

M E M O R A N D U M

TO: Deputy Zoning Administrator

FROM: Scott Greeley, Planner

RE: Phipps Coastal Permit (CP09-7) and Minor Design Review (DM09-16)

DATE: November 12, 2009

On September 17, 2009, following agreement made by the applicant and site owners, the Phipps Coastal Permit and Minor Design Review was continued to October 1, 2009. On October 1, 2009, the applicant and site owners again agreed to request a continuance of the Phipps Coastal Permit and Minor Design Review to November 12, 2009 to address concerns raised at the public hearing before the Deputy Zoning Administrator. This was done to address concerns raised by the Hearing Officer with regards to the proposed detached accessory structures, a guest house and office, potentially being inconsistent with Finding F(5) for Design Review in the Coastal zone (Section 22.82.040I), which relates to diminution or elimination of sun and light exposure, views, vistas and privacy. In particular, the Hearing Officer was concerned about location of the proposed structures and maintaining adequate setbacks from neighboring structures.

The plans brought before the Deputy Zoning Administrator on October 1, 2009 proposed to place the guest dwelling: 56 feet from the northwesterly front property line; 11 feet 1 inches from the southeasterly rear property line; 6 feet 6 inches from the northeasterly side property line; and 88 feet from southwesterly side property lines. The guest dwelling would attain a maximum height of 12 feet 11 inches. In addition, while the northeasterly side yard setback would have a minimum setback of 6 feet 6 inches, the guest dwelling was rotated so that the average northeasterly side yard setback would be 10 feet. The total area of the guest dwelling was reduced from 683 square feet, on the plans send by the Deputy Zoning Administrator on September 17, 2009, to 540 square feet.

The revised plans propose to place the guest dwelling: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. The guest dwelling would attain a maximum height of 13 feet. In addition, the applicant has further reduced the total area of the guest dwelling to 431 square feet.

The revised plans do not include changes to the location of the proposed office.

In addition, Environmental Health Services, on October 21, 2009, following review of the most recent plan set, has requested that the applicant protect the septic system with temporary fencing. This is reflected as Condition of Approval 23 in the attached Resolution.

These changes will be reflected in the attached revised Resolution.

Attachments:

1. Revised Phipps Resolution
2. Revised "File Copy" Plans and supplemental material, submitted October 15, 2009
3. Ellen Shehadeh's email, dated October 26, 2009
4. EHS email, dated October 21, 2009
5. October 1, 2009 Memo and Resolution

Available for review at the Community Development Agency:

6. September 17, 2009 Phipps Coastal Permit and Design Review Staff Report and Resolution

cc: Wade Holland, Planning Commissioner

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

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 431 square foot guest dwelling, along with a 6 foot high redwood fence. The office area would attain a maximum height of 11 feet 3 inches and the guest dwelling would attain a maximum height of 13 feet. The office would maintain the following setbacks from corresponding property lines or road right of way edge: 16 feet 8 inches from the northwesterly front property line; 63 feet from the southeasterly rear property line; 7 feet from the northeasterly side property line; and 92 feet from southwesterly side property lines. The guest dwelling would maintain the following setbacks from corresponding property lines or road right of way edge: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. **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 duly-noticed public hearings on September 17, 2009, October 1, 2009, and again on November 12, 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 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

Prior to final inspection, the applicant will need to satisfy all water standards required by the Inverness Public Utility District. 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 because it does not involve removing any existing housing stock. In addition, the guest house could conceivably be converted into a second unit someday as long as design standards for second units are met. 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 the applicant's proposed design will have less than significant to no potential impact on special status wildlife species, including the Northern Spotted Owl. His findings are based on the fact that the site is not appropriate for sensitive species that have sometimes been found in the area. In addition a standard condition of approval has been included, as Condition of Approval 6, which addresses sites found within a ½-mile of a previously identified Northern Spotted Owl nest. The condition requires that a biologist examine the site and make recommendations if he or she finds additional protective measures need to be considered. Mr. Evens recommendations in the protection of the Northern Spotted Owl have also 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. Evens 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 a visually prominent area, such as a ridgeline, nor is it located in such a place as to obstruct a coastal view. 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 guest dwelling has been reduced in floor area and relocated to the easterly corner of the lot, to be less visible to neighboring residences in order to be consistent with the Design Review Findings. 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 22.82.0401 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. To further address concerns raised by the Deputy Zoning Administrator at the September 17, 2009 and October 1, 2009 public hearings, the applicant has reduced the height of both structures and also reduced the overall area of the guest dwelling. 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 10 foot minimum setback for the office.

In addition, the guest dwelling has been relocated to the easterly side/rear corner of the lot 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 applicant is not proposing to remove any mature trees. 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. Since the September 17th public hearing before the Deputy Zoning Administrator, the guest dwelling has been reduced in floor area by over 36%, from 683 square feet to 431 square feet. In addition, the office and guest dwelling attain a maximum height of 11 feet 3 inches and 13 feet, which is less than the maximum height allowed in the Coastal zone for accessory structures of 15 feet.

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;

Since the September 17, 2009 hearing before the Deputy Zoning Administrator, the proposed project has been modified with regards to scale, height, and setbacks. The project entails the construction of two, detached accessory structures, an office and guest dwelling, which shall attain maximum heights of 11 feet 3 inches and 13 feet. The guest dwelling has been reduced in area by 36% to 431 square feet. Concern, however, with regards to both the guest dwelling and the office has been raised about not meeting the finding relating to diminution or elimination of sun and light exposure, as well as impacts to views, vistas and privacy upon neighboring properties at both prior public hearings by the Hearing Officer. The guest dwelling has been relocated towards the easterly side/rear corner of the property which will help minimize any such impacts. The office however has remained in the same location as that proposed at the October 1st hearing. In order to minimize impacts, the project has been conditioned for the office to maintain a minimum 10 foot setback from the northeasterly and southeasterly property lines. Alternatively, the applicant may relocate the office immediately adjacent to the existing garage or just off or connected to the existing residence with a 10 foot setback from the northwesterly front and southwesterly side property lines. All efforts shall be made to protect existing mature native trees found onsite.

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

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Phipps Coastal Permit (09-7), and Minor Design Review (09-16),

applications pursuant to Chapters 22.56I and 22.57I (Coastal Permit) and 22.82I (Design Review) of the Marin County Interim Development Code subject to the conditions specified below.

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 431 square foot guest dwelling, along with a 6 foot high redwood fence. The office area shall attain a maximum height of 11 feet 3 inches and the guest dwelling shall attain a maximum height of 13 feet. The office shall maintain the following setbacks from corresponding property lines or road right of way edge: approximately 16 feet 8 inches from the northwesterly front property line; approximately 61 feet from the southeasterly rear property line; a minimum setback of 10 feet from the northeasterly side property line; and 93 feet from southwesterly side property lines. Alternatively, the applicant may relocate the office immediately adjacent to the existing garage or just off or connected to the existing residence with a 10 foot setback from the northwesterly front and southwesterly side property lines. The guest dwelling shall maintain the following setbacks from corresponding property lines or road right of way edge: 60 feet from the northwesterly front property line; 6 feet from the southeasterly rear property line; 6 feet from the northeasterly side property line; and 80 feet from southwesterly side property line. The subject property is located at **125 Bay View Way, Inverness** and is further identified as **Assessor's Parcel 112-254-07**.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as "File Copy," entitled, "New Secondary Structures," consisting of two sheets prepared by Kelly & Abramson Architecture, dated May 14, 2009, September 22, 2009, and October 12, 2009 and received October 15, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B.1," received September 4, 2008, and on file with the Marin County Community Development Agency.
4. 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."
5. 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.
6. All future development of the site must be consistent with the findings and recommendations of the biologist's report prepared by Jules Evens, a biologist with Avocet Research Associates.
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 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.
 1. 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.
10. 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.
11. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side and rear

northeasterly and southeasterly property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the side and rear property lines based on the approved setbacks as shown on the Building Permit plans.

12. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
13. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul approval of the Phipps Coastal Permit and Design Review, for which action is brought within the applicable statute of limitations.
14. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated.

Marin County Public Works Department, Land Development Division

15. 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.
16. 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.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project.
18. 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

19. 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.
20. 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 the accurate leachfield location.
21. 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.
22. 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.
23. The applicant shall protect the septic system with temporary fencing during construction.

Inverness Public Utility District

24. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicants shall submit a Vegetation Management Plan to the Inverness Public Utility District 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.
25. BEFORE FINAL INSPECTION, the applicant shall comply with all requirements of the Inverness Public Utility District.

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 November 12, 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 **November 19, 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 12th day of November 2009.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary