

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **JONATHAN RAUH**

Application (type and number): Coastal Permit and Design Review (I. D. 09-403)

Assessor's Parcel Number: 199-261-03

Project Location: 82 Seacape Drive, Muir Beach

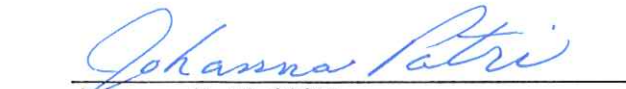
For inquiries, please contact: Greeley Scott, Planner

Decision Date: October 28, 2010

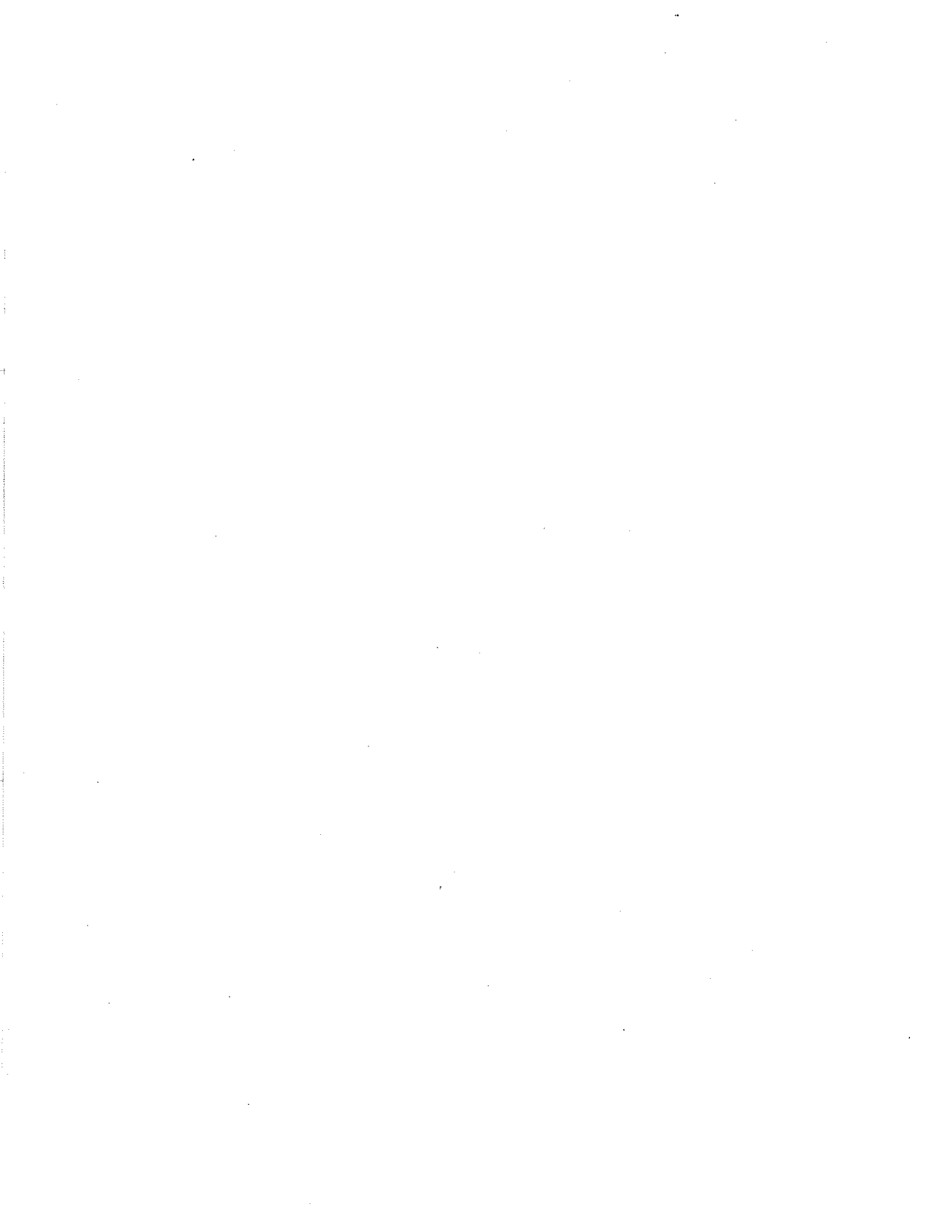
DETERMINATION: Approved with Conditions

Resolution of the October 28, 2010, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-35.

Marin County Community Development Agency



Johanna Patri, AICP
Hearing Officer



MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 10-0143

A RESOLUTION APPROVING THE RAUH COASTAL PERMIT AND DESIGN REVIEW
82 SEACAPE DRIVE, MUIR BEACH
ASSESSOR'S PARCEL 199-261-03

SECTION I: FINDINGS

- I. WHEREAS the applicant and owner, Jonathan Rauh, is seeking Coastal Permit and Design Review approvals to construct a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, along with a 591 square foot, detached garage. The proposed structure would consist of a two level primary residence with a floor area of approximately 2,883 square feet, as well as a 745 square foot second unit on the lower level. The two story residential structure would reach 25 feet in height above natural grade. The height of the proposed garage above natural grade is 15 feet. The proposed two unit residence and detached garage would result in an 18.8% floor area ratio (FAR). The two unit residence would maintain the following setbacks: 1) 32 feet from the southerly front property line; 2) 50 feet from the northerly rear property line; 3) 20 feet from the westerly side property line; and 4) 25 feet from the easterly side property line. The detached garage would maintain the following setbacks: 1) 3 feet from the southerly front property line; 2) 103 feet from the northerly rear property line; 3) 3 feet from the westerly side property line; and 4) 88 feet from the easterly side property line. The design of the proposed second unit is subject to Design Review however, the use is not subject to discretionary review and will be subject to a separate administrative decision. The subject property is located at **82 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-261-03**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing October 28, 2010, to consider the merits of the project and hear testimony regarding 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 15301, Class 1 of the CEQA Guidelines because it entails construction of a new residence and would result in no site disturbance that would negatively impact the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
 - A. The project would be consistent with the C-SF3 (Coastal, Single Family, 1 dwelling unit per 1-5 acres) land use designation;
 - B. The project will comply with CWP policies minimizing air, water, and noise pollution and comply with applicable standards for air quality. The project will cause less than significant short-term increases in construction-related emission and short-term construction-generated noise impacts will be minimized by limiting the hours of construction to the hours of 7:00a.m. and 6:00p.m., Monday through Friday, and between the hours of 9:00a.m. and 5:00p.m. on Saturday. (CWP Policies NO-1.1 and NO-1.3);
 - C. The project has been designed to be consistent with the design and scale of the surrounding community (CWP Policies, DES-1.1, DES-1.2, DES-1.h, DES-3.1, DES-4.1, DES-4.c, DES-5.1, and HS-2.2);

- D. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (*CWP Policies BIO-1.1 and BIO-1.3*) because the project would not entail the removal of a substantial number of mature, native trees.
 - E. The project would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because, according to the California Natural Diversity Database, the subject property does not provide habitat for special-status species of plants or animals.
 - F. The project would not significantly impact the ecotones on the project site (*CWP Policies BIO-2.3 and BIO-2.4*) because the subject property is located far enough from the shoreline to avoid being constrained by ecotones.
 - G. No wetlands or stream conservation areas would be affected by the project (*CWP Policies BIO-3.1 and CWP BIO-4.1*) because there are no wetlands or streams on or adjacent to the subject property.
 - H. The project would not result in significant storm water runoff to downstream creeks, or soil erosion and discharge of sediments into surface runoff (*CWP Policies BIO-4-20, WR-2.1, WR-2.2, WR-2.3, and WR-2.4*) because the proposed drainage system complies with the standards and best management practices required by the Department of Public Works.
 - I. The project would be constructed in conformance County earthquake standards, as verified during review of the Building Permit application (*CWP Policies EH-2.1, EH-2.3, and CD-2.8*) and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
 - J. The project design and conditions of approval ensure adequate fire protection (*CWP Policy EH-4.1*), removal of hazardous vegetation (*CWP Policy EH-4.2*), water for fire suppression (*CWP Policy EH-4.c*), defensible space and compliance with Marin County fire safety standards, construction of fire sprinklers and fire-resistant roofing and building materials (*CWP Policies EH-4.d, EH-4.e, EH-4.f, and EH-4.n*), and clearance of vegetation around the proposed structure (*CWP Policy EH-4.h*).
 - K. The project would meet energy efficient standards for exterior lighting, and would reducing excessive lighting and glare (*CWP Policy DES-1.h*) because exterior up-lighting is not proposed, and standard conditions of project approval require that lighting be downward directed.
 - L. The project will comply with the Marin County Single Family Dwelling Energy Efficiency Ordinance (*CWP Policy EN-1.c*) because the Energy Efficiency Ordinance requirements would be implemented during the Building Permit review process to ensure that the project minimizes energy use.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Muir Beach Community Plan including:
- A. The project is consistent with the residential character of the surrounding community and respects neighboring views and privacy (Muir Beach Community Plan, Pg 12, Muir Beach Community: Residential-Agricultural Zoning).

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130I of the Marin County Code) as specified below.

A. Water Supply

The lot is already served by the Muir Beach Community Service District. The district has found that water supply is adequate. Prior to final inspection, the applicant will need to satisfy all water standards required by the Muir Beach Community Service District. Therefore, the project is consistent with this finding.

B. Septic System Standards

The project has been reviewed and accepted by the Environmental Health Services Division. On March 7, 2007, a site review was performed by Environmental Health Services with Eckman Environmental Corporation, based on those findings was submitted on March 10, 2007 based on that review, which was found to be acceptable according to existing standards. A permit is required to construct a 4-bedroom, Class I, septic system prior to issuance of a building permit. In addition, the applicant must ensure that all required setbacks to all components of the septic system have been met during project construction. Therefore, the project is consistent with this finding.

C. Grading and Excavation

The property is subject to steep slopes, which is the rationale for the applicant proposing the garage towards the front of the lot. The residence also takes advantage of the existing contour lines on the site. As such, the project, as designed, will keep grading to the minimum amount necessary. Therefore, the project is consistent with this finding.

D. Archaeological Resources

The project is in an already relatively highly developed part of Muir Beach where previous development of all the surrounding lots has not uncovered archaeological resources. Therefore the discovery of archaeological resources on the site is unlikely. However, a standard condition of approval has been applied to the project requiring that in the event cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with this finding.

E. Coastal Access

The project site is not located adjacent to the shoreline and will therefore have no impact upon coastal access. Therefore, the project is consistent with this finding.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Muir Beach community because it does not involve removing any existing housing. The proposed project also includes a proposed second unit, which will be considered in a separate ministerial review, which would increase the amount of available inexpensive housing for the area. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection

The proposed project is located outside the vicinity of any recognized sensitive streams or wetlands subject to the stream and wetland protections of the Local Coastal Program. Therefore, the project is consistent with this finding.

H. Dune Protection

The proposed project is not located in the Dune Protection area identified by the Local Coast Plan and there are no dunes in the area. Therefore, the project is consistent with this finding.

I. Wildlife Habitat

Based on review of the California Natural Diversity Database and the Local Coastal Program natural resource maps, this region of Muir Beach does not contain any recognized wildlife habitat or special-status wildlife species. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities

Based on review of the California Natural Diversity Database and the Local Coastal Program natural resource maps, this region of Muir Beach does not contain any recognized protected native plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone. Therefore, the project is consistent with this finding.

L. Geologic Hazards

The project site is located outside of the Alquist-Priolo Special Study Zone. The Department of Public Works has also conditioned that a Registered Geotechnical Engineer or a Registered Civil Engineer with soils engineering expertise review and approve the plans. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the Uniform Building Code and as a condition of project approval, the applicant shall agree to hold the County, other governmental agencies, and the public harmless of any matter resulting from the existence of geologic hazards or activities on the subject property. Therefore, the project is consistent with this finding.

M. Public Works Projects

The proposed project will not affect any existing or proposed local public works projects in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards

No land division or property line adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources

The project is located in a relatively residentially dense portion of Muir Beach. The residence will be set back down slope, lowering its perceived height from the street, is consistent with

the Interim Zoning Code standards for height in this zoning district, and will be compatible with the surrounding community, however the property, at its rear faces out towards the valley and is upslope of Shoreline Highway (Highway One) and is located in a visually prominent area. As designed, the project is inconsistent with applicable design standards and this finding. The project has been conditioned to break up all retaining walls in excess of 6 feet. The retaining walls shall be separated by 3 or more feet and include a fully landscaped buffer. In addition, the applicant shall submit a revised landscaping plan which either relocates the proposed trees along the northerly rear property facing Shoreline Highway or includes additional, native screening trees to break up the perceived bulk of the residence. Therefore, as conditioned, the project is consistent with this finding.

P. Recreation/Visitor Facilities

The project will not have any impact upon recreation or visitor facilities because of its location along the residentially developed part of Seacape Drive and not infringing on access to the nearby Overlook or any other local visitor facilities. Therefore, the project is consistent with this finding.

Q. Historic Resource Preservation

The subject property is not located within any designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program, and the proposed project does not entail alterations to a structure that was constructed prior to 1930. Therefore, the project is consistent with this finding.

VII. Whereas, the Marin County Deputy Zoning Administrator finds that the Mandatory Findings for a Design Review per Section 22.82.040I of the Marin County Zoning Code can be made. The proposed project is within the intent and objectives for Design Review, based on the following findings:

A. **It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;**

The proposed project entails the construction of a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, along with a 591 square foot, detached garage. As noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Muir Beach Community Plan. Therefore, the project is consistent with this finding.

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 has been designed to be consistent with the design, scale, and material commonly found in the surrounding community. As designed however, the project is inconsistent with applicable design standards with regards to breaking up uninterrupted walls and overall bulk and overall perceived bulk of the structure and, as designed, is therefore inconsistent with this finding. The project has been conditioned to break up all retaining walls in excess of 6 feet facing the sides and rear of the property and 4 feet facing Seacape Drive. The retaining walls shall be separated by 3 or more feet and include a fully landscaped buffer. The proposed color scheme, a dark red for the siding and trim, for the residence is also inconsistent with County policy, which states blend with the natural landscape of earthtones found in the community. The applicant shall submit a

revised color sample for the residence and demonstrate conformance with County policy. In addition, the applicant shall submit a revised landscaping plan which either relocates the proposed trees along the northerly rear property facing Shoreline Highway or includes additional, native screening trees to break up the perceived bulk of the residence. Therefore, as modified by the conditions, the project is consistent with this finding.

- 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 proposed project entails the construction of a residence on a residentially zoned vacant lot, along with a deck, and detached garage. The project, as it is located and designed is inconsistent with applicable development standards and would potentially have an impact on the enjoyment by neighbors in the valley or driving along Shoreline Highway. The residence, as it is presently proposed would be situated upon a steep slope, with views of the valley to the east, which may impinge on the views enjoyed by those traveling on Shoreline Highway and in the valley. As such, the project has been conditioned to include a revised landscaping plan which includes 4 or more 24-inch box or larger screening trees located along the rear yard behind the residence and at an appropriate elevation to eliminate potential impacts. The revised landscaping plan shall be subject to review and approval by staff. In addition, County policy states that retaining walls in excess of 4 feet facing towards Seacape Drive and 6 feet facing towards the sides and rear of the property should be broken up with a landscaped buffer at least 3 feet deep in order to break up perceived bulk (Single-family Residential Design Guidelines C-1.7) The inclusion of screening trees and breaking up any retaining walls which exceed 4 feet facing Seacape Drive and 6 feet facing towards the rear and sides of the property will mask the perceived bulk of the house from Shoreline Highway and the valley, while still permitting the enjoyment of the views the owners of the property have. Therefore, the project would be consistent with this finding.

- 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, will not limit potential development on neighboring properties and would not have an impact on further investment or improvements on this or any other properties in the area due to the proposed design, location, and the conditioned screening of the residence as well as the breaking up of the proposed retaining walls. This will allow for development which meets applicable development standards and also addresses potential negative impacts which could otherwise result through a perceived loss of views from Shoreline Highway and the valley. Therefore, the project would be consistent with this finding.

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

The proposed project will not result in the removal of any trees or protected vegetation. In addition, the proposed landscaping along the westerly side yard removes privacy concerns that may otherwise be had by the neighbor. The project has also been conditioned to include new tree plantings at the rear of the yard to help screen the proposed residence from view by those traveling Shoreline Highway and the valley. Therefore, the project would be consistent with this finding.

F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

The proposed project entails the construction of a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, along with a 591 square foot, detached garage. The residence and garage have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and, as noted above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Muir Beach Community Plan.

2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works and the project has been conditioned so that a drainage plan be submitted and considered for ordinance compliance prior to Building Permit issuance. The applicant must submit a Stormwater Management Pollution Control Plan that addresses both interim and final stormwater pollution control measures, subject to existing Best Management Practices (BMPs).

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

The site is subject to steep slopes, however the project has been designed to take advantage of the existing contours of the property, as well as pushing the off-street parking forward to minimize the amount of necessary fill.

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

The project is entirely upon the owner's property and will not result in an increase in overall traffic and should have no impact on pedestrian, animal, or vehicular access.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The proposed project entails the construction of a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, along with a 591 square foot, detached garage. The project as designed and conditioned is consistent with the policies of the Countywide Plan, Muir Beach Community Plan, Interim Zoning Code, and is otherwise consistent with the general height and bulk of other residences found in the community. The proposed project as designed, situated, and conditioned would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties.

Therefore, the project would be consistent with this finding.

- 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 entails the construction of a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, along with a 591 square foot, detached garage in a Residential-Agricultural zoning district. The materials, design, and scale are consistent with the existing residence as well as others found in the surrounding community. The project will also need to satisfy all energy saving standards required by the Building Division prior to issuance of building permit. Therefore, the project would be consistent with this finding.

- VIII. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Rauh Coastal Permit and Design Review subject to the conditions of approval listed below. This approval authorizes the construction of a new, two-level, 3,627 square foot, two residential unit structure, with a 676 square foot deck, and a 591 square foot, detached garage. The structure shall consist of a two level primary residence with a floor area of approximately 2,883 square feet, as well as a 745 square foot second unit on the lower level. The height of the two story residential structure shall be a maximum of 25 feet in height above natural grade. The height of the garage shall be a maximum 15 feet above natural grade. The two unit residence and detached garage shall result in a maximum 18.8% floor area ratio (FAR). The two unit residence shall maintain the following minimum setbacks: 1) 32 feet from the southerly front property line; 2) 50 feet from the northerly rear property line; 3) 20 feet from the westerly side property line; and 4) 25 feet from the easterly side property line. The detached garage will maintain the following setbacks: 1) 3 feet from the southerly front property line; 2) 103 feet from the northerly rear property line; 3) 3 feet from the westerly side property line; and 4) 88 feet from the easterly side property line. The design of the proposed second unit is subject to Design Review however, the use is not subject to discretionary review and will be subject to a separate second unit administrative decision. The subject property is located at **82 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-261-03**.

SECTION II: CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Community Development Agency – Planning Division

STANDARD CONDITIONS

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Rauh/Hobson Residence," consisting of sixteen sheets prepared by Gene Clements, Architect and J.L. Hallberg, Engineer, dated March 21, 2010 and received April 20, 2010, with revisions dated September 1, 2010 and received September 10, 2010, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

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. Retaining walls in excess of 4 feet facing towards Seacape Drive and 6 feet facing towards the sides and rear of the property should be broken up with a landscaped buffer at least 3 feet deep

- b. The applicant shall submit revised landscaping plans which include 4 or more 24-inch box or larger screening trees located along the rear yard behind the residence and at an appropriate elevation to eliminate potential impacts. The revised landscaping plan shall be subject to review and approval by staff.
 - c. The applicant shall submit for review and approval an 8 ½ inch by 11 inch final color board with actual samples of exterior finishes for the approved residence and garage. The colors of the residence shall blend with the natural landscape of earthtones found in the community. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. This shall be designated as Exhibit B.
2. 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 thirty-five Coastal Permit and Design Review conditions of approval as notes.
3. 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 residences and the detached garage from the nearest property line at the closest point.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
6. 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.
7. 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.
8. 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.
 9. **BEFORE FOUNDATION INSPECTION**, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side property lines and install property line survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks prior to approval of the foundation inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit written confirmation that the staking of property lines has been properly completed and submit a written (stamped) confirmation to the Planning Division. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used to definitely measure building setbacks. It is recommended that the surveyor or civil engineer set the required setback and/or property lines with clearly marked stakes or colored line. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey of the front property line and the installed project foundation forms. The surveyor or engineer would then verify that the proposed project foundation complies with the approved setback distances from adjacent property lines as shown on the approved building permit plans and submit written (stamped) confirmation to the Planning Division. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building Inspection Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building%20Inspection%20Procedures.pdf) for additional details regarding this requirement.
 10. **BEFORE APPROVAL OF THE FRAMING INSPECTION**, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the buildings conform to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at [http://www.co.marin.ca.us/depts/CD/Forms/Building Inspection Procedures.pdf](http://www.co.marin.ca.us/depts/CD/Forms/Building%20Inspection%20Procedures.pdf) for additional details regarding this requirement.
 11. **BEFORE FINAL INSPECTION**, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping

complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

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.

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

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide all proposed site retaining walls on the site plan showing their height.
15. BEFORE ISSUANCE OF A BUILDING PERMIT, no portion of any structure shall extend beyond the property lines or encroach into the Seacape right-of-way (including footings) unless it is deemed required for safe and adequate access to the property by the designer and as approved by the Department of Public Works (DPW). Any structure approved by DPW that extends to within the Seacape right-of-way shall require a Recorded Encroachment permit.
16. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for each different type of site or driveway retaining wall with a height 4-feet or higher, and 3-feet or higher with sloped backfill or has a surcharge (walls are measured from the bottom of the footing to the top of the wall). The applicant shall include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. The applicant shall also include cross section references on the site plan to the structural plans for the retaining walls.
17. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site and driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the retaining wall back drain(s). All foundation and retaining wall back drain systems shall be completely separate from surface-water drainage systems.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, as per the Geotechnical Report of February 15, 2010 by Earth Science Consultants, cut slopes shall not exceed 2:1 without being retained.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide more detail on the drainage plan, specifically how surface flow will be managed along the uphill side of foundations and details on the French Drain. The drainage and grading plans may be designed by either a registered Engineer or Architect and shall meet the requirements and recommendations previously submitted and on file which depicted in the Geotechnical Report dated February 15, 2010 by Earth Science Consultants. In addition, review and approval of the drainage systems shall be included in the Geotechnical Engineer review/certification.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans for the construction phase of the project.

22. BEFORE ISSUANCE OF A BUILDING PERMIT, due to the steep slopes of the site, the applicant shall submit a Stormwater Runoff Pollution Control Plan that addresses both interim (during construction) and final (post construction) stormwater pollution control measures, referred to as Best Management Practices (BMP). Permanent BMPs may include, but are not limited to, artificial wetlands and ponds, sediment basins, infiltration trenches, grassed swales, filter strips and buffers, oil/water separators, and site and landscaping management procedures. The plan should follow guidelines as established in "Start at the Source", published by the Bay Area Stormwater Management Agencies Association. The Marin County Department of Public Works must approve the Stormwater Runoff Pollution Prevention Plan prior to issuance of a grading permit, a building permit or any improvement plan approval.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, an encroachment permit shall be required for work within the Seacape Drive right-of-way. Additionally, a Recorded Encroachment Permit will be required for any portion of stairs or retaining structures within the right-of-way deemed necessary for access by the design professional and as approved by the Department of Public Works.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, no lighted bollards shall be placed within the Seacape Drive right-of-way. The proposed lighted bollards shall be removed from the Seacape right-of-way and be relocated entirely within the property boundaries.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, the driveway approaches shall be paved with asphalt from the Seacape Drive edge-of-pavement to the property line. A concrete approach will not be allowed.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a vertical curve transition between Seacape Drive and the new driveway entrances. Vertical curve transitions shall begin a minimum of 4-ft from the Seacape Drive edge-of-pavement (extend the existing cross slope of Seacape Drive a minimum of 4-ft into the driveway prior to beginning the vertical curve transition). A transition of no more than 12% difference in slopes over 15-linear feet is a conservative guideline for vertical curve transitions.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a centerline profile for the main driveway showing slopes and vertical curve transitions.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, Marin County Code (MCC) §24.04.280 requires that driveway grades should not exceed 18% and shall not exceed 25%. In addition, driveway grades over 18% shall be constructed of a brushed-surface concrete. If unit-pavers are proposed for the driveway, provide engineer specifications for the pavers to be rated for slopes greater than 18%, otherwise, all driveway grades of 18% or greater shall be brushed-surface concrete.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a 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.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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, the applicant shall note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

31. No landscaping other than low-lying vegetation such as native grasses is allowed within the Seacape right-of-way.

Marin County Community Development Agency, Environmental Health Services

32. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall obtain a permit to construct a 4-bedroom, Class I, septic system. A 10 foot setback is required from the existing deck located on the property line and the proposed leach field.

Marin County Fire Department

33. 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.
34. 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.
35. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

SECTION III: VESTING AND APPEAL RIGHTS

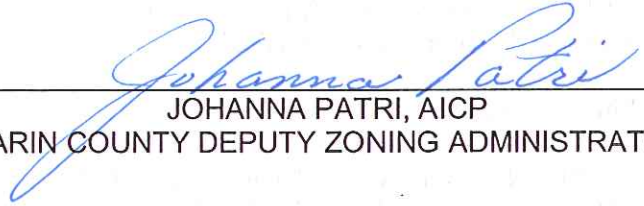
NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **October 28, 2012**, or all rights granted 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 November 4, 2010**.

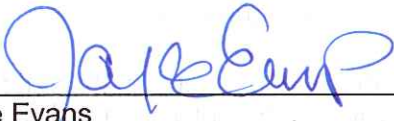
SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28th day of October, 2010.



JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary