will not exceed a height of 6 feet, it is exempt from County review or approvals (Marin County Development Code Section 22.20.50A.) It is noted that several parcels along Vista Grande have fences along the front property line.

Public Comment

Staff received comments from two neighbors across the street from the proposed project. Karen Giorgi's at 455 Vista Grande was concerned about the photovoltaic panels obstructing her view over the existing flat roof. (See *attachment 12.*) In response to this, the applicant agreed to move the panels south and out of the line of sight for neighboring views.

Neighbor Karen Higgins expressed concern in a telephone conversation with staff about the proposed fence blocking her view through the existing side yard. Subsequently, the applicant revised plans specifying the fence to be entirely 50% open, not just the top two feet.

Conclusion

Staff finds the proposal to construct additions to the understory of the existing house within the front yard setback would comply with the Countywide Plan policy for minimizing grading, vegetation removal, and visual mass and bulk. Variance findings can be made to allow this residential addition because of physical constraints including the very steep slope, a previous landslide, and an existing sewer easement. (See *Variance Findings.*) The project would not result in any substantial adverse impact or detriment to surrounding properties.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Lind Variance.

- Attachments:
1. Proposed Resolution recommending approval of the Lind Variance
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Project Plans
 6. Department of Public Works Memo, 3/17/09
 7. Kentfield Fire Protection District Memos, 2/16/09, 3/3/09 and 3/16/09
 8. Marin Municipal Water District Letter, 2/11/09
 9. Ross Valley Sanitary District letter, 2/24/09
 10. Greenbrae Property Owners Association Letter, 2/19/09
 11. Treemasters' Arborist Report March 16, 2009
 12. Karen Giorgi's Letter, 3/18/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-

A RESOLUTION APPROVING THE LIND VARIANCE
440 VISTA GRANDE, GREENBRAE
ASSESSOR'S PARCEL 070-012-03

SECTION I: FINDINGS

- I. WHEREAS the applicant, Christian Lind, proposes construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions would be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house would not change from the existing nonconforming height of 31.5 feet. The proposed 3,922-square foot structure would result in a 15.2% floor area ratio and would maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. Exterior finishes would include new brown stucco siding, bronze windows, and white trim. The project also includes the following changes within the front yard setback: 1) modifications to the front entry that move the entry steps to the southwest corner of the house and 2) the addition of photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. A Variance is required because approximately 1,320 square feet of the increased floor area would encroach a maximum of 20.75 feet into the 25-foot front yard setback required by the R1-B2 zoning district, and the remodeled entry deck would be located 3.5 feet from the front property line. The subject property is located at 440 Vista Grande, Greenbrae, and is further identified as Assessor's Parcel 070-012-03.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing May 14, 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 15301(e), Class 1 because it entails an addition to an existing single-family residence that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
 - A. The proposed project would comply with the CWP SF5 Land Use Designation as a single family residence;
 - B. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - C. The proposed project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;

- D. The proposed project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
 - E. The proposed project would minimize soil disturbance and maximize protection of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that as conditioned the proposed project is consistent with the Kentfield/Greenbrae Community Plan because:
- A. The proposed project involves construction of additional living space to an existing single-family residence, which is a principally permitted use of the property, which is on a standard size lot for the R1-B2 zoning district.
 - B. The proposed project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - C. The proposed project would not adversely impact the surrounding built environment relative to views from adjacent properties, privacy for the subject and surrounding properties, and building design, mass, and bulk.
 - D. The subject property maintains adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works.
 - E. The proposed project will not increase the existing maximum height of the structure as governed by Marin County Codes. The existing house is a nonconforming structure with a maximum height of 31.5 feet that exceeds the allowable 30-foot height limit. Variance approval will not grant conforming status to the height of this house, and it will remain a non-conforming structure.
- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Variance with modifications (Section 22.54.050 of the Marin County Code).

A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.

Steep topography, a historical landslide under the existing structure, and a sewer easement running through the middle of the subject parcel constitute special circumstances that restrict the application of development standards for the R1-B2 zoning district and would deprive the subject property of privileges enjoyed by other properties in the greater vicinity with the identical zoning. The subject property is very steep, with an approximate 50% grade downhill from the building envelope of the existing house. Consistent with most homes in the neighborhood, the existing house is currently situated within the 25-foot front yard setback.

Several years ago, there was a severe landslide under the middle of the existing house. Extensive foundation repairs were made to shore up the house, however it rendered the area immediately below the house unsuitable for any addition stepped down the hillside. By utilizing the understory, the applicant minimized any soil disturbance and retains critical vegetation to help stabilize the hillside.

Below the landslide area there is a sewer easement running north and south through the middle of the parcel. This further limits building beyond the existing house.

Review of planning records indicate nearby properties, under the same zoning, have previously been granted Variance approval for front setback encroachments. Consequently, approval of the proposed Variance would be consistent with previous County actions in the community.

<u>Assessor's Parcel</u>	<u>Address</u>	<u>Variance</u>
070-151-15	184 Vista Grande	Front yard
070-041-10	385 Vista Grande	Front yard
070-095-05	224 N. Almenar Dr	Front yard
070-051-15	289 N. Almenar Dr	Front yard
070-151-30	39 Almenar Dr	Front yard

Further, 14 of the 17 homes located along the block of the subject property encroach into the 25-foot front setback, several of which encroach with two-story structures rising more visibly above the street.

B. The granting of a Variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.

The proposed additions are not detrimental with respect to light, air, privacy, and views to surrounding properties. The proposed addition would be located entirely within the understory of the existing residence, with no change in the mass and bulk of the existing house which is similar in mass and location to surrounding structures. Based on this factor, the proposed work would not result in adverse impacts to the public welfare or surrounding properties. The Greenbrae Property Owners Association, Architectural & Design Review Committee supports home improvements such as this and finds the proposed increased use of the lower underfloors acceptable. Overall, the proposed project would meet the applicant's objectives without adversely impacting the character of the local community.

C. The granting of a Variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.

As noted in A above, a reduced front yard setback would not constitute a special privilege that is inconsistent with the limitations placed on other properties in the vicinity. Similar situated properties will receive similar consideration.

D. The granting of a Variance for the property does not authorize a use or activity that is not otherwise expressly authorized by the particular zoning district regulations governing such property.

The granting of this Variance would not allow or authorize a use or activity that is not otherwise expressly authorized by the governing R1-B2 zoning district regulations because it involves additions to a single-family residence, a permitted use.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lind Variance (VR 09-5) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.54 (Variances), the Lind Variance is approved to for the construction of an approximately 1,515-square foot addition to an existing 1,956-square foot single-family residence on a 22,823-square foot parcel. The proposed additions are approved to be located on the lower floor and understory of the two-story residence, entirely within the existing building footprint. The maximum height of the house is approved not to exceed the existing height of 31.5 feet. The proposed 3,922-square foot structure is approved to result in a 15.2% floor area ratio and maintain the following setbacks: 1) 4.25 feet from the westerly front property line, 2) 29 feet from the northerly side property line; (3) 44 feet from the southerly side property line; and (4) 76 feet from the easterly rear property line. The following changes within the front yard setback are approved: moving the entry steps to the southwest corner of the house and adding photovoltaic panels on the roof that would attain a maximum height of 1.5 feet above the existing flat roof. The subject property is located at 440 Vista Grande, Greenbrae, and is further identified as Assessor's Parcel 070-012-03.
2. Plans submitted for a building permit shall substantially conform to the following plans on file with the Marin County Community Development Agency and identified as **Exhibit A3**, entitled "440 Vista Grande" and received April 6, 2009, consisting of 1) sheets A-1 through A-11, prepared by Walter Architects, revised April 6, 2009, and 2) site plans C-1 and C-2, prepared by Lawrence Doyle, dated February 25, 2009, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as "Exhibit A4" and shall supersede "Exhibit A3."
 - a. The location of the photovoltaic panels shall be moved to the southern portion of the flat roof, over the living area, not garage. No portion of the solar panels shall exceed 32 feet in height above grade.
 - b. Plan dimensions shall be measured from exterior wall to exterior wall.
4. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as Exhibit B, prepared by the applicant, received January 23, 2009, and on file with the Marin County Community Development Agency including:
 - a. Stucco Siding – Benjamin Moore Alhambra C2-356 A
 - b. Roof – White Class A Foam Roof with photovoltaic panels
 - c. Trim – Benjamin Moore Blanco 25
 - d. Windows – Marvin Bronze Trim
 - e. Lighting – Renoma Wedge Light

Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.

5. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color.
6. All utility connections and extensions serving the project shall be installed underground.
7. Any exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
8. 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.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape plan. A landscape plan shall accurately identify the trunk and dripline of trees, in particular, the oak trees along the front entry and fence. An arborist shall evaluate the potential impacts of a proposed lawn and new retaining wall on the health of the 20-inch oak tree near the front entry. The arborist shall make recommendations on ways to preserve the health and vigor of the tree during and after construction, (e.g. construct a well around the base of the tree.)`
10. BEFORE ISSUANCE OF A BUILDING PERMIT, 4-foot wide orange mesh shall be installed around the dripline of each oak tree prior to any work, grading, movement of heavy equipment, construction, or demolition. The applicant shall submit site photographs confirming installation of the fencing to the Community Development Agency. Fencing shall remain until the licensed arborist certifies there is no longer a danger of construction damage. If the fencing is to be removed for any amount of time during construction, the certified arborist is on-site to oversee that no damage occurs to the trees. Any trimming of the existing oak trees shall be overseen by a certified consulting arborist.
11. The landscape plan shall incorporate a vegetative management plan (VMP) that meets the requirements and approval of the Kentfield Fire Protection District. The VMP shall have sufficient detail to identify any tree removal or pruning, and mitigation measures, which will also need to be evaluated by the project arborist. Given the instability of the hillside, any potential tree removal shall be evaluated for impacts on soil stability.
12. 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.
13. 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, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). 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.
14. 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 Lind Variance 09-5, for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
16. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
17. 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 Gold" or better rating under the Marin Green Building Residential Certification.

Department of Public Works

18. The Road Commissioner/Director of Public Works retains the right to issue or deny an encroachment permit or impose conditions upon issuance of an encroachment permit.
19. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
20. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.

21. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code Sections 24.04.625 and 24.04.627.
22. Applicant shall obtain all necessary permits from other agencies.
23. Prior to Issuance of a Building Permit:
 - a. A registered Engineer or Architect shall design the drainage and grading plans. Plans must show proposed site drainage, all existing and proposed drainage improvements, and incorporate any recommendations from the Geotechnical Engineer.
 - b. Site plan shall label the edge of pavement and dimension the width of the paved surface and the width of the right of way along the front of the property.
 - c. Site plans shall identify the heights of all retaining walls.
 - d. Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for suggested methods and measures under Resources for: Construction: Construction Brochures: Minimum Erosion Control Measures and Pollution Prevention- It's Part of the Plan, among others. Plans shall indicate total acreage of site disturbance.
 - e. Note on the plans that the Design Engineer/Architect shall certify to the County in writing that all drainage and grading work 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. Per Building & Safety Division's requirement, certification letter shall indicate the address, assessor's parcel number and building permit number.
 - 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. Note that no railings will be allowed in the right of way.

Kentfield Fire Protection District (KFPD)

24. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Kentfield Fire Protection District that all requirements of their Department have been met:
 - a. An automatic fire sprinkler system is required per NFPA #13D, KFPD standard #401.
 - b. Additional water meter size may be required based on available static and residual pressure. Check with Marin Municipal Water District.
 - c. The address shall be posted and illuminated conforming to KFPD Standard #205.

- d. The existing fire hydrant body nearest the project as selected by the Fire District shall be upgraded to at least two 2 ½ inch and one 4 ½ inch outlet national standard thread. Contact the Fire District for details.
- e. The project includes or could include a means to use an alternate electric power supply, such as a photovoltaic or generator source. Signage and Disconnect shall be as required by KFPD Standard #510.
- f. The vegetative management plan shall meet the requirements of the Uniform Fire Code. As long as the stability of the slope is not compromised, this shall include, but not be limited to the following:
 - Remove all dead vegetation from the property
 - Remove “ladder fuels” from under existing trees
 - Remove all flammable vegetation, including bamboo and non-native pampas grass from at least 30 feet from any structure. Irrigated specimen gardens and existing oak trees are acceptable.
 - Thin existing vegetation, reduce or remove contiguous vegetation, particularly on the down slope portion of the property.
- g. A Class A non-combustible roof must be installed.

Marin Municipal Water District

- 25. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project’s working drawings for planting and irrigation systems.
- 26. Comply with the backflow prevention requirements, if upon the District’s review backflow protection is warranted, including installation, testing, and maintenance.

Ross Valley Sanitary District

- 27. If not already installed, the District requires that the side sewer be equipped with an appropriate backwater prevention device (e.g. Contra Costa valve, as warranted by the individual site conditions.)
- 28. After the project is approved, the owner or contractor shall contact the District to arrange for a District Inspector to approve the existing installation (or approve the plans for the proposed installation) of the backwater prevention device(s) and to make a record for the District’s files.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing all approved work by **May 14, 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 Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.82.130 of the

Marin County Code. This permit shall be valid in perpetuity upon timely vesting of the approval and adherence to all conditions of approval.

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 May 29, 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 14th day of May, 2009.

JEREMY TEJIRIAN
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary