MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	H1.	Application No:	CP 09-7 DM 09-16
Applicant:	Robert Kelly	Owner:	Kristina Phipps
Property Address:	125 Bay View Way, Inverness	Assessor's Parcel:	112-254-07
Hearing Date:	September 17, 2009	Planner:	Scott Greeley

RECOMMENDATION:	**Approve with Conditions**
APPEAL PERIOD:	**September 24, 2009**
LAST DATE FOR ACTION:	**September 17, 2009**

PROJECT DESCRIPTION:

The applicant is requesting Coastal Permit and Design Review approval to construct a detached 136 square foot office and a detached 620 square foot guest dwelling, along with a 6 foot high redwood fence. The office area would attain a maximum height of 12 feet and the guest dwelling would attain a maximum height of 15 feet. The office would maintain the following setbacks from corresponding property lines or road right of way edge: **front** (northwest) 13 feet 6 inches, **rear** (southeast) 69 feet, **side** (northeast) 2 feet, and **side** (southwest) 99 feet. The guest dwelling would maintain the following setbacks from corresponding property lines or road right of way edge: **front** (northwest) 56 feet, **rear** (southeast) 3 feet, **side** (northeast) 3 feet, and **side** (southwest) 88 feet.

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:	11,668 square feet
Adjacent Land Uses:	Rural Residential
Vegetation:	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 15301, Class 1(a) of the CEQA Guidelines because it entails construction of two accessory structures subordinate to the primary residential use on a residentially developed property and 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 the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. Emails from Ellen Shehadeh of 115 Edgemont Way, Inverness have been received expressing concerns about the proximity of the two proposed structures to the property line and how they might result in light and privacy issues to her residence and her second unit. Concern has also been raised about the height of the fence and its proximity to her second unit. An alternative has been suggested by Ellen Shehadeh of removing the existing garage and relocating the proposed guest dwelling to its location.

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 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 construct two detached accessory structures, an office and a guest dwelling, along with a 6 foot high redwood fence situated near the northerly side and easterly rear property lines. The proposed colors are a “Manchester” brown and tan and composed of a stained wood siding. The 11,668 square foot property is primarily gentle to moderately sloping, with moderate growth of vegetation and some native trees found throughout the property. The property is a corner lot, abutting Bay View Way and Mesa Way, with front access granted off Bay View Way along the westerly property line. The property is moderately well screened from both Mesa Way and Bay View Way.

The project is located in a developed portion of the rural community of Inverness, with nearby single family developed lot areas ranging from approximately 5,600 square feet to 29,000 square feet. The development in this area is almost entirely planned single family units, with varying setbacks. The applicant has applied for Design Review because he is proposing new structures 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. This decision can be appealed to the California Coastal Commission.

The project site consists of two historic lots, Lots 7 and 8 as shown upon that certain historic Subdivision Map entitled “Map of Inverness Baily’s Addition Tract 2” filed for record October

19, 1899 in Book 1 of Maps, Page 108, Marin County Records. The existing residence appears to cross historic Lots 7 and 8. The proposed accessory structures appear to be on the individual historic lots and do not cross the boundary line.

In a recent Court of Appeals case, *Witt Home Ranch v. County of Sonoma*, 208 Cal. App. Lexis 1160 (2008), it was determined subdivision maps created, approved, and recorded prior to 1915 do not qualify for protection under the California Subdivision Map Act. Typically, a Certificate of Compliance is necessary to determine the legal status of such lots created prior to this date. In 1900 however, the single family residence was built crossing Lot 7 and 8, subsequently, in May 2008, the Community Development Agency granted a building permit for a remodel of the existing residence. Pursuant to Subdivision Map Act Section 66499.34, the building permit issued for the remodel was functionally equivalent to a Certificate of Compliance which recognized Assessor's Parcel Number 112-254-07, comprised of historic lots 7 & 8 of the "Map of Baily's Addition Tract 2" as a single legal lot of record.

The project is a permitted accessory use to a principally permitted use for the C-RSP-1 zoning district. As outlined in the attached resolution, the proposed structures, as modified by the conditions of approval, comply with the design standards found in the Countywide Plan and the Inverness Ridge Communities Plan.

Many of the residences and existing accessory structures in the surrounding community sit close to existing property lines and the proposed location is in keeping with development in the community. The 6 foot redwood fence is also a permitted use in this zoning district. In addition, the proposed structures, as noted in the attached resolution, are in keeping with the design, colors, and materials found in the surrounding community.

Ellen Shehadeh, a neighbor to the Phipps property at 115 Edgemont Way, has raised concerns about the proximity of the proposed structures in relation to the property line and her existing primary residence and rental unit. Ms. Shehadeh has brought up the possibility of relocating the structures further away from her property and possibly demolishing the existing one car garage on the property and relocating the guest dwelling to its location. In a prior meeting, Ms. Shehadeh stated that in a prior Design Review with a nearby neighbor, staff made such a recommendation under similar circumstances. Kristina and George Phipps, the project's property owners, have responded to their neighbor's request and have stated that they wish to continue utilizing the garage in the future and do not wish to entertain the possibility of its removal.

Staff is unable to verify whether a recommendation to remove a garage or other accessory structure and replace it with another without knowing the address or Assessor's Parcel. Under the circumstances, staff does not find it appropriate to make it condition that the owners remove a garage which they are presently utilizing and wish to continue to in the future. It is recognized however that, additional separation from the property line is achievable and necessary in order for the project to be consistent with the Design Review findings. According to Marin County Environmental Health Services, the applicant must maintain a minimum 10 foot setback from the leachfield. Staff is recommending that the project be redesigned so that the proposed guest house and office are set at a minimum distance of 10 feet from the northerly and easterly property lines. In redesigning the location of the two structures, the applicant should consider both the setbacks from the neighbor, as well as preserving existing, mature trees and landscaping. The Department of Public Works has indicated relocating the office and guest dwelling may be possible as well, as long as the minimum requirements under Title 24 are met.

The Department of Public Works, North Marin Water District, and Environmental Health Services, 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, as conditioned in the attached resolution, 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 Phipps Coastal Permit and Design Review.

Attachments:

1. *Proposed Resolution recommending approval of the Phipps Coastal Permit and Design Review*
2. *CEQA Exemption*
3. *Assessor's Parcel Map*
4. *Project Plans*
5. *Biological Assessment*
6. *Archaeological Assessment*
7. *Exhibit B.1 "Material Board Phipps Secondary Structures", received September 4, 2008*
8. *Kristina and George Phipps letter, dated September 2, 2009*
9. *Ellen Shehadeh email (2), received August 21, 2009*
10. *Ellen Shehadeh email (1), received August 21, 2009*
11. *Ellen Shehadeh email, received June 19, 2009*
12. *Ellen Shehadeh email, received June 18, 2009*
13. *Marin County Department of Public Works Memo, received 6/10/09*
14. *Marin County Environmental Health Services (Sewage) Memo, received 6/11/09*
15. *North Marin Water District Memo, received 6/4/09*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 09-
A RESOLUTION APPROVING THE PHIPPS COASTAL PERMIT AND DESIGN REVIEW
125 BAY VIEW WAY, INVERNESS
ASSESSOR'S PARCEL 112-254-07

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SECTION I: FINDINGS

I. WHEREAS, Robert Kelly, is seeking Coastal Permit and Design Review approvals to construct a detached 136 square foot office and a detached 620 square foot guest dwelling, along with a 6 foot high redwood fence. The office area would attain a maximum height of 12 feet and the guest dwelling would attain a maximum height of 15 feet. The office would maintain the following setbacks from corresponding property lines or road right of way edge: **front** (northwest) 13 feet 6 inches, **rear** (southeast) 69 feet, **side** (northeast) 2 feet, and **side** (southwest) 99 feet. The guest dwelling would maintain the following setbacks from corresponding property lines or road right of way edge: **front** (northwest) 56 feet, **rear** (southeast) 3 feet, **side** (northeast) 3 feet, and **side** (southwest) 88 feet. **The subject property is located at 125 Bay View Way in Inverness, and is further identified as Assessor's Parcel 112-254-07.**

II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing September 17, 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, Class 1 of the CEQA Guidelines because it entails construction of two accessory structures subordinate to the primary residential use on a residentially developed property and 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 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 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

DZA ATTACHMENT 1

Policies EH-2.1, EH-2.3, EH-4.1, EH-4.2, EH-4.c, EH-4.d, Community Design Policies DES-1.1, DES-1.2, DES-4.c, DES-5.1);

D. According to the biological assessment performed, the project will not result in impacts to special-status species (CWP Policies Biological Resources, BIO-1.1, BIO-2.1, BIO-2.2);

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 review and approval of a vegetation fire management plan. (CWP Policies, Environmental Hazards Policies, EH-4.1, EH-4.2, EH-4.c, EH-4.d);

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 those found throughout the community.

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). Prior to issuance of the building permit, the applicant will need to satisfy all water standards required 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 verify the existing septic system conforms to Environmental Health standards and confirm that the minimum setbacks from the septic system are being met. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The project, as designed and conditioned, 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 high archaeological sensitivity. Alex

DeGeorgey, archaeologist, with North Coast Resource Management, examined the site. In his analysis, Mr DeGeorgey determined that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. In addition, 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. 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 two, detached accessory structures, an office and guest dwelling, 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 numerous federal and state listed species. In an effort to address whether the proposed project would impact any species recognized by federal or state agencies, the applicant provided a biological assessment by Jules Evens, a biologist with Avocet Research Associates. Mr. Evens addresses wildlife habitat, with additional information on a list of special-status wildlife species that have potential for occurrence on pages 1 and 2 of his report. In his conclusion, Mr. Evens finds that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the site is not appropriate for sensitive species that have sometimes been found in the area. Mr. Evens, also found the development to pose little likely impact upon the Northern Spotted Owl, however, because nesting sites are known to be within ½-mile of the Phipps property, has outlined development measures to be followed during project construction. Mr. Evens recommendations in the protection of the Northern Spotted Owl have been made part of the conditions of approval. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on Mr. Even's biological assessment, it has been determined that potential impacts related to the applicant's proposed design will have less than significant to no potential impact. His findings are based on the fact that the environmental site conditions are not appropriate for the sensitive plant species that have sometimes been found in the area. 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 located outside of the Alquist-Priolo Special Study Zone. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

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

The project is located in a residentially dense portion of Inverness and is not located in an area, such as on a ridgeline or possesses a coastal view which are deemed to be valuable visual resources. The height and scale of the proposed structures will comply with the standards of the governing zoning and will be compatible with the surrounding community. In addition, the project has also been conditioned to be closer towards the center of the property to reduce potential visual impacts put upon neighboring properties. 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 1930. 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 two, detached accessory structures, an office and guest dwelling. 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 proposed project entails the construction of two, detached accessory structures, an office and guest dwelling. The project has been designed to be consistent with the design, color, scale, and material commonly found in the surrounding community. In addition, the project has been conditioned to maintain a minimum 10 foot setback from the northerly and easterly property lines to achieve compatibility with the locale. 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 project as designed and conditioned would be consistent with this finding. The project has been conditioned to maintain a minimum 10 foot setback from the northerly and easterly property lines which will act to minimize any impacts to development use or enjoyment of neighboring properties or the larger community. 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 two, detached accessory structures, an office and guest dwelling. The project, based on its design and as it is conditioned, 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 proposed location of the project limited the number of mature trees to be removed to one. The project has been conditioned however to relocate the two, detached accessory structures should not result in an increase in the number of mature trees to be removed and may result in no mature trees from being removed. 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 construction of two, detached accessory structures, an office and guest dwelling. The structures have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community. In addition, the office and guest dwelling attain a maximum height of 12 and 15 feet, which is consistent with the maximum height permitted for accessory structures in the Coastal zone.

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 site is not subject to steep slopes and 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 construction of two, detached accessory structures, an office and guest dwelling. This is entirely upon the owner's property and will not result in an increase in overall traffic and 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 construction of two, detached accessory structures, an office and guest dwelling, which shall attain maximum heights of 12 and 15 feet. The proposed project would not be consistent with this finding due to

its elevation and close proximity to the property northerly and easterly line property lines and the neighboring structures. The project as proposed would create impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties. The project has been conditioned to relocate these structures from their present location, with new setbacks of 10 feet from the northerly and easterly property lines which should act to minimize these impacts upon neighboring properties. The relocation of these structures may also reduce the need for any of the existing mature landscaping from needing to be removed, which presently provide adequate screening. Therefore, as modified, there would 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 construction of two, detached accessory structures, an office and guest dwelling, in a Residential Planned zoning district. The materials, coloring, design, and scale are consistent with others found in the surrounding community. The project will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82I (Design review) of the Marin County Interim Development Code, the Phipps Coastal Permit and Design Review approval to construct a detached 136 square foot office and a detached 620 square foot guest dwelling, along with a 6 foot high redwood fence. The office area would attain a maximum height of 12 feet and the guest dwelling would attain a maximum height of 15 feet. The subject property is located at **125 Bay View Way, Inverness** and is further identified as **Assessor's Parcel 112-254-07**.

2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as “Exhibit B.1,” received September 4, 2008, and on file with the Marin County Community Development Agency.

3. Plans submitted for a Building Permit shall substantially conform to plans identified as “File Copy,” entitled, “New Secondary Structures,” consisting of four sheets prepared by Kelly & Abramson Architecture, dated May 14, 2009 and received May 19, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

   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 A-1” and shall supersede “File Copy.”

a. The applicant shall revise the site plan to maintain a minimum 10 foot setback from the northerly and easterly property lines. All efforts to protect mature native trees and landscaping shall be made.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Conditions of Approval as notes.

4. All future development of the site must be consistent with the findings and recommendations of the biologist's report.

5. All utility connections and extensions serving the project shall be installed underground.

6. Exterior lighting shall be directed downward, and located and/or shielded so as not to cast glare on nearby properties.

7. 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 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 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.

a. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

B. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

8. 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.

9. 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.

10. 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

11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall note on the plans 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.

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Erosion and Siltation Control Plan if grading or any site disturbance is to occur between October 15 and April 15.

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project.

14. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for work within the road right-of-way.

Marin County Community Development Agency, Environmental Health Services

15. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide to EHS, a notarized deed recording stating that the office room is not a bedroom. The office room may be considered a bedroom per regulation's definition of a bedroom. In order to eliminate this room from the total bedroom count the building plans must verify no plumbing in the office.

16. BEFORE ISSUANCE OF A BUILDING PERMIT, the septic system leachfield location is inaccurate on the submitted plans for the new secondary structures. The building plans must depict accurate leachfield location

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the proposed second unit foundation design must demonstrate no cuts greater than 2 feet and no foundation drainage as the required setback between a foundation drain and a leachfield is 50 feet minimum.

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide verification from the Building Division that the primary residence is a 3-bedroom residence. Any greater number of bedrooms (rooms affording privacy) would require a larger septic system and a modified septic permit.

Marin County Fire Department

19. 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.

20. 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 22.88.050I 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 **September 24, 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 17th day of September 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

DZA ATTACHMENT 1