



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
SHENK COASTAL PERMIT AND DESIGN REVIEW**

Item No:	C3	Application No:	CP 09-16 DR 09-29
Applicant:	Whitman Shenk and Lazuli Whitt	Owner:	Whitman Shenk and Lazuli Whitt
Property Address:	100 Portola Avenue, Inverness	Assessor's Parcel:	114-273-28
Hearing Date:	May 28, 2009	Planner:	Scott Greeley

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	June 4, 2009
LAST DATE FOR ACTION:	June 9, 2009

PROJECT DESCRIPTION:

The applicants are requesting Coastal Permit and Design Review approval to construct a new, two-level, 1,750 square foot residence. The proposed residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line.

GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal, Single Family, 1 dwelling unit per 1-5 acres)
Zoning:	C-RSP-1 (Coastal, Residential, Single Family Planned, 1 dwelling unit per acre)
Community Plan Area:	Inverness Ridge
Lot size:	10,340 square feet
Adjacent Land Uses:	Rural Residential
Vegetation:	Light to Moderate concentrations of native trees and vegetation
Topography and Slope:	Gentle to moderately sloping
Environmental Hazards:	N/A

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(a) of the CEQA Guidelines because it entails construction of a residence in a planned residential zoning district and will not result in substantial grading, vegetation removal or other 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 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 22 (Zoning) and 24 (Development Standards) of the Marin County Code, because it will not result in significant 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 applicants are proposing to construct a two-level, 1,750 square foot single family residence. The parcel is presently vacant. The 10,340 square foot property is gentle to moderately sloping, with native trees and shrubs on the property. The applicants have applied for Design Review for the residence because it is a new structure in a C-RSP-1 zone, which is a planned zoning district. Coastal Permit approval is required because the project is in the coastal zone.

The project is a permitted primary use for the C-RSP-1 zoning district. As outlined in the attached resolution, the proposed residence largely complies with the design standards found in the Countywide Plan and Inverness Ridge Communities Plan. A conflict does occur with the proposed coloring to be used on the house. The Marin Countywide Plan encourages consideration of the homes found in the surrounding community and the Single-Family Residential Design Guidelines (CWP Policies, DES-1.1, DES-1.c, DES-3.b, DES-4.1, DES-4.b). The Marin County Single-Family Residential Design Guidelines and the Inverness Ridge Communities Plan both have design review policies which state that use of colors and materials be consistent with the woodland character of the community. The residences in the surrounding community are largely browns and greens which compliment the surrounding natural environment, as well as each other. The colors proposed for the Shenk-Whitt residence, while identified as a black-blue blend on the submitted color board, comes across as black and does not compliment the colors found in the natural environment or surrounding community. Planning is recommending a revised color board to be submitted and approved by staff.

The Department of Public Works, North Marin Water District, Environmental Health Services, and Marin County Fire Department have reviewed, commented, and provided conditions of approval with regards to the full scope of the project, 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 Shenk Coastal Permit and Design Review.

- Attachments:**
1. *Proposed Resolution recommending approval of the Shenk Coastal Permit and Design Review*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *Project Plans*
 5. *Biological Assessment*
 6. *Exhibit B.1 "Materials Board – Whitt Shenk Residence", received 2/19/2008*
 7. *Deputy Zoning Administrator Resolution 00-133*
 8. *Marin County Department of Public Works Memo, dated 4/1/09*
 9. *Marin County Environmental Health Services (Water and Sewage) Memo, dated 4/3/08*
 10. *North Marin Water District Memo, dated 12/12/08*
 11. *Marin County Fire Department Memo, dated 2/9/09*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-
A RESOLUTION APPROVING THE SHENK COASTAL PERMIT AND DESIGN REVIEW
100 PORTOLA AVENUE, INVERNESS
ASSESSOR'S PARCEL 114-273-28

SECTION I: FINDINGS

- I. WHEREAS, Whitman Shenk and Lazuli Whitt, are seeking Coastal Permit and Design Review approvals to construct a new two-level, 1,750 square foot residence. The proposed residence would reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line. **The subject property is located at 100 Portola Avenue at Inverness, and is further identified as Assessor's Parcel 114-273-28.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing May 28, 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 construction of a residence in a planned residential zoning district and will not result in substantial grading, vegetation removal or other 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 for the following reasons:
 - A. **The project would be consistent with the C-SF3 (Coastal, Single Family, 1 unit per 1-5 acres) 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 short-term increases in construction-related emissions 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, as designed and conditioned, will 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, Community Design Policies DES-1.1 DES-1.2, DES-4.1, DES-4.c);
 - D. The project has been designed and conditioned to 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 Policy, BIO-4.20);

- E. The project, as designed and conditioned, 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 Marin County Fire Department will ensure compliance with fire safety codes and standards including installation of fire sprinklers and an approved vegetation fire management plan. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.e);
 - F. The project is not within a sensitive habitat and does not support special status species and will therefore not result in impacts to special status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1);
 - G. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance due to the project needing to meet a “Certified” Green rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
- 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 proposes to retain many of the trees onsite, but been conditioned to include a vegetation management plan to be reviewed and approved by the Marin County Fire Department which will require the removal of potentially flammable vegetation.
 - B. The proposed development protects the views of the area by maintaining valuable screening of the residence from the larger community.
 - C. The project complies with the residential densities called out for by the Community Plan for Inverness Park north and east of Balboa Avenue of one dwelling unit per acre.
 - D. The proposed project is continuing to utilize the existing driveway and much of the existing residence’s site and will not result in an increase in significant removal of native vegetation or tree cutting.
 - E. The project parking and residence are located near the existing driveway and on less steep slopes which minimizes the amount of necessary grading to minimize potential erosion.
- 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 Environmental Health Services (EHS) and the North Marin Water District. Prior to issuance of the building permit, EHS is requiring a will-serve letter from the North Marin Water District. In addition, prior to issuance of a building permit, the applicants must enter into an agreement with the North Marin Water District and demonstrate that District Regulation 17, pertaining to mandatory water conservation measures will be met. Prior to building permit issuance, the applicants must demonstrate water service installation has been done and provide written sign off by the North Marin Water District. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by Environmental Health Services (EHS). Prior to building permit issuance, the applicants will need to file a deed stating that the room designated as a “ceramics room” will not be used as a bedroom, nor included towards the bedroom count of the residence and demonstrate adequate setbacks between the deck piers and the septic tank are being met. Following receipt of this information, EHS has made the finding that the project complies with septic system standards. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed, is located on a gentle slope near the existing private driveway serving adjacent properties and will keep necessary grading to a minimum. 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 high 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 have no impact upon the availability of affordable housing stock within the Inverness community because it does not entail the demolition or conversion of any affordable housing. 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 the construction of a residence and would not disturb natural dunes because it is not adjacent to the shoreline. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

The subject parcel is located in the community of Inverness, which has been identified by federal and state authorities as being home to several federal and state listed species

including the Great Blue Heron, and the Great Egret. 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 which are not present on the site. 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 does not contain any recognized protected native plant communities. 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 has not been identified by the Department of Public Works or by any other agency as having an affect on 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

The proposed project is a single family residence in a planned residential zoning district. Based on the scale of the proposed project and its design matching the existing community character, it would not have any perceived visual impact. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project is located along a narrow road in a rural portion of the community of Inverness and 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 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-SF3 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 project is in keeping with the size, height, setbacks, and design of the surrounding community. The project has also been conditioned to provide a revised color board more consistent with the woodland character of the surrounding community. 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 construction of a two-level, 1,750 square foot residence. Due to its scale, location, level of existing screening to remain, and minimal amount of necessary grading, the project would 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 construction of a residence, located towards the front half of the property near Portola Avenue. The project, as it is located and designed, will not limit potential development on neighboring properties and should not have an 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;**

The location of the proposed house is presently moderately screened from Portola Avenue. The applicants are proposing to remove a minimal amount of existing trees and brush. The trees and brush being removed will have a minimal impact on the visibility of the residence. The applicants have provided a landscaping plan to provide additional screening. The project has also been conditioned to include the planting of two (2) 15-gallon or larger, native growth trees to be planted in the front yard to provide

additional screening of the residence. 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 residence, as noted in Section I: Findings, subsections IV and V, is consistent with the design guidelines of the Countywide Plan and the Inverness Ridge Communities Plan. The scale, mass, and height of the proposed residence is consistent with those found in the surrounding community. The project has also been conditioned to provide a revised color board more consistent with the woodland character of the surrounding community.

2. Drainage systems and appurtenant structures,

The project would not result in substantial changes to existing drainage patterns because it will require minimal grading. 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 is located near the front of the property, near the existing roadway, and 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 construction of a residence, which is accessed off a small private driveway coming off of Portola Avenue. In addition, the project must comply with all parking and access standards as verified by the Department of Public Works. 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 residence reaches a maximum height of 25 feet and is consistent with the scale of other residences in the surrounding community. The proposed residence is not on a hill which will overshadow other properties and will not eliminate sun and light exposure, views, vistas and privacy enjoyed by other properties.

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 design will compliment the development which is already found in the environment and surrounding community. 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 and Design Review approval shall permit the construction of a two-level, 1,750 square foot residence. The residence will reach a maximum height of 25 feet above grade and would have the following minimum setbacks: (1) 6 feet 8 inches from the southerly front property line; (2) approximately 34 feet from the northerly rear property line; (3) 4 feet 9 inches from the westerly side property line; and (4) 11 feet 6 inches from the easterly side property line.
2. The applicants shall submit a revised color board utilizing colors more consistent with the surrounding woodland community.
3. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "Whitt-Shenk Residence 100 Portola Inverness Park CA 94937," consisting of twelve sheets prepared by Barbara Bestor, Architect, dated November 21, 2008 and received December 2, 2008, with revisions with dated February 4, 2009 and received February 9, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a revised landscaping plan which provides two additional 15-gallon or larger native growth trees to be planted in the front yard near the proposed parking to provide additional screening of the residence from Portola Avenue.
6. BEFORE FINAL INSPECTION, the applicants shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
7. 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 4th, 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. 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.
- 12. 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

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a copy of the recorded document with the recorder's stamp for the driveway easement quit claim.
- 14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall have the plans 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.
- 15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants 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. Note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.
- 16. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide all retaining wall heights on the site plan.
- 17. 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.

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide more detail on the site drainage plan, including:
 - a. Detail on the roof runoff drainage pipe outfall/daylight design and measures taken to prevent erosion.
 - b. Detail on the drainage plan to prevent surface runoff from entering and/or inundating the septic leach field.
 - c. A portion of the roof runoff drainage pipe appears to interfere with an existing retaining wall that extends over the eastern property line from the neighboring property. Revise plans to remedy this conflict.
 - i. It is recommended that the portion of the existing retaining wall that extends from the neighboring property be removed to the property line. No portion of the wall (including footings) should cross the property line.
 - d. Detail on the retaining wall cleanouts, their back-drains and the back-drain destination/outfall.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit Erosion and Siltation Control plans.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall replace the designated street parking spaces with a note that states adequate guest parking meeting minimum code requirements is available within the right-of-way. Note that designated parking spaces within a County-maintained right-of-way are not allowed.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide the location of all utility tie-in points, including the proposed location of the propane tank.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide a clear path from the parking area to the main entrance.
23. 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.
24. An encroachment permit shall be required for work within the road right-of-way. The driveway approach within the County-maintained right-of-way shall be paved with asphalt up to the property line.
25. No portion of any structure shall cross property boundaries, including footings and roof eaves.
26. Consider setting the drainage outfall further from the property line so as to prevent drainage from crossing property lines [2007 CBC App§J.109.4].

Marin County Community Development Agency, Environmental Health Services

27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall file a deed recording with Environmental Health Services stating that the room designated as a “ceramics room” is not intended to be used as a bedroom nor included in the total bedroom-count of the residence.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall clarify the setback from deck piers to the septic tank. Setback requirement is 5 feet from deck (pier/foundation) to septic tank.

29. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide will-serve documentation from the North Marin Water District.

North Marin Water District

30. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide written confirmation from the North Marin Water District that the project conforms to District Regulation 17 pertaining to Mandatory Water Conservation Measures.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall provide written notification that water service installation is complete.

Marin County Fire Department

32. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a Vegetation Management Plan to the Marin County Fire Department for review and approval. A copy of said Vegetation Management Plan shall be submitted to the Community Development Agency. All efforts to protect mature native landscaping shall be made.
33. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Marin County Fire Department.

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 May 28, 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 June 4, 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 28th day of June 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary