



MARIN COUNTY  
 COMMUNITY DEVELOPMENT AGENCY  
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR  
 FORGAN DESIGN REVIEW AND USE PERMIT**

Item No:	C1	Project ID No:	10-0054
Applicant:	Robert Forsher	Application No:	DR 10-80 and UP 10-21
Property Address:	130 Deer Park Ave, San Rafael	Owner:	Jeffrey & Nathalie Forgan
Hearing Date:	September 30, 2010	Assessor's Parcel:	016-041-02
		Planner:	Lorene Jackson

<b>RECOMMENDATION:</b>	<b>Approve with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>October 14, 2010</b>
<b>LAST DATE FOR ACTION:</b>	<b>October 9, 2010</b>

**PROJECT DESCRIPTION:**

The applicant, Robert Forsher, on behalf of property owners Jeff and Nathalie Forgan, proposes to construct a 1,520-square foot addition and new 776-square foot attached garage to an existing 2,845-square foot single-family residence with an attached 526-square foot garage. The project entails the demolition of the existing garage and 391 square feet of living area. The resulting 3,974-square foot single-family residence with an attached 776-square foot garage would result in an 8% floor area ratio. The addition would attain a maximum height of 17 feet and would have the following setbacks: (1) 88.2 feet from the westerly front property line; (2) 33.8 feet from the northerly side property line; (3) 90.5 feet from the southerly side property line; and (4) 102.5 feet from the easterly rear property line. Design Review is required because the addition is greater than 1,000 square feet. The applicant requests Use Permit approval to legalize an existing 3,150-square foot sports court enclosed by a 6-foot high chain link fence and located with the following approximate setbacks: (1) 188 feet from the westerly front property line, (2) 145 feet from the northerly side property line, (3) 19 feet from the easterly rear property line, and (4) 19.3 feet from the southerly side property line. Design Review is also required to allow the sports court to be located within the 20-foot side yard setback required by the R1-B4 zoning district.

**GENERAL INFORMATION:**

Countywide Plan:	SF3 (Single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres)
Zoning:	R1-B4 (Single-family Residential, 1-acre minimum lot area)
Lot size:	52,378 square feet
Adjacent Land Uses:	Single-family Residences
Vegetation:	Introduced landscaped with some native vegetation
Topography and Slope:	Moderate to steep slope, terraced
Environmental Hazards:	Urban Wildland Interface

## **PLAN CONSISTENCY:**

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

## **PROJECT ANALYSIS:**

### ***Setting***

The subject property is located on a 25.9% sloped and developed lot. The property fronts Deer Park Avenue, with the house situated down slope and screened from the street view. The northerly side property line fronting Summit Avenue is heavily vegetated, with the house situated on a steep upslope. The developed portions of the property are not visible from Summit Avenue. The San Rafael City limits border the front, northerly side, and a portion of the rear property lines. The rear of the property abuts the driveway of the adjoining property at 335 Summit Road (Assessor's Parcel Number 016-041-03.)

Vegetation is characterized by eucalyptus and oak trees along the perimeter of the property, with introduced landscaping, lawn, and a swimming pool surrounding the house. As typical of the large lots in the vicinity, the subject residence is tucked into the middle of the property and not readily visible from either Deer Park or Summit Avenues.

The subject property is located within a designated fire hazard Urban Wildland Interface. A review of the Marin County GIS indicates there are no wetlands, streams, or habitats for special-status species of plants or animals in the proximity of the subject property.

### ***Background***

A review of building permits indicates that the original 2,430-square foot house with 535-square foot accessory structure (likely the garage) was constructed in 1948. The existing, although partially demolished, 120-square foot workshop was constructed in 1970. The exterior of the easterly portion of the house was redone around 2002 when building permits were issued for new windows and a fireplace. The existing floor area of the house is about 300 square foot larger than permits were issued. A new pool and spa were built in 2005. The current application would demolish the existing western portion of the residence and garage, rebuilding it to match the remodeled easterly section.

During a site visit for the Design Review application, the sports court was noted, for which there is no permit history. Subsequently, an application for a Use Permit was filed to legalize the sports court.

The project was transmitted to the Marin County Department of Public Works, San Rafael Fire Department, Marin Municipal Water District, San Rafael Sanitation District, and the Country Club Homeowners Association. Received comments are attached. Public notices were mailed to properties within 600 feet of the subject property and published in the Marin Independent Journal. At the time this report was prepared, no written public comments had been received.

### ***Project Analysis***

The proposed addition would complete a refacing and remodel of the residence that appears to have been started in 2002. The size, scale, design, and materials of the proposed addition would be appropriate for the property and neighborhood; Design Review findings can be made to support this addition.

The existing sports court is located in the southeasterly corner of the property, and as a detached accessory structure meets the allowance for a 10-foot minimum rear yard setback. While the sports court encroaches 1 foot into the required 20-foot side yard setback, adequate screening and separation exists between neighboring structures so that Design Review and Use Permit findings can be made to approve the existing sports court.

### **RECOMMENDATION:**

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

- Attachments:
1. Proposed Resolution recommending approval of the Forgan Use Permit and Design Review
  2. CEQA Exemption
  3. Location Map
  4. Assessor's Parcel Map
  5. Project Plans – Exhibit A
  6. Department of Public Works Memo, July 20, 2010
  7. San Rafael Fire Department Memo, May 11, 2010
  8. Marin Municipal Water District Letter, April 1, 2010

Forgan\_StaffRpt.doc

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION APPROVING  
FORGAN USE PERMIT (10-21) AND DESIGN REVIEW (10-80)  
130 DEER PARK AVENUE, SAN RAFAEL  
PROJECT ID 10-0054

ASSESSOR'S PARCEL 016-041-02

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**SECTION I: FINDINGS**

- I. WHEREAS Robert Forsher, on behalf of property owners Jeff and Nathalie Forgan, proposes to construct a 1,520-square foot addition and new 776-square foot attached garage to an existing 2,845-square foot single-family residence with an attached 526-square foot garage. The project entails the demolition of the existing garage and 391 square feet of living area. The resulting 3,974-square foot single-family residence with an attached 776-square foot garage would result in an 8% floor area ratio. The addition would attain a maximum height of 17 feet and would have the following setbacks: (1) 88.2 feet from the westerly front property line; (2) 33.8 feet from the northerly side property line; (3) 90.5 feet from the southerly side property line; and (4) 102.5 feet from the easterly rear property line. Design Review is required because the addition is greater than 1,000 square feet. The applicant requests Use Permit approval to legalize an existing 3,150-square foot sports court enclosed by a 6-foot high chain link fence and located with the following approximate setbacks: (1) 188 feet from the westerly front property line, (2) 145 feet from the northerly side property line, (3) 19 feet from the easterly rear property line, and (4) 19.3 feet from the southerly side property line. Design Review is also required to allow the sports court to be located within the 20-foot side yard setback required by the R1-B4 zoning district. The subject property is located at **130 Deer Park Ave, San Rafael** and is further identified as **Assessor's Parcels 016-041-02**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on September 30, 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 (CEQA) pursuant to Sections 15301 and 15303 of the CEQA Guidelines because it entails an addition to a single-family residence and a new detached 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) that emphasize preservation of, and compatibility with, the surrounding natural resources and environment due to the following factors.
  - A. The project is consistent with the SF3 (Single-family, 1 to 5 acre minimum lot area, 1 unit/1-5 acres) land use designation and policies for the City Centered Corridor.

- B. The project is consistent with the Countywide Plan's Stream Conservation Area policies.
  - C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - D. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.
  - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
  - F. The project would minimize soil disturbance and maximize retention of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Use Permit findings (Section 22.48.040 of the Marin County Code), as specified below.

**A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all the applicable provisions of this Chapter**

Per Marin County Code (MCC) Section 22.10.030, the proposed sports court is an allowable use in the R1-B4 zoning districts with a Use Permit. The sports court is an accessory use to the primary residential use of the subject property and subject to the development standards called for in MCC Section 22.32.130.D, which again allows for a sports court with Use Permit approval. The sports court complies with the height limits for fencing (Section 22.20.050) and, since there would be no lighting on the sports courts, complies with lighting requirements (Section 22.32.130.D.2.) As a detached accessory structure, the sports court may be located up to 10-feet from the rear property line. With Design Review approval, the sports court may be allowed within the required 20-foot side yard setback established for the primary structure in the R-1:B-4 zoning district (pursuant to Section 22.20.090.C.2a.) Design Review findings can be made to allow this encroachment. See Section VI below.

**B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.**

Please see Section IV above.

**C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).**

Please see Section III above.

**D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.**

The sports court has been located and designed so that it is screened from all neighboring properties; existing vegetation provides adequate screening. Additionally, there are no lights and the court fencing does not exceed 6 feet. A sports court is compatible with the single-family residential land use in the vicinity, particularly given the large lot sizes of the surrounding neighbors. The sports court is approximately 70 feet from the easterly neighboring house and 140 feet from the southerly neighboring house.

**E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.**

The sports court is sufficiently screened and is compatible with the R1-B4 (Single-family Residential, 1-acre minimum lot area) zoning district since it will not be visible to neighboring properties or to the public.

**F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The project is located entirely on the subject property and the granting of a Use Permit would not be detrimental to the health, safety, comfort, or welfare of persons working or residing in the surrounding neighborhood.

**VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Design Review application (MCC Section 22.42.060), as specified below.**

**A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.**

Given the topography and existing landscaping, the addition and sports court would be compatible with the design of the existing residences in the vicinity and would not be unsightly to the surrounding neighborhood. The large lot size and existing front yard setback of 88.2 feet result in the addition having reasonable scale, bulk, and mass for structures on this site and in this neighborhood. Further, the addition incorporates windows, articulation, and colors that help minimize mass and bulk. Existing landscape and orientation on the subject property will sufficiently screen the addition and the sports court. To preserve screening, no existing trees outside the footprint of the addition will be removed as part of this project.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.**

The addition and sports court would be located on the subject property with adequate setbacks to adjoining residences and would not interfere with development on other properties. The addition would match the style and materials of the existing house and would not be visible from Deer Park Avenue and Summit Drive. Given the hillside, orientation, and height of the addition, the addition and sports court would not result in loss of light, air, privacy, or views in the neighborhood.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.**

Given the orientation and topography of the lot, the proposed addition and existing sports court are located with adequate separation from adjoining neighbors. No native trees are approved for removal as part of this project. The subject property is adequately landscaped around the single-family residence and sports court, with no new landscaping outside the footprint of the addition proposed for removal. However, since the subject property is situated in an Urban Wildland Area, the Fire Department may require a Vegetation Management/Defensible Space Plan. As a condition of approval, any changes to the existing landscaping to satisfy requirements for Fire Department vegetation management shall be submitted to the Planning Division for approval.

- D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).**

The proposed addition would be located on the existing graded pad, expanding upon the footprint of the existing structure. The addition has been designed to minimize the amount of grading and disturbance of natural landforms; the expanded building footprint would be primarily on existing hardscape and would entail minimal grading.

Engineering letters were provided indicating 190 cubic yards of cut and 220 cubic yards of fill in the construction of the sports court, with 30 cubic yards of imported riprap used as slope support. Disturbed areas have been re-landscaped. As a condition of approval, a grading permit would be required for the sports court, unless a building permit is required.

**E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).**

The addition conforms to the Planned District Development standards by utilizing colors and materials that blend into the natural environment and a design that blends the project into the natural topography of the site. The addition incorporates articulation and landscaping to minimize visual impacts. The maximum height of the addition is 17 feet, which is less than the 18.5 feet maximum height of the previously remodeled portion of the existing residence.

The 6-foot fencing and 12.5-foot basketball hoop for the sports court conform to design guidelines for fencing and setbacks. Single-family Residential Design Guideline A-1.4 - Grading recommends that recreation areas not exceed 50% of the footprint of the residence. Based on the resulting building area of the proposed project, the recommended size of a sports court would be 2,375 square feet. However, given the size and configuration of the lot, the sports court is acceptable and not disproportionate to the subject lot area; therefore the sports court is consistent with the grading guidelines. Further, since the sports court is existing and the hillside revegetated, removal of the sports court would necessitate further grading and movement of soil on a stabilized slope.

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

The applicant submitted a preliminary checklist indicating the project's design will foster energy and natural resource conservation. During the building permit process, the project's compliance with the County's Green Building Standards will be verified. The project would also be required to meet California Title 24 standards and Marin County Ordinance 3492.

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

The project would be consistent with the Countywide Plan as an infill residential project in a residential neighborhood. The project would be consistent with the zoning district regulations and would not be detrimental to the public health, safety, and welfare.



## SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Forgan Use Permit (UP 10-21) and Design Review (DR 10-80) subject to the conditions as specified below:

### Marin County Community Development Agency - Planning Division

1. Pursuant to Sections 22.48.040 (Use Permit) and 22.42.060 (Design Review) of the Marin County Code, the Forgan Use Permit and Design Review are approved to construct a 1,520-square foot addition and new 776-square foot attached garage to an existing 2,845-square foot single-family residence with an attached 526-square foot garage. Approval is granted to demolish the existing garage and 391 square feet of living area. The resulting 3,974-square foot single-family residence with an attached 776-square foot garage is approved to result in an 8% floor area ratio. The addition is approved to attain a maximum height of 17 feet and to have the following setbacks: (1) 88.2 feet from the westerly front property line; (2) 33.8 feet from the northerly side property line; (3) 90.5 feet from the southerly side property line; and (4) 102.5 feet from the easterly rear property line. The existing 3,150-square foot sports court is approved to be enclosed by a 6-foot high chain link fence and to have the following approximate setbacks: (1) 188 feet from the westerly front property line, (2) 145 feet from the northerly side property line, (3) 19 feet from the easterly rear property line, and (4) 19.3 feet from the southerly side property line. The subject property is located at **130 Deer Park Ave, San Rafael** and is further identified as **Assessor's Parcels 016-041-02**.
2. Development and use of the facility shall conform to site plans identified as **Exhibit A**, entitled "Forgan Residence Addition" consisting of 3 sheets prepared by Forsher & Guthrie, dated April 20, 2010, and 2 sheet prepared by J.L. Engineering dated March 2010 and January 2008, all sheets received July 13, 2010 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. Approved exterior building materials and colors shall match the existing structure and substantially conform to the color/materials sample board which is identified as **Exhibit B**, prepared by Forsher & Guthrie, received March 15, 2010, and on file with the Marin County Community Development Agency including:
  - a. Siding and Trim – Stained Cedar
  - b. Flashing – Copper
  - c. Windows – White aluminum
  - d. Roof – Tar & Gravel

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a site survey signed by a registered civil engineer or licensed surveyor whose name, address and phone number are indicated.

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 Use Permit and Design Review conditions of approval as notes.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front and side yards, the distance of the building from the nearest property line at the closest point.
7. Exterior lighting on the addition shall be located and/or shielded so as not to cast glare on nearby properties. Lighting is prohibited for the sports court.
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. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
12. 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.

Marin County Department of Public Works - Land Use and Water Resources Division

13. Based upon review of sheet 1 by J.L. Engineering, dated March 2010, last revised 21 June 2010, it appears that the construction of the sports court would require a grading permit. Specifically, the topographic information implies that roughly 8 feet of fill was installed at the southeast corner of the sports court and over 5 feet of fill was cut from the northwest corner of the sports court. The previously existing grade appears to be steeper than 5 horizontal to 1 vertical. Marin County Code (MCC) 23.08.025 Grading Permit required (4) Filling in the following manner (b) Artificial addition of earth over one foot in vertical height placed on terrain with a slope greater than five horizontal to one vertical. A grading permit will not be required if the construction of the sports court is permitted with a building permit, in which case the grading will be considered incidental to the work covered by that permit. It is noted that the referenced drawing was neither signed nor stamped by the professional of record.
14. This portion of Deer Park Avenue is a County Maintained Road; an encroachment permit from the Department of Public Works (DPW) will be required for any work in this right of way.
15. Per MCC 24.04.016, if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
16. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code sections 24.04.625 and 24.04.627.
17. Erosion control measures shall be installed prior to site disturbing activities, and shall be maintained or modified to remain effective for the duration of the work.
18. The project shall provide for at least two independently accessible parking spaces on site for the primary residence, and two independently accessible on site parking spaces for

guests. Per MCC 24.04.380(a), interior spaces must be a minimum of 9 feet by 20 feet, and head in exterior spaces must be a minimum of 8.5 feet by 18 feet.

19. Prior to Issuance of a Building Permit:

- a. Building and Safety shall determine if a building permit is required for the sports court. If no building permit is required to legalize this improvement, than the applicant shall apply for a grading permit pursuant to MCC 23.08. The grading permit application requirements are outlined in MCC 23.08.050.
- b. The April 28, 2010 letter from the project's geotechnical engineer John C. Hom, C.E., G.E. was not signed. A signed copy of this letter shall be provided.
- c. 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 a stamped and signed letter from the engineer which references the plan sheets reviewed by sheet number and date.
- d. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge). Such an application shall include calculations signed and stamped by the design Engineer. Plans shall provide clear cross sectional references to each retaining wall detail as designed by the engineer.
- e. Applicant shall provide a complete grading and drainage plan which depicts all existing and proposed drainage improvements and demonstrates that the proposed project will maintain the existing drainage patterns. The plan shall clearly identify the existing system, and the proposed improvements. Plans shall indicate total acreage of site disturbance.
- f. There shall be a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction, if applicable, was done in accordance with the approved plans and field directions. The certification letter shall indicate the project address, the APN, and the building permit number, or numbers, for the work being certified. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer after the receipt of this letter.
- g. The plans shall indicate the dimensions of the proposed interior parking spaces, and those exterior parking spaces available for guest parking. There shall be at least two independently accessible parking spaces for the primary residence, and two for the guests. Per MCC 24.04.380(a), interior spaces must be a minimum of 9 feet by 20 feet, and head in exterior spaces must be a minimum of 8.5 feet by 18 feet.
- h. Plans shall demonstrate that parking spaces are configured in such a way so that all vehicles may attain the desired direction for travel in a single movement. It is noted that there is presently a turnout or parking area on the property.

- i. The plans shall indicate the slope of the parking areas to confirm compliance with Marin County Code (MCC) 24.04.400, which requires that areas used for parking should not exceed 5% slope, and shall not exceed 8% slope. Plans shall also provide a profile of the driveway, both existing and new, in the area of proposed work.
- j. Submit Erosion and Siltation Control plan for work to be performed between October 15 and April 15, or indicate erosion control and debris barrier measures on the site plan. You may refer to the Marin Stormwater Pollution Prevention Program's website, [www.mcstoppp.org](http://www.mcstoppp.org), for suggested methods and measures under Resources for: Construction.

#### San Rafael Fire Department

20. 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 and that the project complies with all applicable fire safety requirements. **Note: Any vegetation or trees proposed for removal beyond those shown on the plans in this approval must receive prior approval from the Planning Division.**
21. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Fire Department have been met, including but not limited to installation of an automatic fire sprinkler system throughout the building.

#### **SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit or other construction permit, if required, for the approved work, including the sports courts, and substantially completing the improvements in accordance with the approved permits; and commencing the allowed use on the property, in compliance with the conditions of approval by **September 30, 2012**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 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 Use Permit is subject to revocation procedures contained in Section 22.120.030 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the public interest, health, safety, convenience, or welfare of the County.

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, before **4:00 p.m. on October 14, 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 30<sup>th</sup> day of September, 2010.

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JOHANNA PATRI  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary