



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C1	Application No:	CP 10-3 and DR 10-12
Applicant:	Paul Korhummel	Owners:	Neil Whitehouse & Lina Prairie
Property Address:	145 Laurel Street Inverness	Assessor's Parcel:	114-231-08
Hearing Date:	November 12, 2009	Planner:	Lorene Jackson

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>December 20, 2009</b>

**PROJECT DESCRIPTION:**

The applicant, on behalf of the owners, is requesting Coastal Permit and Design Review approval to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck that would be accessory to an existing 1,875-square foot single-family residence. The one-story, 15-foot high structure would result in a 1.8% floor area ratio and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line. *Note: The above location has been revised slightly from the posted project description. To better protect an 18-inch diameter oak tree, the project has been moved 10 feet north, closer to the street, and 5 feet away from the easterly side property line. Story poles reflected this modification.*

**GENERAL INFORMATION:**

Countywide Plan:	C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)
Zoning:	C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres)
Community Plan Area:	Inverness
Lot size:	3.64 acres
Adjacent Land Uses:	Single-family Residential
Vegetation:	Heavily wooded with a mixed evergreen forest of native Pacific Douglas-fir, bay, oak, and other coastal vegetation
Topography and Slope:	Steeply sloped - approximately 27-30%
Environmental Hazards:	Urban Wildland Interface

## **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(e), Class 3 of the CEQA Guidelines because it entails construction of an accessory structure on a single-family residentially developed property that would not result in potentially significant impacts to the environment.

## **PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property. The Community Development Agency received no adverse comments from the public regarding this project.

## **PLAN CONSISTENCY:**

As recommended for approval with conditions, the proposed project is consistent with the goals and policies of the Marin Countywide Plan, the Inverness Ridge Communities Plan, and the Local Coastal Program, Unit II. Please refer to the plan consistency findings IV, V, and VI in the attached recommended resolution.

## **PROJECT ANALYSIS:**

On September 30, 1993, a 500-square foot garage and 540-square foot second unit were approved for the subject property as part of Coastal Permit, Design Review, and Second Unit approval issued for the existing single-family residence (Jevitt SU 94-002/CP 94-003/DR 94-006). However, the garage and second unit were never constructed. The single issue at that time was the method of supplying domestic water to the site. The current system was built according to the requirements for the existing house whereby water is provided from a well on the adjoining property (AP 114-231-08.) As called for in the conditions of approval, the existing 6,000-gallon water storage tank was installed on the subject property. In the 1993 decision, 3,000 gallons was designated for domestic purposes for both properties and 3,000 gallons for water storage reserved for fire protection. Presently, County Environmental Health Services requires 2,500 gallons for the two residences, which would leave 3,500 gallons for fire protection.

Because of the age of the system and improved detection limits for water quality testing, a recommended condition of approval for the current project would require the applicant to obtain an updated domestic water permit from the Marin County Environmental Health Services (EHS). This will ensure the adequacy of water quality and storage capacity, including water needs for fire control. The Marin County Fire Department indicated that the existing water supply for fire suppression is acceptable

The primary issue emerging during staff's review of the proposed project is the landscaping and preservation of protected trees on the property, which need to be balanced with the Marin County Fire Department's requirements for a Vegetative Management Plan. The proposed project includes the removal of one oak tree with a diameter at breast height of 8 inches and the planting of a 15-gallon sized replacement oak. No other trees would be approved for removal, except those identified to comply with local and State fire safety regulations and to prevent reasonable safety hazards to people and property. During project review, the location of the guesthouse/garage

was moved 10 feet north, closer to the front property line, and 5 feet away from the easterly property line, to preserve an 18-inch diameter oak and 8-inch bay tree that otherwise would be impacted by the project.

Additional landscaping would be required as a condition of approval to prevent soil erosion of any disturbed soil. This would entail reseeding or the installation of ground cover on all disturbed soil. These plantings would be native, non-invasive, and deer resistant species.

**RECOMMENDATION:**

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

- Attachments:**
1. Proposed resolution recommending approval of the Whitehouse Coastal Permit and Design Review applications
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans – Exhibit A1
  6. Biologist report, Rich Stallcup letter, 9/2/09
  7. Marin County Department of Public Works Memo, 9/21/09
  8. Marin County Environmental Health Services (water) Memo, 8/3/09
  9. Marin County Environmental Health Services (sewage) Memo, 7/21/09
  10. Marin County Fire Department Memo2, 9/16/09

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION APPROVING THE WHITEHOUSE COASTAL PERMIT AND DESIGN REVIEW  
145 LAUREL STREET, INVERNESS  
ASSESSOR'S PARCEL 114-231-08

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**SECTION I: FINDINGS**

- I. WHEREAS Paul Korhummel, on behalf of owners Neil Whitehouse and Lina Prairie, is seeking Coastal Permit and Design Review approval to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck that would be accessory to an existing 1,875-square foot single-family residence. The one-story, 15-foot high structure would result in a 1.8% floor area ratio and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line. **The subject properties are located 145 Laurel Street, Inverness, and is further identified as Assessor's Parcel 114-231-08.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing 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 15303(e), Class 3 of the CEQA Guidelines because it entails construction of an accessory structure on a residentially developed property that would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and The Inverness Ridge Communities Plan for the following reasons:
  - A. The project would be consistent with the C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres) land use designation.
  - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.
  - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic, and circulation, or other services.
  - E. The project would minimize soil disturbance and maximize the retention of existing vegetation.

- V. 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**

A Common Water System, operating since at least 1989, currently provides water to the subject property from an off-site well located on the adjacent parcel to the west (APN 114-231-07). Water for the subject property is stored on-site in a 6,000-gallon tank (2,500 gallons for domestic use and 3,500 gallons for fire protection.) As a condition of approval, the applicant is required to obtain an updated domestic water permit from the Marin County Community Development Agency – Environmental Health Services (EHS). This process will ensure adequacy of water quality and storage capacity, including water needs for fire control.

**B. Septic System Standards**

The subject property is currently served by a on-site water disposal system. As a condition of approval, the applicant would be required to submit an inspection report verifying the tank is in good condition and the system functioning properly.

**C. Grading and Excavation**

Grading and excavation would be minimal, limited to the amount necessary to drill piers and level the approach for the garage. All excavation work would be subject to the review and approval of the Department of Public Works, Land Use and Water Resources Division, to ensure consistency with Marin County requirements.

**D. Archaeological Resources**

Review of the Marin County Archaeological Sites Inventory Maps on file in the Planning Division indicates that the subject property is not located in an area of archaeological sensitivity. Nonetheless, standard project approval requires that if archeological resources are discovered during site preparation or construction, the applicants would have to follow archeological preservation protocol, including cessation of work and evaluation by a qualified archeologist to determine if any modification to the project would be required.

**E. Coastal Access**

Not applicable. The subject property is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program Unit 2, where public access is desirable or feasible. The site is not located near any tidelands or submerged lands subject to the public trust doctrine.

**F. Housing**

The proposed project will have no impact upon the availability of affordable housing stock within the Inverness community. As conditioned, a deed restriction would be recorded on the property specifying that the guesthouse will not be converted into a second unit by adding any food preparation facilities.

#### **G. Stream and Wetland Resource Protection**

The proposed project site is not situated subject to the County streamside conservation policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program or near any ephemeral or intermittent stream indentified on the U.S. geological Survey Maps.

#### **H. Dune Protection**

The proposed project is not located in a dune protection area as indentified by the Natural Resources Map for Unit 2 of the Local Coastal Program.

#### **I. Wildlife Habitat**

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for special statue species *Ardea heodias* (great blue heron), *Ardea alba* (great egret), and *Dirca occidentalis* (western leatherwood). A northern spotted owl nest has been identified close to the project site. Subsequently, pursuant to the Countywide Plan (CWP) Implementation Program BIO-2.a, the applicant conducted a biological site assessment for the project. (Please see Attachment 6.) On August 25, 2009, biologist Rich Stallcup conducted a survey of the subject property and determined that none of these species would be, "in any way," negatively affected by the proposed project.

#### **J. Protection of Native Plant Communities**

The Natural Resources Map for Unit 2 of the Local Coastal Program indicates that the subject property is not located in an area containing rare plants. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated no mapped Federal endangered plant species on the subject property.

The significant native plant features on the site is the moderately dense mixed coastal woodland. The proposed project calls for the removal of an 8-inch diameter Coast live oak (*Quereus agrifolia*) and the planting of a new oak, a sufficient offset given the density of the remaining woodland.

#### **K. Shoreline Protection**

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

#### **L. Geologic Hazards**

Review of the Alquist-Priolo Specials Studies Zone maps indicates that the subject property is situated outside the high risk area for seismic activity of the San Andreas Fault Zone. Chapter 7.5, Section 2621.8 of the Alquist Priolo Special Studies Act exempts construction of single-family residences from requirements to prepare a seismic assessment of the project site. Furthermore, through the building permit application process, construction of the proposed development will be reviewed for compliance with all applicable building codes adopted by the County. As a condition of approval, the

Department of Public Works may require geotechnical Site Class and determination of seismic design parameters pursuant to the 2007-CBC seismic requirements.

While the lot is steeply sloped (approximately 27-30% slope), the subject property received a slope stability rating of 1 in the 1977 Wagner Slope Stability Study Map, indicating a relatively stable area.

**M. Public Works Projects**

The proposed project will not affect any existing or proposed public works project in the area.

**N. Land Division Standards**

No land division or property line adjustment is proposed as part of this project.

**O. Visual Resources**

The height, scale, and design of the proposed development is compatible with the character of the surrounding community. The proposed structure will not obstruct public views of the coast and will be screened by topography and existing tree canopies. A condition of approval requires that all utilities serving the project site to be placed underground.

**P. Recreation/Visitor Facilities**

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

**Q. Historic Resource Preservation**

The subject property is not located within any designated historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

VI. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review (Section 22.82.040I of the Marin County Development Code) can be made based on the following findings:

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The project is consistent with this finding because the accessory structure would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development. The project would step down the hillside, resulting in minimal visibility to the public or neighbors.

**B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project would maintain sufficient setbacks from all property lines so that the project would not result in the loss of light or privacy to adjacent neighbors. All development will be contained within the parcel and would not impact development on public lands or rights-of-way.

- C. The proposed development will not directly, or cumulatively, 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 is located entirely within the subject parcel and would not result in development which would impact future improvements to the surrounding properties.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

A new 15-gallon sized Coast Live Oak will be planted to replace the 8-inch diameter oak tree to be removed. No other trees would be removed, except those identified to comply with local and State fire safety regulations and to prevent reasonable safety hazards to people and property. Further, the project has been moved 10 feet north, closer to the front property line, and 5 feet away from the easterly property line to protect an 18-inch diameter oak and retain the 8-inch bay. The proposed guesthouse would be well insulated and blend into the hillside.

- E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project conforms to the planned district development standards by utilizing a design, which steps down the hillside and away from the street, minimizing mass, bulk, and visual impacts. The project utilizes colors and materials that match the existing single-family residence and blend with the character of the community.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of structures;**

As with the existing single-family residence, the proposed project has been designed to minimize adverse visual effects related to design and building massing. The proposed structure would step down the hillside so that the structure is approximately 12.5 feet above grade on the northerly uphill side facing the road. The project incorporates articulations and height changes, which minimize overall mass and bulk, and roof mass. There are no unbroken vertical walls on the structure.

- 2. Drainage systems and appurtenant structures;**

All conceptual plans have been reviewed by the Department of Public Works.



**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The proposed project has been designed to avoid grading and fill. The minimal soil removed from pier drillings would be spread on-site.

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

The proposed project is located entirely on the subject parcel and would not be located within rights-of-way or affect the movement of people or vehicles. Since the proposed project would develop only 0.6% of the 3.5-acre parcel, there would be no significant impact on the circulation of animals.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

As noted in B above, the project would not result in the loss of light, views, or privacy to adjacent residences.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The applicant is proposing construction that would meet the Green Building Rating of "Silver," and the project would be required to meet Title 24 and Ordinance 3492.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed project, as conditioned, is consistent with all applicable regulations and, as described in "F" above, meets the design guidelines and would not be detrimental to the public or County.

**SECTION II: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Whitehouse Coastal Permit (CP 10-3) and Design Review (DR 10-12) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Sections 22.56.130I (Coastal Permits) and Section 22.82.040I (Design Review), the Whitehouse Coastal Permit and Design Review are approved to construct a new, detached 462-square foot garage and 520-square foot guesthouse with a 280-square foot deck accessory to an existing 1,875-square foot single-family residence. The one-story structure is approved to attain a maximum height of 15 feet and maintain the following setbacks: (1) 38 feet from the northerly front property line; (2) 105 feet from the easterly side property line; (3) 45 feet from the westerly side property line; and (4) over 500 feet from the southerly rear property line.

**The subject property is located 145 Laurel Street, Inverness, and is further identified as Assessor's Parcel 114-231-08.**

2. Plans submitted for a Building Permit shall substantially conform to plans identified as **Exhibit A1**, entitled "Studio/Garage for Lena Prairie & Neil Whitehouse" consisting of 4 sheets prepared by Paul Korhummel, dated and received September 8, 2009, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency staff depicting the following changes. Once approved, the plans shall be incorporated into the approved project file as **Exhibit A2** and shall supersede Exhibit A1.
  - a. Revise site plan to reflect approved setbacks and location of project.
  - b. Revise site plan to accurately indicate the allocation of water in the 6,000-gallon storage tank - 2,500 gallon for domestic use and 3,500 gallons for fire protection.
  - c. Revise Sheet 4 to show the retention of the 8-inch bay tree immediately south of the new deck.
4. Approved exterior building materials and colors shall match the existing house, substantially conforming to the color/materials sample board identified as **Exhibit B**, received July 10, 2009 and on file with the Marin County Community Development Agency including:
  - a. Stucco Siding –"Rock Green"
  - b. Metal Roof –"Spruce Green"
  - c. Window Frame/Trim – Thermo-set Acrylic, "Porch White"

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
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 Coastal Permit and Design Review conditions of approval as notes.
6. No fencing has been approved. Any fencing shall be submitted to the Planning Department for review and may be subject to Design Review approval.
7. 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.

8. All construction activities shall comply with the following standards:
  - a. 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 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.
9. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
10. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
11. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
12. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Construction Conformance contained in the Green Building Residential Certification Form certifying that the measures identified in the Statement of Design Conformance have been installed and/or utilized as part of the project to meet or exceed the required green building rating level.

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

Potential Second Units

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the property owners shall record a notarized deed restriction stipulating that the detached studio located shall not contain any food preparation facilities which may include, but are not limited to, kitchen counters and cabinets, a stove, oven, hot plate, microwave, refrigerator, or sink, and shall not be used as a dwelling unit separate from the existing residence or rented without first securing approval from the Marin County Community Development Agency - Planning Division.

Tree Protection

15. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees and vegetation in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
16. Only those trees identified in **Exhibit A2** shall be removed. No other existing trees on the subject property shall be removed except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or general welfare. If additional trees are proposed for removal, the applicant shall obtain prior written approval from the Director for such action. Replacement trees may be required.
17. PRIOR TO FINAL INSPECTION, all soils disturbed by development of the project shall be reseeded to control erosion with native grasses, wildflowers, or other means as approved by the Planning Division. The applicant shall verify to the Community Development Agency that disturbed soils have been covered and the new oak tree planted with automatic drip irrigation installed.
18. If the presence of the northern spotted owl (*Strix occidentalis caurina*) is found at or near the site during the construction process, all construction activities shall cease, and the Community Development Agency staff shall be notified. A qualified wildlife biologist shall assess the site and shall submit a report to the Community Development Agency staff advancing appropriate measures to protect the owls and the nesting activity. No work at the site may recommence without approval of the Community Development Agency

staff. All future development of the site must be consistent with the findings and recommendations of the biologist's report, as approved by the Community Development Agency staff. An amendment to the permit may be required to implement mitigations to protect the owl species.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT:

19. Provide a site plan with a minimum scale of 1/8"=1.0' or 1:10.
20. Provide a surface drainage plan. Surface drains and foundation/retaining wall drains shall be separate systems. 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. Note that as per 2007-CBC, all surface drainage from foundations shall be a minimum of 5% slope for 10-ft away from the foundation.
21. Submit Erosion and Siltation Control plans.
22. Provide a 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.
23. A geotechnical Site Class and determination of seismic design parameters may be required pursuant to the 2007-CBC seismic requirements.
24. The plans shall be reviewed and approved by 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.

Environmental Health Service - Domestic Water

25. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant must update the domestic water permit to document the Common Water System (obtain a new domestic water permit). The current domestic water permit is issued to only one lot. However, information is available to show that a Common Water System has been operating at least since 1989. Address the following during the permit amendment process:
  - a. Identify the size of the storage tank or tanks connected to the water system in total and specify how much storage is required to meet TOTAL fire control requirements for both lots (including new fire requirements for the proposed project, if any.) Provide a reasonable estimate of the sustained, safe operating flow rate from the well. Storage capacity, available for domestic use only, will be determined accordingly.
  - b. Provide current test results sampled from RAW WATER for the following:
    - Bacteria (report any positive results as enumerated results)
    - Nitrate as NO<sub>3</sub>, and nitrite
    - Aluminum, pH, and nickel

- c. Submit a completed Treatment Proposal Form as part of the application submittal for the updated domestic water permit to document the existing treatment and distribution system. The form is available with the application packet.
- d. Submit a water system plan that shows the entire system from well to tanks to all uses.

#### Environmental Health Service – Sewage

- 26. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the applicant must submit a septic inspection report by either a qualified service provider or a registered septic consultant. The report must be current (within the last twelve months) and must include the following:
  - a. Confirmation that the tank is in good condition and that the water is at the expected working level in the tank.
  - b. The results of a hydraulic load test. There should be no apparent signs of septic system malfunction or failure.

#### Marin County Fire Department

- 27. BEFORE ISSUING A BUILDING PERMIT, Fire Department approval must be granted for the defensible space zone (minimum of 30-100 feet) and vegetative management plan. At a minimum, the vegetation management plan must contain a site plan showing the existing vegetation (including existing trees) and those proposed to be added and/or removed, the proposed structures with their defensible space zone(s) delineated, plant types and spacing. The vegetation management plan must also contain a list of proposed plants that are consistent with an approved (non-pyrophytic) plant list. Refer to the Marin County Fire Department Prevention Bureau defensible Space Standard, which may be downloaded from [www.marincountyfire.org](http://www.marincountyfire.org). **Note: Any trees proposed for removal beyond those shown on the approved plans must receive prior approval from Planning.**
- 28. BEFORE FOUNDATION INSPECTION, the defensible space zone must be in place. Trees shall not be planted in a location that, when mature, will contact overhead power lines or impede access/egress. Vegetation scheduled for planting shall be in accordance with the fire resistant plant species list. Schedule a site meeting with the Fire Department prior to construction.
- 29. BEFORE FINAL INSPECTION, all Fire Department requirements must be met, including, but not limited to the following:
  - a. Vegetation adjacent to driveways and access roads must be cleared to a minimum of 15 feet vertically and 10 feet horizontally.
  - b. Fire sprinkler design approval and inspection to be completed by County Building and Safety. As part of the sprinkler system installation, a spare sprinkler head cabinet containing two spare sprinkler heads, and the applicable sprinkler head wrench shall be required prior to final approval of the sprinkler system.

- c. Provide smoke detectors per UBC/UFC.
- d. Fire Department approval is required for gates on driveways. If the gate is locked in any fashion, a MCFM Knox rapid entry system is mandatory.
- e. The street address shall be posted with three inches minimum letters with 3/8 inches stroke and a background of contrasting color.

**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 19, 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.

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 12<sup>th</sup> day of November 2009.

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Jeremy Tejirian  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans, DZA Secretary