



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C2	Application No:	CP 10-21 and DM 10-22
Applicant:	Paul Korhummel	Owner:	James & Joyce Laws
Property Address:	180 Keith Way, Inverness	Assessor's Parcel:	112-112-15
Hearing Date:	June 17, 2010	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	June 24, 2010
LAST DATE FOR ACTION:	July 6, 2010

PROJECT DESCRIPTION:

The applicant, on behalf of the owners, is requesting Coastal Permit and Minor Design Review approval to construct a new, detached 750-square foot structure with a 345-square foot deck that would be accessory to an existing 2,700-square foot single-family residence with a 640-square foot garage on a 1-acre parcel. The one-story, 15-foot high structure would result in an 8% floor area ratio and would maintain the following setbacks: (1) 43 feet from the southerly front property line, (2) 6 feet from the easterly side property line, (3) 88 feet from the westerly side property line; and (4) 225 feet from the northerly rear property line.

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) and C-RSP-0.5 (Coastal, Single-family Residential Planned, 1 unit/2 acres)
Community Plan:	Inverness Ridge Communities Plan
Lot size:	1-acre
Adjacent Land Uses:	Single-family residential
Vegetation:	Oak and bay woodlands with ornamental landscaping near residence
Topography and Slope:	Moderate slope – approximately 23-25% according to MarinMap
Environmental Hazards:	Urban Wildland Interface fire area

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 of the CEQA Guidelines because it entails construction of a new accessory structure on a developed lot that would not result in potentially significant impacts to the environment.

PUBLIC NOTICE:

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Local Coastal Program - Unit 2, and the Inverness Ridge Communities Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

Background

The subject property is located on a moderately to steeply slopped lot on the north-facing slope above Inverness. In the Inverness Ridge Communities Plan, the area would be considered part of the Stirling Way/Rannock/Woodhaven neighborhood. The property is currently developed with a 2,700-square foot single-family residence and a 640-square foot garage constructed. The single family residence was constructed in 1985 as approved by Coastal Permit 85-09 and Design Review 85-37 on April 29, 1985 and subsequent Design Review Waiver issued on September 30, 1985. In early 1987, an application was filed seeking additions to the single-family residence, construction of a detached garage, and detached second unit (CP 87A-04, Second Unit Use Permit 87A-01, and Design Review Waiver 87A-04.) The addition and second unit were denied for visual impacts. The garage was approved and constructed. At that time, the property was 22,213 square feet in size and identified as Assessor's Parcel 112-112-07.

On December 6, 1995, Lot Line Adjustment 96-003 was approved expanding the property to its current size and configuration. The proposed accessory structure would be located on a portion of the expanded area, avoiding earlier concerns for visual impacts. The proposed project would increase the existing 6.4% floor area ratio of to 8%. The surrounding neighborhood is characterized by single-family residences with varied sizes and architectural styles.

The current application was filed on December 18, 2009. In response to comments, the applicant made six re-submittals to provide a biologist's report and clarify the site plan, height, and floor area. The only revision to the project was shifting the accessory structure 4 feet closer to the easterly side and southerly front property lines. This modification was made after the story poles were put up to preserve the panoramic view from the single-family residence.

Biological Resources

The County GIS Natural Diversity Database indicated the potential location of the following special status species at the project site: Marin Knotweed, Point Reyes Mountain Beaver, Lyngbye's Sedge, Marin Checker Lily, Coast Lily, Marin Hesperian, North Coast Phacelia, and Northern Maritime Chaparral, which includes Marin Manzanitas. A northern spotted owl nest has been identified within a half mile of the project site. A Biological Assessment was prepared by Gary Deghi, Huffman-Broadway Group, Inc that included site visits on March 9 and April 21, 2010. He concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species. The closest Northern Spotted Owl nest is over 984 feet to the south of the property, a distance at which no significant auditory and visual disturbance would occur from the proposed construction.

As noted in the biologist report, the project site was cleared of native understory and trees over the past year. Three Coastal live oaks were removed in 2009 and another 24-inch diameter oak tree at

breast height would be removed as part of the project. A replacement tree would be required to offset the loss of native trees.

Second Unit

While the accessory structure is proposed for use as a second unit, Second Unit Permits are ministerial. Therefore, a separate Administrative Decision would be issued after the appeal period for the approved project. The application was transmitted to agencies and local groups as a proposed second unit.

Project Review

The project was transmitted to the Marin County Department of Public Works (DPW) and Environmental Health Services (EHS), Inverness Public Utility District (IPUD), Inverness Association, and the California Coastal Commission. Comments received from DPW, EHS, IPUD, and the Coastal Commission are attached. No other comments were received.

PUBLIC COMMENT

The Community Development Agency 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 was mailed to all property owners within 600 feet of the subject property.

One letter was received expressing concern about the added wear and tear on nearby Vision Road from construction related traffic (See Attachment 12.). Since Vision Road is a private road, the County has no authority to restrict access, nor the means to enforce such a restriction. Marin County Code Section 24.04.016 makes permittees responsible for the repair of any existing facilities (e.g. pavement, curb, gutter, sidewalk, landscaping, etc) that, as a direct result of their construction activities, have been damaged beyond normal wear and tear. However, again since Vision Road is a private road, the County will not document pre/post construction roadway conditions. Any concerns regarding the maintenance of the private road are a civil issue. Both the Vision Road Owners Association and the applicant/owners would benefit in documenting pre/post-construction roadway conditions.

At the time of this report, no other comments were received from the public regarding this project.

RECOMMENDATION:

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

- Attachments:
1. Proposed Resolution recommending approval of the Laws Coastal Permit and Minor Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Exhibit A – Site Plan, Floor Plan, Elevations, and Vegetation Management Plan
 6. Biologist Report, Gary Deghi, Huffman-Broadway Group, 4/21/2010
 7. Arborist Letter, Jim Riboli, 2/19/2010

8. Environmental Health Services, Memo, 1/11/2010
9. Department of Public Works Memo, 1/5/2010
10. Inverness Public Utility District Memo, 1/11/2010
11. California Coastal Commission, Ruby Pap Email, 1/14/2010
12. Christopher Burdick Email, 2/4/2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE LAWS
COASTAL PERMIT AND DESIGN REVIEW
180 KEITH WAY, INVERNESS
ASSESSOR'S PARCEL 112-112-15

SECTION I: FINDINGS

- I. WHEREAS the applicant, on behalf of the owners, is requesting Coastal Permit and Minor Design Review approval to construct a new, detached 750-square foot structure with a 345-square foot deck that would be accessory to an existing 2,700-square foot single-family residence with a 640-square foot garage on a 1-acre parcel. The one-story, 15-foot high structure would result in an 8% floor area ratio and would maintain the following setbacks: (1) 43 feet from the southerly front property line, (2) 6 feet from the easterly side property line, (3) 88 feet from the westerly side property line; and (4) 225 feet from the northerly rear property line. The subject property is located at **180 Keith Way, Inverness** and is further identified as **Assessor's Parcel 112-112-15**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing June 17, 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 of a new accessory structure on a developed lot 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 (CWP) for the following reasons:
 - A. The proposed project would comply with the C-RSP-0.33 (Coastal, Single-family Residential Planned, 1 unit/3 acres) and C-RSP-0.5 (Coastal, Single-family Residential Planned, 1 unit/2 acres) land use designations because the structure is an accessory to the single family use of the property;
 - B. The proposed 15-foot high, 750-square foot accessory structure would result in development which conforms to the governing standards related to building height and size;
 - C. The proposed project would comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
 - D. The proposed 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;

- E. The proposed project would not cause foreseeable significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
 - F. The project will preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Inverness Ridge Communities Plan because:
- A. The project would involve the construction of an accessory structure on a developed property, which is a permitted use under the governing zoning district and would be compatible with the surrounding residential uses.
 - B. The project would be architecturally consistent with its surroundings, would not be unsightly in design, and would not create substantial disharmony with its locale and surroundings.
 - C. The accessory structure would not exceed 15-feet in height and would be clustered on the property near the existing single-family residence and garage.
 - D. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Coastal Permit findings pursuant to Marin County Code Section 22.56.130I and that this project conforms to the requirements of Local Coastal Program, Unit 2, for the reasons listed below:
- A. Water Supply:**

The Inverness Public Utilities District currently serves the subject property and, as conditioned, may require an upgrade of the water supply line for the project. The District did not present opposition to the project.
 - B. Septic System Standards:**

The subject property is currently served by an on-site water disposal system. As a condition of approval, the applicant would be required to apply for a minor modification septic permit with Environmental Health Services and submit supporting data. Septic system upgrades may be necessary, depending on the condition of the existing system.
 - C. Grading and Excavation:**

Because of the site's slope, the proposed structure will be set into the hillside to minimize its visibility. This would result in the excavation of approximately 180 cubic yards of soil that would be distributed on site under the direction of the geotechnical engineer's recommendation. 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 currently developed property is located in an area of high archaeological sensitivity. However, the site is already developed so it is unlikely that archaeological resources are located in situ. Standard condition of 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:

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 would entail construction of a new accessory structure and, if approved as a second unit, would increase the availability of housing stock in Inverness.

G. Stream and Wetland Resource Protection:

The location of the project site is not subject to the stream or riparian protection policies as identified on the Natural Resources Map for Unit 2 of the Local Coastal Program, nor is it located near any stream indentified on the U.S. geological Survey Maps. A site visit by a biologist confirmed that no areas exist on the property that would be defined as a wetland and that the nearest stream is located more than 500 feet from the project.

H. Dune Protection:

The proposed project is not located in a dune protection area as identified 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. A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicated that the subject property is in a potential habitat area for following special statue species: Point Reyes Mountain Beaver and the Northern Spotted Owl. A Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc, including site visits on March 9 and April 21, 2010, concluded that the proposed project would not result in any significant adverse impacts on special status plant or animal species. It is noted that the closest Northern Spotted Owl nest is located over 984 feet to the south of the property, a

distance at which no significant auditory and visual disturbance would occur from the proposed construction.

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 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 Natural Diversity Database indicates the potential location of the following special status species: Marin Knotweed, Lyngbye's Sedge, Marin Checker Lily, Coast Lily, Marin Hesperian, North Coast Phacelia, and Marin Manzanita. The Biological Assessment prepared for the project indicated that these species were not found and would not occur in the portion of the site proposed for new construction. Nearly all the vegetation in the immediate vicinity of the existing residence is non-native landscape or ornamental species and does not provide habitat for special status plant species.

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:

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

M. Public Works Projects:

This finding is not applicable. The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards:

No land division or lot 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 because it would not exceed a height of 15 feet above grade. The proposed structure will not obstruct public views of the coast and will be screened by topography, tree canopies, and an existing fence. 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.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Design Review findings pursuant to Marin County Code Section 22.82.040I for the reasons listed below.

A. It is consistent with the Countywide Plan and any applicable community plan and local coastal program;

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

B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The project is 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 design of the structure is consistent with the architectural design of the existing single-family residence and is compatible with the community and the site surroundings. The accessory structure would be located behind an existing fence and partially screened by existing trees. The uphill portion of the structure would be set into the hillside, with minimal visibility to the public or neighbors.

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 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 would be contained within the parcel and would not impact development on public lands or rights-of-way.

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 is located entirely within the subject parcel and would not result in development that would impact future improvements to the surrounding properties.

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

The proposed project would remove one 24-inch Coastal live oak. Three other oaks were removed on the building site in 2009, along with native undergrowth. As conditioned, the applicant would plant one replacement oak tree downslope of the accessory structure to offset the loss of native trees and provide screening. The property is wooded and no additional vegetation is proposed. Any areas disturbed by construction would be reseeded with native grasses for erosion control. Native understory should regenerate.

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;

The proposed project has been designed to minimize adverse visual effects related to design and building mass. The uphill portion of the structure would be cut into the hillside so that the structure is approximately 9 feet above grade on the southerly uphill side facing the road. The project incorporates articulations and height changes, which minimize overall mass and bulk. There are no unbroken vertical walls on the structure. It has also been designed to meet all height standards of the LCP, Unit 2, and Title 22I.

2. Drainage systems and appurtenant structures;

All conceptual plans have been reviewed by the Department of Public Works (DPW) and, as conditioned, are approvable.

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 180 cubic yards of cut, which would be used on site. Grading would be limited to the footprint of the structure.

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

The proposed project has been reviewed by DPW to ensure that no work would be located within rights-of-way or affect the movement of people or vehicles. No new fencing is proposed that would affect the circulation of animals.

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

3492 for the conservation of natural resources and energy consumption. As noted in B above, the design is compatible with the prevailing architectural style in the neighborhood.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Laws Coastal Permit (CP 10-21) and Minor Design Review (DM 10-22) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56I (Coastal Permit) and 22.82.040I (Design Review) of the Marin County Interim Zoning Ordinance, the Laws Coastal Permit and Minor Design Review is approved to construct a new, detached 750-square foot structure with a 345-square foot deck to be accessory to an existing 2,700-square foot single-family residence on a 1-acre parcel. The one-story, 15-foot high structure is approved to maintain the following setbacks: (1) 43 feet from the southerly front property line, (2) 6 feet from the easterly side property line, (3) 88 feet from the westerly side property line; and (4) 225 feet from the northerly rear property line. The subject property is located at 180 Keith Way, Inverness and is further identified as Assessor's Parcel 112-112-15.

2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 4 sheets prepared by Paul Korhummel, dated and received May 5, 2010, and on file in the Marin County Community Development Agency.

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 Exhibit A.

a. Include the planting of one Coast live oak tree, to be at least 15-gallon size and located downslope of the new accessory structure.

b. Revise sheet 1 to reference the correct project address at 180 Keith Way, Inverness and correct floor area ratios.

3. Approved exterior building materials and colors shall substantially conform to the elevations in Exhibit A and the materials sample board identified as **Exhibit B**, received December 18, 2009, and on file with the Marin County Community Development Agency including:

a. Siding – Cedar shingle, cedar board and batten, and Buckskin stucco

b. Roof – Weatherwood composition shingle

c. Trim – Cedar shingle

d. Sash/Metal Flashing – Dark anodized bronze

All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

4. 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.
5. 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.
6. Only those trees identified in **Exhibit A** shall be removed for this project. 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.
7. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.
9. 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.
10. 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.
11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. 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.
13. 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.
14. 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.

Department of Public Works

PRIOR TO ISSUANCE OF A BUILDING PERMIT,

15. Provide more detail on the outfall energy dissipation facilities. The drainage and grading plans shall be designed by either a registered Engineer or Architect. Plans must have the Engineer's/Architect's wet stamp and signature.

16. Submit Erosion and Siltation Control plans.
17. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading and drainage 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.
18. 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 Services

PRIOR TO ISSUANCE OF A BUILDING PERMIT,

19. Apply for a minor modification septic permit with Environmental Health Services and submit supporting data. Septic system upgrades may be necessary, depending on the condition of the existing system.
20. The primary residence and second unit will need to be fitted with low flow water fixtures.
21. Provide a will served letter for water service to from the Inverness Public Utility District.

Inverness Public Utility District – Fire Department

22. Interior residential fire sprinklers are required for the accessory structure per Marin County Code.
23. Street address shall be posted where readily visible from Keith Way. Street address numbers shall be at least four inches in height and made of reflective material.
24. The subject property is within the jurisdiction of the Inverness Fire Department and therefore review and approval of the vegetation management plan will be performed by the Inverness Fire Department.

Inverness Public Utility District – Water System

25. Installation of the fire sprinklers may require upgrading the size of the water service. If a service upgrade is needed, the property owner will have to enter into a written agreement with the Water System to upgrade the property's meter and connection to the main.

SECTION III: VESTING 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 **June 17, 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 Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. 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 such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on June 24, 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 17th day of June, 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary