

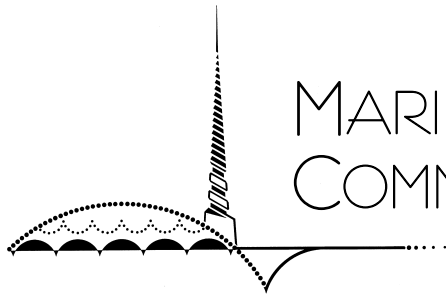
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – November 18, 2010

Hearing Officer Johanna Patri, AICP, Consulting Planner

Staff Present: Lorene Jackson, Planner

Joyce Evans, Recording Secretary

Convened at 9:01 A.M.
Adjourned at 9:04 A.M



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF DECISION

Applicant's Name: **AURAN PIATIGORSKY**
Application (type and number): **Coastal Permit And Design Review (I. D.10-0112)**
Assessor's Parcel Number: 114-120-85
Project Location: 360 Drakes View Drive, Inverness
For inquiries, please contact: Lorene A. Jackson, Planner
Decision Date: November 18, 2010

DETERMINATION: Approved with Conditions

Resolution of the November 18, 2010, Deputy Zoning Administrator's hearing is attached specifying action and applicable conditions 1-34.

Marin County Community Development Agency

Johanna Patri, AICP
Hearing Officer

1. COASTAL PERMIT AND DESIGN REVIEW (I. D.10-0112): AURAN PIATIGORSKY

A new single family residence with associated accessory structures and site improvements on a vacant lot. The subject property is located at **360 Drakes View Drive, Inverness**, and is further identified as **Assessor's Parcel 114-120-85**.

The Hearing Officer asked staff to correct the appeal period to reflect five business days which excludes the Thanksgiving Holiday, to November 29, 2010.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The applicant was present and had no questions.

The public testimony portion of the hearing was opened and closed.

The Hearing Officer concurred with staff's analysis and recommendation, and approved the Piatigorsky Coastal Permit and Design Review, based on the Findings in the Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO 10-149

A RESOLUTION APPROVING THE
PIATIGORSKY COASTAL PERMIT AND DESIGN REVIEW
360 DRAKES VIEW DRIVE, INVERNESS
ASSESSOR'S PARCEL 114-128-85

SECTION I: FINDINGS

- I. WHEREAS the applicant, on behalf of the owners Auran Piatigorsky and Tonje Vetleseter, is requesting Coastal Permit and Design Review approval to construct a new 3,074-square foot single-family residence and 459-square foot, detached garage on a 2.2-acre vacant lot. The one and a half-story, 18-foot high residence would result in a 3.3% floor area ratio and would have the following setbacks: (1) 173 feet from the southerly easement at Drakes View Drive; (2) 5.4 feet from the easterly side property line; (3) 150 feet from the westerly side property line; and (4) 80.9 feet from the northerly rear property line. The 13.9-foot high garage would be located approximately 8.2 feet from the easterly side property line and 101.9 feet from Drakes View Drive. The project includes decking, a new on-site septic system, a decomposed granite driveway, and landscaping. The subject property is located at **360 Drakes View Drive, Inverness**, and is further identified as **Assessor's Parcel 114-120-85**.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing November 18, 2010, to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant(s), describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to interested parties and organizations.
- 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 the construction of a single-family residence in a residential zone 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 construction of a new single-family residence is consistent with the C-SF3 (Coastal, Single-family, 1 unit per 1-5 acres maximum density) land use designation.
 - B. The project will provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
 - C. 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.

- D. 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.
 - E. 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 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.
 - F. 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.
 - G. 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*).
 - H. 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.
 - I. The project would preserve visual quality and protect scenic quality and views of the natural environment from adverse impacts related to development (*CWP Policy DES-4.1*) because the proposed development would be consistent with the Marin County Single-family Residential Design Guidelines, as discussed above in Design Review findings E.
 - J. 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 Inverness Ridge Communities Plan and the Paradise Ranch Estates Design Review Guidelines because:
- A. The project would involve the construction of single-family residence with a detached garage on a site previously developed with a single-family residence, 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 natural red cedar, which would be consistent with the woodland character of the Paradise Ranch Estates neighborhood.

- C. The single-family residence would not exceed the 18 feet height limits and would not be taller than the surrounding tree canopy, which is recovering from fire. The garage would not exceed the 15-foot height limit for a detached accessory structure and would be clustered on the property near the existing single-family residence.
 - D. The proposed project is sufficiently set back from Drakes View Drive and would be landscaped with indigenous, drought resistant species. Existing vegetation would be retained for screening to the maximum extent possible to sustain the health of the trees and provide adequate fire safety. Additionally, as conditioned, the septic system would be installed in a manner to minimize tree removal that may have a visual impact.
 - D. The residence would have adequate water facilities, utilities, protective services (fire and police), and a roadway network currently exists to serve the project.
 - E. A predevelopment geotechnical investigation was submitted as part of the project, which indicated that the site is suitable for the proposed project.
 - F. The project will not impact recreational opportunities in the area because the subject property is not located in an area where public access to recreational facilities is desirable or feasible.
- 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 provides potable domestic water service to the subject property and has indicated they are able to continue providing adequate domestic and fire protection water supply to the subject property.

B. Septic System Standards:

The Marin County Department of Environmental Health Services (EHS) issued a six bedroom septic system construction permit on April 22, 2003, which expired April 22, 2006. As a condition of approval, the applicant is required to obtain a new updated septic permit for a minimum four-bedroom residence prior to issuance of a building permit. The proposed system is in the vicinity of the previously approved septic system. EHS reviewed the location and conceptual plans for the currently proposed septic system and provided comments, which have been incorporated into revised plans that will be submitted for the new septic permit.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation to accommodate the proposed foundation. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08 and the provisions of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

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. Furthermore, the project site has been disturbed by previous residential development and the proposed single-family dwelling would be located in the same general area of previous development. Therefore, the proposed project is very unlikely to disturb cultural resources. 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 II, 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, consisting of the construction of a single-family residence, would not decrease the availability of housing stock in Inverness.

G. Stream and Wetland Resource Protection:

This finding is not applicable. The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the United States Geological Survey.

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 project does not entail the removal of wildlife habitat areas because the project site was previously developed with a single-family residence that was destroyed by the Mount Vision fire. The project site is not located near any creeks, and the footprint of the proposed single-family residence would be located in the same approximate footprint as

the previous residence. Based on these factors, development of the proposed project would not significantly alter or disturb potential wildlife habitat and foraging areas.

Further, 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 the Great Blue Heron and Great Egret. However, suitable habitat for these species is not present at the project site

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 a map sensitive 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. However, suitable habitat is not present at the project site. Further, the project site was previously developed with a single-family residence in the same location as the proposed project and the entire property was burned during the Mount Vision fire. No information indicated the presence of Marin Manzanita or other maritime chaparral on the portion of the site proposed for new construction, landscaping, or vegetation removal.

K. Shoreline Protection:

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

L. Geologic Hazards:

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

M. Public Works Projects:

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

N. Land Division Standards:

No land division or lot line adjustment is proposed as part of this project.

O. Visual Resources:

The size, height, scale, and design of the proposed single-family residence are compatible with the character of the surrounding community and would not be visually prominent from off-site locations. The proposed single-family residence and garage would be sited so that they would not obstruct public views from roads or adjacent properties, and would be partially screened by existing 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 Sections IV, V, and VI above, the project complies with the findings required for Coastal Permit Application and the policies of the Countywide Plan, Local Coastal Program, 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 size, height, mass, and bulk proportionately appropriate to the site and neighboring development. The design of the one and a half-story structure would be compatible with the community and the site surroundings. The proposed project would be sufficiently set back from the front of the property to minimize visual prominence. Additionally, the proposed landscaping, including the thinning of trees fronting Drakes View Drive Avenue, 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 thinning of trees is intended to maintain a healthy woodland. An arborist report was prepared to assess the health of the new-growth trees surrounding the property and provide guidance on the best way to manage the health of the trees, while reducing fire hazards. The existing stand of trees is a re-growth generated by the release of seeds during the Vision Fire. The trees are too numerous and crowded to sustain development of healthy mature trees. Left as is, they will develop into weak and poorly structured trees that would create an overall dense mass of vegetation and result in an extreme fire hazard. Based on the arborist's report, the project would entail the removal of approximately 168 Bishop Pines less than 10 inches in diameter. Given the size of the trees removed and extent of remaining trees, no replacement trees are necessary and therefore not proposed. The proposed landscape plan also include the restoration of the large open meadow to native grasses, native shrubs.

The landscape plan lacks specificity on the extent of vegetation and tree removal resulting from the installation of the leach field. Therefore, as a condition of approval, the applicant would be required to consult with the arborist to identify the extent of vegetation removal required for the installation of the leach field and identifying protocols for the preserving a healthy stand of native trees and vegetation in the area of the proposed leach field.

- 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;**

As noted in Section VI.O above, the height, scale, and design of the proposed single-family residence are compatible with the character of the surrounding community and would not be visually prominent from off-site locations. 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. Exterior building materials would be natural red cedar, which would be consistent with the woodland character of the Paradise Ranch Estates neighborhood. The proposed single-family residence and garage would be sited so that it would not obstruct public views from roads or adjacent properties, and would be partially screened by a thinned tree canopy and new landscaping. A condition of approval requires that all utilities serving the project site to be placed underground.

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);

Grading would be limited to the footprint of the new structures and the driveway. The project would result in approximately 945 cubic yards of cut and 944 cubic yards of fill. All cut will be redistributed evenly around the southwesterly part of the site which will provide additional privacy from the street elevation. The landscaping west of the house and the septic system would also require a small amount of redistribution of earth and is designed to minimize storm water runoff.

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 roof, materials, and design of the project are compatible with the character of the surrounding community

- VIII. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Piatigorsky Coastal Permit (CP 10-37) and Design Review (DR 10-89) subject to the conditions of approval listed below. This approval authorizes the construction of a new 3,074-square foot single-family residence and 459-square foot, detached garage on a 2.2-acre vacant lot. The one and a half-story, 18-foot high residence is approved to result in a 3.3% floor area ratio and to have the following setbacks: (1) 173 feet from the southerly easement at Drakes View Drive; (2) 5.4 feet from the easterly side property line; (3) 150 feet from the westerly side property line; and (4) 80.9 feet from the northerly rear property line. The 13.9-foot high garage is approved to be located approximately 8.2 feet from the easterly side property line and 101.9 feet from Drakes View Drive. Project approval is also granted for decking, a new on-site septic system, a decomposed granite driveway, and landscaping. This decision confers no legal approval to the existing temporary tent on the subject property. The subject property is located at **360 Drakes View Drive, Inverness**, and is further identified as **Assessor's Parcel 114-120-85**.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, and the water and sewer providers.

SECTION II: CONDITIONS OF PROJECT APPROVAL

Marin County Community Development Agency, Planning Division

1. Plans submitted for a building permit shall substantially conform to plans identified as **Exhibit A** entitled "Piatigorsky Residence," consisting of six sheets prepared by Huang Iboshi Architecture, dated September 30, 2010; three sheets prepared by AYS Engineering Group, dated February 18, 2010 and revised September 20, 2010; two sheets prepared by Lutsko Associates Landscape dated April 29, 2010 and revised July 28, 2010; and two sheets prepared by Questa Engineering dated April 29, 2010 and revised June 21, 2010, all received October 1, 2010 (note: 11" x 17" set received October 25, 2010), except as modified by the conditions listed herein, and **Exhibit B** entitled Topographic Map consisting of one sheet prepared by Hogan – Ford Surveying, dated August 16, 2001 and received April 30, 2010. All exhibits are on file in the Marin County Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape plan 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 part of **Exhibit A**.
 - a. Revise the landscape plan to include the extent of tree and shrub removal required for the installation of the leach field.
 - b. Provide an arborist report prepared by a licensed arborist identifying the protocols for the preserving a healthy stand of native trees and vegetation in the area of the proposed leach field. If necessary, hand trenching may be required for any portion of the leach field installed within the dripline of any tree identified in the arborist report to be preserved.
3. Approved exterior building materials and colors shall match the existing house as presented in **Exhibit C**, received April 30, 2010, and on file with the Marin County Community Development Agency including:
 - a. Siding and Trim - Wood 5 ½ inch red cedar siding, finish rough sawn natural
 - b. Front entry - Reclaimed walnut front entry
 - c. Roof - Standing steel roof –painted with an appropriately subdued, non-reflective color with a Light Reflective Value of 15 or less, as verified by manufacturer's specifications, subject to approval by the Community Development Agency staff.
 - d. Windows - Fleetwood aluminum window frame dark brown (color F4)
 - e. Garden walls and chimney - Rammed earth, sandstone color
 - f. Auto court and courtyard - 3/8 inch nursery crush gravel
 - g. First 30 feet of driveway entry - paved

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

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
5. BEFORE APPROVAL OF THE UNDERFLOOR INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification prepare and submit a written (stamped) survey or certification to the Planning Division confirming that the building's finish floor elevation conforms to the floor elevation that is 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 for additional details regarding this requirement.
6. 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 building conforms 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 for additional details regarding this requirement.
7. Exterior lighting shall be directed downward, located and/or shielded so as not to cast glare on nearby properties, and the minimum necessary for safety purposes. No up lighting is approved as part of this project.
8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

9. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.
11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Landscaping and Tree Protection

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
14. The project arborist shall monitor all construction and landscape activities, including overseeing the final design and installation of the leach field, including trenching. Hand trenching is required for any portion of the leach field installed within the dripline of any tree identified in the arborist report to be preserved. BEFORE FINAL INSPECTION, the applicant

shall submit a report from the arborist confirming that the project has complied with all of the best management practices and other requirements of the arborist's report.

15. Only those trees and native vegetation identified in **Exhibit A** shall be removed for this project. No other existing trees and native vegetation 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, and to reasonably prevent safety hazards to people and property. If additional trees or vegetation are proposed for removal, the applicant shall obtain prior written approval from the Director for such action. PRIOR TO FINAL INSPECTION, any damaged or removed trees or vegetation included in the approved landscape plan to remain shall be replaced with adequately sized specimens to the satisfaction of the Planning Director
16. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion with photos, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping and irrigation has been installed in accordance with the approved landscape plan.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT,

17. 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.
18. A separate Building Permit is required for site retaining walls with a height of 4-ft or more or 3-feet when backfill area is sloped or has a surcharge (measured from the bottom of the footing to the top of the wall). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
19. Provide a drainage plan for the retaining wall back drains.
20. Provide a means of preventing surface drainage into the garage from the parking area.
21. A registered Engineer shall design the site retaining walls that require permits. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
22. Provide a drainage plan for the garage roof runoff.
23. The interior depth for parking spaces within a garage shall be a minimum of 9-ft by 20-ft [MCC§24.04.380]. Revise the plans to show this requirement is being met.
24. The driveway entry gate shall have a minimum of 12-ft passable clearance.
25. 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

26. BEFORE ISSUANCE OF A BUILDING PERMIT, obtain an on-site sewage disposal construction permit from Environmental Health Services that is adequate for the proposed project (at a minimum, a four-bedroom septic system is required). Avoid crossing the leach field and septic tank with any PVC drainpipe or water lines.

Marin County Fire Department (MCFD)

27. An automatic fire sprinkler system is required per NFPA 13D and MCFD requirements.
28. Greater water meter sizing may be required based on available static and residual pressure. Check with North Marin Water District and provide confirmation to the Marin County Fire Department that meter sizing is adequate BEFORE FRAMING.
29. BEFORE FRAMING, the fire hydrants shall be tested and water flow information provide to the MCFC verifying that MCFD requirements have been met. Note: MCFC requires a minimum fire hydrant flow of 500 gpm for 2 hours.
30. BEFORE FRAMING, that portion of the driveway to be paved shall be installed with first lift asphalt or concrete. Also provide the MCFC with a wet-stamped letter by a geotechnical or civil engineer that the gravel portion of the driveway and auto court will support the weight of a 30-ton fire apparatus in all weather conditions.
31. BEFORE FINAL INSPECTION, the approved Vegetation Management Plan, including irrigation, must be in place, inspected, and approved by the Fire Marshal. The Community Development Agency – Building Division will release the hold upon receiving written confirmation from the Fire Marshal.
32. BEFORE FINAL INSPECTIONS, the applicant shall, as part of the sprinkler system installation, install a spare sprinkler head cabinet containing two spare sprinkler heads, including the applicable sprinkler head wrench.
33. BEFORE FINAL INSPECTIONS, the applicant shall provide written confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met. This includes, but is not limited to the following:
 - a. Fire hydrants shall be painted Rustoleum high gloss yellow or equivalent and have a traffic “blue reflective marker” installed per MCFC Standards.
 - b. Fire hydrants shall have at least on 2 ½ inch and one 4 ½ inch outlet.
 - c. The address shall be posted and illuminated to meet Department standards.

North Marin Water District

34. BEFORE THE FINAL INSPECTION, the applicant shall submit written confirmation from the District that all requirements of the District have been satisfied, including but not limited to, water conservation measures, any necessary water service upgrades for sprinklers and fire protection, and that installed landscaping complies with the District’s Water Conservation Ordinance.

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 **November 18, 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 29, 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 18th day of November, 2010.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary