



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

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

Item No:	C1	Application No:	CP 10-26 and DR 10-59
Applicant:	Onju Updegrave	Owner:	Ron & Tere Bennett
Property Address:	90 Drakes View Drive, Inverness	Assessor's Parcel:	114-111-21 (formerly 114-110-15)
Hearing Date:	July 1, 2010	Planner:	Lorene Jackson

RECOMMENDATION:	Approve with Conditions
APPEAL PERIOD:	July, 9, 2010
LAST DATE FOR ACTION:	August 1, 2010

PROJECT DESCRIPTION:

The applicant, on behalf of owners Ron and Tere Bennett, is requesting Coastal Permit and Design Review approval to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. The addition includes a 97-square foot entry, a new 494-square foot garage, and 567-square foot shop with a 48-square foot loft. The one-and-a-half story, 19.5-foot high addition would result in a 7.2% floor area ratio and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials would match the existing residence. Five trees would be removed in the footprint of the addition and three replacement trees planted, along with landscaping of native shrubs for screening.

GENERAL INFORMATION:

Countywide Plan:	C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)
Zoning:	C-RSP-0.25 (Coastal, Single-family Residential Planned, 1 unit/4 acres)
Community Plan:	Inverness Ridge Communities Plan
Lot size:	45,302 square feet (1.04-acre)
Adjacent Land Uses:	Single-family residential
Vegetation:	Montane hardwood-conifer forest that includes Bishop Pine, oak, and bay trees
Topography and Slope:	Moderate to steep slope
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 attached garage and workshop on a developed lot that would not result in potentially significant impacts to the environment

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 sloped lot on the north-facing slope above Inverness. The site is part of the Paradise Estates neighborhood in the Inverness Ridge Communities Plan. The property is currently developed with a 2,095-square square foot single-family residence that was constructed as approved by Coastal Permit 90-027 and Design Review 89-099 on April 20, 1989. Approval was also granted at that time for a 441-square foot detached second unit (SU 89-017) to be located 5-feet from the southerly roadway easement (the area of the currently proposed workshop) and to attain a maximum height of 15 feet. The second unit was never constructed.

A Design Review Exemption was issued on June 24, 1994, approving the existing 128-square foot solarium constructed on an existing deck on the northerly side of the residence.

The current application was filed on December 30, 2009. The applicant provided three re-submittals responding to agency comments. This included submittal of a biologist's report and the following project revisions: 1) an increase in the setback along the Drakes View Road easement from 3 feet to 5 feet, 2) a reduction of the maximum height of the workshop from 21 feet to 19.5 feet, and 3) the addition of three replacement trees and landscaping to screen the addition along the southerly and southeasterly side of the workshop. The height was lowered by reducing the pitch of the shed roof from 12:5 to 12:4.5 and lowering the floor of the workshop. In response to suggestions that the project be located north of the existing house, the applicant noted that an alternative site would be more visible, require the removal of more trees and vegetation, and entail construction on a steeper slope. Story poles have been erected to demonstrate the visual impacts of the project.

Site and Building Design

The proposed addition would be located in a wooded area along the inside curve of Drakes View Drive. The new garage would be level with the existing parking pad, while the workshop would be stepped down the hill with a new separate driveway entrance. The garage would be situated approximately 20 feet from the edge of pavement, with the workshop located 26 feet from the edge of pavement. The project incorporates articulation, design, and materials that blend with the existing house and neighborhood. (Please see Design Review findings in the attached Resolution for further discussion.) Five trees and a moderate understory would be removed for the footprint of the addition and new driveway. To be consistent with the Inverness Community Plan, staff recommends the planting of five replacement trees, two more than proposed in the submitted landscape and vegetation management plan.

Biological Resources

The County GIS Natural Diversity Database indicates the potential location of the following special status species at the project site: Great Blue Heron, Great Egret, and Western Leatherwood. The project site was identified as having a 41-80% probability of Spotted Owl habitat. The Coastal Commission further identified the potential presence of Marin Manzanita. A Biological Assessment was prepared by Gary Deghi, Huffman-Broadway Group, Inc that included site visits on February 25, 2010 and March 9, 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 nests are over 3,300 feet to the north and south of the property, a distance at which no significant auditory and visual disturbance would occur from the proposed construction.

Project Review

The project was reviewed by the Marin County Department of Public Works (DPW) and Environmental Health Services (EHS), Marin County Fire Department (MCFD), North Marin Water District (NMWD), the Inverness Association, and the California Coastal Commission. Comments received from DPW, EHS, MCFDI, NMWD, 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. Two letters of support were received. (See Attachments 14 and 15.) The neighbors at 85 Drakes View Drive expressed initial concerns about the mass and bulk of the project, privacy, and effects on the line-of sight for Drakes View Drive. However, after discussions with the property owner, their concerns seem to have been allayed. (See Attachment 16.)

RECOMMENDATION:

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

- Attachments:
1. Proposed Resolution recommending approval of the Bennett Coastal Permit and 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. Exhibit B – Building Materials to Match Existing House
 7. Biologist Report, Gary Deghi, Huffman-Broadway Group, 3/10/2010
 8. Department of Public Works Memo, 4/12/2010
 9. Environmental Health Services, Memo, 1/11/2010
 10. Marin County Fire Department Letter, 5/17/2010
 11. Marin County Fire Department Memo and Hold, 1/29/2010
 12. North Marin Water District Letter, 1/21/2010
 13. California Coastal Commission, Ruby Pap Email, 1/12/2010
 14. Esther Kooiman Letter, 5/1/2010

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15. Ethan Hamm Letter, 5/7/2010
16. Lucy Fine and Shuli Goodman Emails, 6/22/2010 and 6/23/2010

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING THE
BENNETT COASTAL PERMIT AND DESIGN REVIEW
90 DRAKES VIEW DRIVE, INVERNESS
ASSESSOR'S PARCEL 114-111-21

SECTION I: FINDINGS

- I. WHEREAS the applicant, on behalf of the owners, is requesting Coastal Permit and Design Review approval to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. The addition includes a 97-square foot entry, a new 494-square foot garage, and 567-square foot shop with a 48-square foot loft. The one-and-a-half story, 19.5-foot high addition would result in a 7.2% floor area ratio and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials will match the existing residence. Five trees would be removed in the footprint of the addition and three replacement trees planted, along with landscaping of native shrubs for screening. The subject property is located at **90 Drakes View Drive, Inverness** and is further identified as **Assessor's Parcel 114-111-21**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing July 1, 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 attached garage and workshop 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-0.25 (Coastal, Single-family Residential Planned, 1 unit/4 acres) land use designation because the addition is part of the single family use of the property;
 - B. The proposed 19.5-foot high, attached addition 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 roadway construction, 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 attached garage and workshop 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. To ensure the least amount of visual intrusion into the landscape, exterior building materials would be wood siding to match the existing single-family residence.
 - C. The attached garage and workshop would not exceed the 30-foot height limit and would be clustered on the property near the existing single-family residence.
 - D. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
 - E. The proposed landscaping would use indigenous, drought resistant species to provide screening.
- 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 North Marin Water District currently serves the subject property and may require an upgrade of the water supply line for the project. As conditioned, once the upgrades are made, the District will provide a final “will serve” letter to the County.
 - B. Septic System Standards:**

The subject property is currently served by an on-site water disposal system. As conditioned, the applicant would be required to submit a passing septic inspection report performed by a qualified service provider and conduct a hydraulic load test.

C. Grading and Excavation:

To minimize visibility, the proposed structure would be set slightly into the hillside. This, along with some grading for the new driveway to the workshop, would result in approximately 31.5 cubic yards of cut and 17 cubic yards of fill. The small amount of excess soil would be distributed on site. 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 not located in an area of archaeological sensitivity. Nonetheless, a 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 will have no impact upon the availability of affordable housing stock within the Inverness community because no housing is proposed to be demolished.

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 1,000 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: Great Blue Heron, Great Egret, and the Northern Spotted Owl. A Biological Assessment prepared by Gary Deghi, Huffman-Broadway Group, Inc, including site visits on February 25, 2010, and again briefly on March 9, 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 nests are located over 3,300 feet to the north and 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 only one special status species - Western Leatherwood. The California Coastal Commission indicated possible presence of 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.

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 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. 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 20 feet above grade. The proposed structure will not obstruct public views of the coast and will be screened by the existing vegetation and tree canopies, as well as new landscaping. 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 addition would result in a structure with a height, mass, and bulk proportionately appropriate to the site and neighboring development. The design of the structure would match the architectural design of the existing single-family residence and would be compatible with the community and the site surroundings. The workshop would be set into the hillside to lower the overall height of the structure. As conditioned, existing and new landscaping would provide adequate screening of the project.

- 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 and easements 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 five trees under the footprint of the addition: a 35-inch pine, 10-inch tanoak, a multi-trunk tanoak, a multi-trunk bay, and a 7-inch bay. While the property is heavily wooded, conditions of approval require the applicant to plant five replacement trees to be sited south and southeasterly of the addition, to offset the loss of native trees and provide screening. Additionally, the vegetation management and landscape plan includes the planting of native shrubs that would provide valuable screening. 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 match the architecture of the existing structure, with efforts to minimize adverse visual effects related to design and building mass. In conformance with Marin County's Single-family Design Guidelines, the addition has been stepped down the hillside to conform to the topography of the site. The project includes design elements and articulation that minimize overall mass and bulk. There are no unbroken vertical walls on the structure. The project has been designed to meet height standards of the Local Coastal Program - Unit 2 and Title 22I. The garage front, the only street-facing portion of the addition that would not be screened by vegetation, would be 15.8 feet in height. Existing and approved landscaping would provide valuable screening of the street-facing sides of the addition. While the proposed shed roof and clearstory roof contribute to the building height, they are designed to reflect the form of and provide cohesiveness with the existing single-family residence.

2. Drainage systems and appurtenant structures;

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

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 31.5 cubic yards of cut and 17 cubic yards of fill, with the excess being used on site. Grading would be limited to the footprint of the structure and the new driveway for the workshop.

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 proposed project would be required to meet the "Green Building Standards for Compliance for Residential and Commercial Construction and Remodels", effective June 18, 2010. Additionally, the project would be required to meet Title 24 and Ordinance 3492 for the conservation of natural resources and energy consumption. The design matches the existing single-family residence and is compatible with the varied architecture in the neighborhood.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Bennett Coastal Permit (CP 10-26) and Design Review (DR 10-59) 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 Bennett Coastal Permit and Design Review are approved to construct a 1,206-square foot addition to an existing 2,095-square foot single-family residence on a 45,302-square foot lot. The addition is approved to include a 97-square foot entry, an attached 494-square foot garage, and attached 567-square foot shop with a 48-square foot loft. The one-and-a-half story addition is approved to attain a maximum height of 19.5 feet and maintain the following setbacks: 5 feet from the 25-foot roadway easement along the southwesterly front property line for Drakes View Drive and 130 feet from the easterly side property line. Exterior building materials are approved to match the existing residence. The subject property is located at 90 Drakes View Drive, Inverness and is further identified as Assessor's Parcel 114-111-21.

2. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A**, consisting of 6 sheets prepared by Onju Updegrave, dated March 18, 2010, revised April 30, 2010, and received May 4, 2010, and on file in the Marin County Community Development Agency.
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 A-1** and shall supersede Exhibit A.
 - a. Revise the Vegetation Management and Landscape Plans to 1) include the planting of five native replacement trees, to be at least 15-gallon size and located south and southeasterly of the addition, and 2) note that any areas disturbed by construction must be reseeded with native grasses for erosion control.
4. Approved exterior building materials and colors shall match the existing house as presented in **Exhibit B**, received December 30, 2010, and on file with the Marin County Community Development Agency including:
 - a. Siding and Trim – Wood fascia stained to match existing
 - b. Roof – Asphalt shingle to match existing house
 - c. Windows–Dark bronze metal frame

All flashing, metalwork, 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 conditions of approval as notes.
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 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.
7. 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.
8. 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.

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:
 - 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.
11. 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.
12. 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.
13. 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.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT,

14. 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.
15. A registered Engineer shall design the site/driveway retaining walls. 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.
16. 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). 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.
17. Submit Erosion and Siltation Control plans.
18. Provide a drainage plan for the project.
19. 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

20. BEFORE ISSUANCE OF A BUILDING PERMIT, submit a passing septic inspection report performed by a qualified service provider. A hydraulic load test will be required.

Marin County Fire Department

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan, as revised to meet condition 3 above, and that the project complies with all applicable fire safety requirements.
22. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management/Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
23. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

North Marin Water District

24. The North Marin Water District currently provides potable domestic water service to the property. If fire sprinklers are required, replacement of the existing lateral and meter will be necessary in order to provide the flow required by the sprinkler system. The applicant shall contact the District to arrange for this upgrade. This response applies to domestic water service only and not water required by the Fire District for fire protection. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that the required water service upgrade has been completed.

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 **July 1, 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 July 9, 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 1st day of July 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary