



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR WILLIAMS COASTAL PERMIT and DESIGN REVIEW

Item No:	C2	Application No:	CP 10-25, DR 10-57
Applicant:	Stacey N. Ford	Owner:	Kathy and Louis Williams
Property Address:	111 Via De La Vista Inverness	Assessor's Parcel:	112-220-14
Hearing Date:	May 27, 2010	Planner:	Veronica Corella-Pearson
	RECOMMENDATION:		Approved with Conditions
	APPEAL PERIOD:		5 working days to the Planning Commission
	LAST DATE FOR ACTION:		June 25, 2010

PROJECT DESCRIPTION:

The applicant, Stacey N. Ford, is applying on behalf of the owners, Kathy and Louis Williams for Coastal Permit, Design Review, and Second Unit approval to construct the following improvements on an approximately 87,472 square foot parcel in Inverness: (1) a new two-story, 3,210 square foot single-family residence; (2) a 537 square foot, detached garage and greenhouse with a maximum height of 13.5 feet (108 square foot greenhouse located on top of a garage); (3) conversion of an existing 797 square foot single-family residence into a 750 square foot second unit (approval is through a separate ministerial permit); (4) a new 12 foot by 24 foot in-ground pool; (5) an on-site sewage disposal system to serve the new residence; (6) an approximately 140 foot long driveway with retaining walls varying in height from 1 to 5 feet; and (7) legalization of the existing 706 square foot yurt that would be used for storage. As proposed, the dwelling would have a maximum height of 25 feet above grade and would maintain the following minimum setbacks from corresponding property lines and access easements: 34 feet from the northerly front property line; 21 feet from the westerly side property line; and over 100 feet from the easterly side and southerly rear property lines. Proposed building materials include brown/olive standing seam metal roofing, tan/green cement plaster siding, and beige window and door trim and flush mounted solar collectors on the southern elevation. Also proposed is the removal of eight trees that are afflicted with Sudden Oak Death, or are senescent. The trees range in size from 10 to 18 inches in diameter at breast height and are Tan oak, Coast live oak, and California bay trees. Proposed for their replacement are 18 trees that would be Valley oak, Cork oak, California bay, and Liquid amber trees. The project would result in approximately 247 cubic yards of cut and fill, that would be used and retained on-site.

GENERAL INFORMATION:

Countywide Plan: C-SF3 (Coastal Single-family, 1 unit/1-5 acres)
Zoning: C-R-1:B-4 (Coastal, Single-family Residential, 1 acre minimum lot size)
Lot size: 87,472 square feet
Adjacent Land Uses: Residential
Vegetation: Mixed evergreen forest and grassland
Topography and Slope: Moderate to steeply sloping
Environmental Hazards: None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails construction of a single-family residence and accessory structures that would not result in substantial tree removal or grading which could result in significant adverse effects on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. In response to the notice, one letter has been received regarding concerns with the process for legalizing a yurt, and conversion of the existing residence to a second unit. In order to legalize the yurt, the proposed project must be approved and the owner must receive building permit approval within a year. The yurt does not have a kitchen or bathroom, and is not being legalized as a second unit. The applicant has proposed to convert the existing residence to a second unit by reducing the existing square footage to meet the requirements for a second unit.

PLAN CONSISTENCY:

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

PROJECT ANALYSIS:

Site Description

The subject property is a developed lot, with an existing 796 square foot residence that is two stories and 24 feet, 6 inches in height, and located over 170 feet from the front (northern) property line, and over 40 feet from the side property lines. Also present on the property is an unpermitted 706 square foot yurt that is approximately 120 feet from the front (northern) property line. The lot is accessed via an existing gravel driveway, and is heavily vegetated with Coast live oaks, Madrone, and California bay, and a mixture of native and nonnative perennial and grass species. An arborist report was prepared, which determined that the site is heavily infected with Sudden Oak Death. A number of dead trees have been removed, it was determined that six trees that are Tan oak and Coast live oak, are infected or dying. Two California bay trees are also in decline and removal is recommended. The applicant proposes to replace the eight trees removed with eighteen trees. The proposed oak trees are not susceptible to Sudden Oak Death. The site is served by Inverness Public Utility District and a new septic system is proposed. A biological assessment was prepared by WRA and the findings are summarized below.

Botanical Resources

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) on-line inventory of rare and endangered plants of California. A list of 82 special status plant species was recorded in the vicinity of the project. Of the 82 species, four were found to have a high or moderate potential to occur on the site. A site survey was conducted on February of 2010, and no listed species were identified.

Wildlife Resources

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB) and a review of the Local Coastal Programs, Unit II Natural Resource Map. During review it was found that there are two documented Northern Spotted owl nest sites in the area that are both greater than 0.25 miles from the project site. The US Fish and Wildlife Service recommends that within a 0.7 mile radius from a nest site, night time construction work and the use of flood lights be avoided during the period of February 1st to August 31st. The adopted Noise Ordinance for the County does not allow nighttime construction. Therefore, no work would occur in the evening that could disturb owls. In addition to the Northern Spotted owl, forty-nine special status wildlife species were recorded in the vicinity. No special status wildlife species were found to have high potential to occur on the property, and one species was found to have moderate potential to occur on the property but was not observed during the site survey.

Streams and Wetlands

During the site visit conducted by WRA, the property was surveyed for the presence of wetlands that meet either the California Coastal Commission or the Army Corps of Engineers definition of a wetland. A potential wetland that could meet the California Coastal Commissions definition of wetland, but it was located over 120 feet from the proposed project. An ephemeral drainage was located near Sir Francis Drake that is over 150 feet from the edge of proposed development on the southern most portion of the property, but it was found that it lacks a substantial bed and bank, and ordinary high water mark, and is absent of habitat for fish, amphibians, and aquatic invertebrates.

Visual Analysis

The proposed residence is setback over 30 feet from the front (north) property line. The new residence would be accessed off of Via De La Vista by a new "U" shaped driveway. The residence would have a maximum height of 25 feet above grade and would be finished in colors and materials that are in keeping with environment. The largest residence within 600 feet of the property is 2,816 square feet in size, and the proposed residence would be 3,210 square feet in size. It would be the largest residence, but would be have minimal visibility to Via De La Vista because it would follow the topography of the hillside, with the lower level tucked into the hill, and only the upper level viewable from Via De La Vista. The garage would be detached and located to the south, approximately 78 feet from the front (northern) property line, and 20 feet from the side (east) property line. It would have a maximum height of 13 feet with a sod roof and greenhouse on top of it. The new pool would be set back 25 feet from the side (east) property line and would have retaining walls that are a maximum of 4 feet in height. The existing yurt is setback 25 feet from the side (west) property line, and has a maximum height of 15 feet. The existing residence would be converted to a second unit, and would be converted to attain a size of 750 square feet, and reduced in height to 22 feet above existing grade, and would be approved through a ministerial permit subsequent to Coastal Permit and Design Review approval. Solar collectors would be placed on the southern elevation and be flush mounted.

All proposed development would maintain large setbacks from all property lines, and either meet or exceed the setback standards for the C-R-1:B-4 zoning district standards. The areas surrounding the property lines are heavily vegetated, and the project would involve planting 24 new trees throughout the property that would be a mixture of native and non-native. Since all trees that will be removed are native, staff recommends that a condition of approval be added that all replacement trees be native to Marin County. With the existing and proposed vegetation, the property will have minimal visibility from Via De La Vista and neighboring properties.

Utilities

The Inverness Public Utility District has indicated that the district would be able to continue to serve the subject property, provided that the owner enters into a new water agreement. Environmental Health Services has reviewed the percolation tests for the location of the new septic system, and has determined that the site is acceptable. The owner will need to submit an application for a new system prior to obtaining a building permit.

CONCLUSION

Overall, staff finds that the proposed single-family residence has been designed to be architecturally compatible with the surrounding community, and utilizes exterior building materials and colors that blend into the natural environment, and the proposed residence has been sited appropriately to not adversely affect views, light or privacy of adjoining properties.

RECOMMENDATION:

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

Attachments:

1. Proposed Resolution recommending approval of the William Coastal Permit (CP 10-25) and Design Review (DR 10-57)
2. CEQA Exemption
3. Location Map
4. Assessor's Parcel Map
5. Plan Sheets, 8 pages
6. Colors and Materials Sample
7. Biologist Report, dated February 2010
8. Arborist Report, dated February 25, 2010
9. Inverness Association, letter dated March 25, 2010
10. Environmental Health Services – Sewage, transmittals sent March 10, 2010
11. Inverness Public Utility District, memo sent March 24, 2010
12. Department of Public Works - Land Use and Water Resources, memo sent March 18, 2010
13. Letter from Jane and Christopher Adams, received May 15, 2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE WILLIAM COASTAL PERMIT (CP 10-25) AND DESIGN REVIEW (DR 10-57)
ASSESSOR'S PARCEL 112-220-14
111 VIA DE LA VISTA, INVERNESS

SECTION I: FINDINGS

- I. WHEREAS the applicant, Stacey N. Ford, is applying on behalf of the owners, Kathy and Louis Williams for Coastal Permit, Design Review, and Second Unit approval to construct the following improvements on an approximately 87,472 square foot parcel in Inverness: (1) a new two-story, 3,210 square foot single-family residence; (2) a 537 square foot, detached garage and greenhouse with a maximum height of 13.5 feet (108 square foot greenhouse located on top of a garage); (3) conversion of an existing 797 square foot single-family residence into a 750 square foot second unit (approval is through a separate ministerial permit); (4) a new 12 foot by 24 foot in-ground pool; (5) an on-site sewage disposal system to serve the new residence; (6) an approximately 140 foot long driveway with retaining walls varying in height from 1 to 5 feet; and (7) legalization of the existing 706 square foot yurt that would be used for storage. As proposed, the dwelling would have a maximum height of 25 feet above grade and would maintain the following minimum setbacks from corresponding property lines and access easements: 34 feet from the northerly front property line; 21 feet from the westerly side property line; and over 100 feet from the easterly side and southerly rear property lines. Proposed building materials include brown/olive standing seam metal roofing, tan/green cement plaster siding, and beige window and door trim and flush mounted solar collectors on the southern elevation. Also proposed is the removal of eight trees that are afflicted with Sudden Oak Death, or are senescent. The trees range in size from 10 to 18 inches in diameter at breast height and are Tan oak, Coast live oak, and California bay trees. Proposed for their replacement are 18 trees that would be Valley oak, Cork oak, California bay, and Liquid amber trees. The project would result in approximately 247 cubic yards of cut and fill, that would be used and retained on-site. The subject property is located at 111 Via De La Vista, Inverness, and is further identified as Assessor's Parcel 112-220-14.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 27, 2010 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction that would not result in substantial tree removal or grading which would result in significant adverse effects on 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 complies with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3).
 - B. The project complies with CWP natural systems policies supporting vegetation and wildlife disease management programs and promoting the use of native plant species (CWP Policies BIO-1.4, BIO-1.5 and BIO-1.6).
 - C. The project will not result in impacts to special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2).
 - D. The project will not significantly impact the ecotones on the project site, or natural transitions between habitat types on the project site and those ecotones on other lands adjacent to the project site, or impact corridors for wildlife movement (CWP Policies BIO-2.3 and BIO-2.4).
 - E. No wetlands or stream conservation areas will be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1).
 - F. The project will not result in significant stormwater runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4).
 - G. The project avoids hazardous geological areas and will be designed to County earthquake standards through review of the Building Permit application review (CWP Policies EH-2.1, EH-2.3, and CD-2.8).
 - H. The project design and improvements ensure adequate fire protection (CWP Policy EH-4.1), water for fire suppression (CWP Policy EH-4.c), defensible space, compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n), and clearance of vegetation around the proposed structure (CWP Policy EH-4.h).
 - I. The project as conditioned will minimize exterior lighting to reduce light pollution, light trespass, and glare. (CWP Policy DES-1.h).
 - J. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (CWP Policy DES-4.1).
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Inverness Ridge Community Plan due to the following factors.
- A. The project would involve the construction of a new single-family residence, a detached garage, and accessory structures that are permitted use under the governing zoning district, and therefore would be compatible with surrounding residential uses.
 - B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
 - C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
 - D. All detached structures that exceed the 15 feet in height, would be compatible with the community and environment, would be located over 40 feet from all property lines and would therefore not result in adverse impacts due to loss of light or privacy.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit (Section 22.56.130I of

the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:

A. Water Supply

The Inverness Public Utility District has reviewed the project and indicated that they are able to provide adequate domestic and fire protection water supply to the subject property provided that the owner enter into a financial agreement regarding upgrades to the distribution facilities that will be needed.

B. Septic System Standards

The Marin County Department of Environmental Health Services has indicated that the applicant has submitted a favorable site review for a Class I sewage disposal system. At the time of building permit review the owner will be required to apply and received approval for a Class I sewage disposal system prior to building permit approval.

C. Grading and Excavation

The applicant proposes a balance of cut and fill in the amount of 247 cubic yards. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.18 and 24.04 for stormwater management, and grading operations during the rainy season.

D. Archaeological Resources

The proposed project is not located within an area of high archaeological sensitivity. Regardless, the standard conditions of approval are included, which will require that in the event that 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.

E. Coastal Access

This finding is 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 II, where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project, entails construction of a new single-family residence and accessory structures, and would increase the availability of housing stock in Inverness.

G. Stream and Wetland Protection Area

The project site is not located near any stream identified on the Inverness Quadrangle of the United States Geological Survey, or area subject to the streamside protection policies as identified on the National Resources Map for Unit II of the Local Coastal Program. During a site visit by a biologist, an ephemeral drainage was identified near Sir Francis Drake that is over 150 feet from the edge of proposed development on the southern most portion of the property, but it was found that it lacks a substantial bed and bank, and ordinary high water mark, and is absent of habitat for fish, amphibians, and aquatic invertebrates. The property was also surveyed for the presence of wetlands that meet either the California Coastal Commission or the Army Corps of Engineers definition of a wetland. A potential wetland that could meet the California Coastal Commissions definition of wetland was identified, but it is located over 120 feet from the proposed

project. Since the LCP policies do not prevent development that is more than 100 feet from streams and wetlands, the project is consistent with this finding.

H. Dune Protection

This finding is not applicable. The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat

A Biological Assessment was prepared for the project and a list of the special status wildlife species with potential to occur on the property was compiled based on data from the California Department of Fish and Game's Natural Diversity Data Base (CNDDDB) and a review of the Local Coastal Programs, Unit II Natural Resource Map. During review it was found that there are two documented Northern Spotted owl nest sites in the area that are both greater than 0.25 miles from the project site. The US Fish and Wildlife Service recommends that within a 0.7 mile radius from a nest site, night time construction work and the use of flood lights be avoided during the period of February 1st to August 31st. A condition of approval has been added specifying this requirement. In addition, forty-nine special status wildlife species were recorded in the vicinity. No special status wildlife species were found to have high potential to occur on the property, and one species was found to have moderate potential to occur on the property but was not observed during the site survey.

J. Protection of Native Plant Communities

A Biological Assessment was prepared for the project and a list of the special status plants with potential to occur on the property was compiled based on data from the California Department of Fish and Game's Natural Diversity Data Base (CNDDDB), the Local Coastal Programs, Unit II Natural Resource Map and the California Native Plant Society (CNPS) on-line inventory of rare and endangered plants of California. A list of 82 special status plant species was recorded in the vicinity of the project. Of the 82 species, four were found to have a high or moderate potential to occur on the site. A site survey was conducted on February of 2010, and no listed species were observed.

K. Shoreline Protection

This finding is not applicable. The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

This finding is not applicable. The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards

The subject parcel is a legal lot of record. 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 single-family residence, garage and accessory structures are compatible with the character of the surrounding environment.

The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties, and would be screened by existing vegetation. In accord with Marin County Code Section 22.56.130I(O), a condition of approval requires that all utility lines serving the project site be placed underground.

P. Recreation/Visitor Facilities

This finding is not applicable. 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 Protection

The project site is located outside of the historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Design Review application (Marin County Code Section 22.82.040I) for the following reasons:

A. The proposed development is consistent with the Marin Countywide Plan and any applicable community plan and local coastal program:

As noted in Section IV and V above, the project complies with all policies of the CWP and the findings required for Coastal Permit Application, and the Inverness Community Plan.

B. 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 new residence and accessory structures would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development.

C. 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 has been designed to meet the setback requirements of the subject zoning district, and all detached structures are located and designed to not impede light, air, privacy, or views of properties in the vicinity. In addition, the project proposes new trees, which would aid in preserving privacy.

D. 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 as conditioned would not result in development that would impact future improvements to the surrounding properties.

E. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural material;

The proposed project would remove eight diseased and aging trees and as conditioned would replant with 18 native trees to Marin County. Currently the property has heavy vegetation along all the property lines, which would remain, and no additional vegetation is needed.

F. The project 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 area, heights, mass, materials, and scale of structures;

The project incorporates articulations, colors and materials that reduce the visual bulk of the residence. It has also been designed to meet all height standards of the LCP, Unit II, and Title 22I.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works and is approvable as conditioned.

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

The project would result in approximately 247 cubic yards of cut and fill, which would remain and be used on site. The proposed retaining walls would be between 1 to 5 feet in height, and would be for the driveway and pool, and would not result in adverse grading.

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

The proposed project has been reviewed by DPW to ensure that no work would be located in the road rights-of-way that could not be approved, or other improvements that would affect the circulation of persons. No new fencing is proposed that would affect 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 elimination of significant sun and light exposure to adjacent residences.

G. The project contains features such as 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 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 for the conservation of natural resources, and energy consumption.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Williams Coastal Permit (CP 10-25) and Design Review (DR 10-57) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82I (Design Review) of the Marin County Code, the Williams Coastal Permit and Design Review are hereby approved and authorizes the construction of the following improvements on an approximately 87,472 square foot parcel in Inverness: (1) a new two-story, 3,210 square foot single-family residence; (2) a 537 square foot, detached garage and greenhouse with a maximum height of 13.5 feet (108 square foot greenhouse located on top of a garage); (3) conversion of an existing 797 square foot single-family residence into a 750 square foot second unit (approval is through a separate ministerial permit); (4) a new 12 foot by 24 foot in-ground pool; (5) an on-site sewage disposal system to serve the new residence; (6) an approximately 140 foot long driveway with retaining walls varying in height from 1 to 5 feet; and (7) legalization of the existing 706 square foot yurt that would be used for storage. As approved, the dwelling would have a maximum height of 25 feet above grade and would maintain the following minimum setbacks from corresponding property lines and access easements: 34 feet from the northerly front property line; 21 feet from the westerly side property line; and over 100 feet from the easterly side and southerly rear property lines. Approved building materials include brown/olive standing seam metal roofing, tan/green cement plaster siding, and beige window and door trim and flush mounted solar collectors on the southern elevation. Also approved is the removal of eight trees that are afflicted with Sudden Oak Death, or are senescent. The trees range in size from 10 to 18 inches in diameter at breast height and are Tan oak, Coast live oak, and California bay trees. Approved for their replacement are 18 trees that would be Valley oak, Cork oak, California bay, and Liquid amber trees. The subject property is located at 111 Via De La Vista, Inverness, and is further identified as Assessor's Parcel 112-200-14.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Williams Residence and Garage," consisting of 9 sheets, prepared by Stacey N. Ford, received March 2, 2010, and on file in the Marin County Community Development Agency.
3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "111 Via De La Vista Colors and Materials" received December 30, 2010 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the 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.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a Landscape Plan that shows the proposed 18 new trees, which all shall be a minimum container size of 15 gallon and native to Marin County.
6. 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 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.
7. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities and certifies the adequacy of the protective fencing installed. All site development construction practices shall be in accord with the

recommend guidelines contained in the required arborist's report. The applicant shall comply with recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.

8. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
9. 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.
10. All construction activities shall comply with the following standards:
11. 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.
12. 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.
13. 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.
14. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
15. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

16. 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.
17. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.

Department of Public Works, Land Development

Prior to Issuance of a Building Permit:

18. Provide a soils stability report to include seismic design parameters for the site.
19. 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.
20. A registered Engineer shall design the site/driveway retaining walls. Plans must have the Engineer's/Architect's wet stamp and signature.
21. A separate Building Permit is required for site/driveway retaining walls with a height more than 4-feet or 3-feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
22. Submit Erosion and Siltation Control plans for the construction and post construction phases of the project.
23. Provide more detail on the drainage plan/facilities for the project. Include the following:
 - a. Down spout and roof runoff design/plan.
 - b. Details on the irrigation storage tank and the pipe connection system.
 - c. Details on the foundation drainage and retaining wall drainage. Note that surface runoff drainage facilities shall be separate from foundation and retaining wall drainage facilities.
 - d. Surface runoff away from the foundation. Include a plan for managing surface runoff from the up-hill side of the foundation.
 - e. Provide a drainage system to catch surface flow down the driveway so as to prevent drainage from inundating the dwelling or the foundation.
 - f. Provide drainage facilities for the low-point of the proposed driveway.
 - g. Provide a drainage plan for the proposed driveway pavers.
 - h. Provide a drainage plan for the sod roof over the garage.
 - i. Provide a grading and drainage plan for the proposed pool.
24. The plans shall provide details for the pool drainage and demonstrate that the drainage would comply with Marin County Code §23.18 (Urban Runoff Pollution Prevention Code). Discharge into a watercourse is prohibited pursuant to Marin County Code §23.18.094.

25. The proposed grading on the south side of the new dwelling is steeper than 2:1. Slopes greater than 2:1 shall either be retained or shall be engineered by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer.
26. The turnaround at the proposed garage does not allow a standard composite vehicle to attain the desired direction in no more than one turning movement when backing out of the garage. Revise the plans to meet this requirement.
27. Provide a pedestrian path-of-travel from the proposed garage to the propose dwelling.
28. The slope of the existing gravel driveway proposed for re-grading/expanding is 14%. Driveways with a slope of 12% or greater shall be asphalt or concrete. Revise the plans to meet this requirement.
29. Provide the cross slope for the driveways. Cross slopes shall not exceed 8%.
30. Provide the slope for all parking spaces. Slopes should not exceed 5%, and shall not exceed 8%.
31. Provide a centerline profile for the 150-ft+ driveway [MCC§24.04.277].
32. Provide a fire truck turnaround at the end of the 150-ft+ driveway.
33. Provide a vertical curve transition between Via De La Vista and the new driveway entrances. Vertical curve transitions shall begin a minimum of 4-ft from the Via De La Vista edge-of-pavement (extend the existing cross slope of Via De La Vista a minimum of 4-ft into the driveway prior to beginning the vertical curve transition). A transition of no more than 12% difference in slopes over 15-linear-feet is a conservative guideline for vertical curve transitions.
34. For the existing driveway, the approach from the edge-of-pavement of Via De La Vista shall be paved with asphalt for the first 30-ft or to the property line, which ever is greater [MCC§24.04.290].
35. Provide a minimum of 6-in wide concrete band interface between the pavers and the driveway approach asphalt at the property line for the proposed driveway.
36. For the new driveway, the approaches shall be paved with asphalt from the Via De La Vista edge-of-pavement to the property line [MCC§24.04.290].
37. Show the entire width of the right-of-way on the Site Plan.
38. An encroachment permit shall be required for all work within the Via De La Vista right-of-way.
39. The minimum passable width for driveway gate shall be 12-ft [MCC§24.04.260].
40. Planting of new trees within a County-Maintained roadway is prohibited [MCC§24.04.760]. Remove all proposed trees within the Via de la Vista right-of-way.
41. 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.

Environmental Health Services

42. A permit is required from EHS for an up-to-code, Class I onsite sewage disposal system to serve the main residence and the second unit. Submit a completed Application to Construct an Individual Sewage Disposal System accompanied by three copies of a septic system design which is adequate for the proposed construction pursuant to Marin County Code Chapter 18.06. Prior to obtaining a building permit, the permit to construct the septic system is required. Note; An acceptable site review and percolation tests were completed 1/29/10.

Inverness Public Utility District – Fire

43. Interior residential fire sprinklers will be required in the new residence pursuant to Marin County Code
44. A water service upgrade will be required to meet new residence fire sprinkler requirements.
45. Street address is to be posted where readily visible from Via De La Vista, Street address numbers to be four inches minimum in height and made of reflective material.

Inverness Public Utility District – Water

46. Increased residential and fire flow demands require that the owner(s) enter into a customer work agreement with Inverness Public Utility District to determine if existing water facilities are adequate, and owner(s) may be required to enter into a subsequent customer work agreement to upgrade the existing facilities.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Williams Coastal Permit (CP 10-25) and Design Review (DR 10-57) approval by obtaining a Building Permit for the approved work and substantially completing all work before May 27, 2012, 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 Sections 22.56.120I and 22.82.130I of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on June 3, 2010.

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 27th day of May, 2010.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary