



MARIN COUNTY
 COMMUNITY DEVELOPMENT AGENCY
 BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY
 DEPUTY ZONING ADMINISTRATOR**
 MENKE COASTAL PERMIT AND MINOR DESIGN REVIEW

RECOMMENDATION: Approve with Conditions
HEARING DATE: May 12, 2011

Project ID No:	2010-0384	Applicants:	Anne Menke
Application No(s):	CP 11-5, DM 11-23	Owners:	Anne Menke
Agenda Item:	1	Assessor's Parcel No:	112-132-07
Last Date for Action:	May 31, 2011	Property Address:	131 Stirling Way, Inverness
		Project Planner:	Veronica Corella-Pearson
		Signature:	

Countywide Plan Designation: C-RSP-0.5 (Coastal, Residential Single-family Planned, 1 unit per 2 acres)
 Community Plan Area: Inverness Ridge Communities Plan
 Zoning: C-SF3 (Coastal, Single-family Residence, 1 unit per 1-5 acres)
 CEQA: Categorically Exempt per Section 15301, Class 1
 Lot size: 20,032 square feet
 Adjacent Land Uses: Single-family residential
 Vegetation: Native hardwood
 Topography and Slope: Average slope approximately 59%
 Environmental Hazards: Wildland Urban Interface fire area

PROJECT DESCRIPTION

The applicant and owner, Ann Menke, has applied for Coastal Permit and Minor Design Review approval for an addition. The addition would be 499.5 square feet in size and the existing residence is 499 square feet in size. The addition would result in a new total floor area of 998.5 square feet on the 20,032 square foot lot, and a new floor area ratio of 5%. The addition would reach a maximum height of 24.4 feet, an increase of one foot above the existing height. The residence would be finished in hardie-plank siding that is painted olive green, with off white trim, and an asphalt shingle roof in black. A new deck would extend alongside the existing deck for the length of the addition, approximately 30 feet). The addition would result in a new side (north) setback of 11 feet, 4 inches, and would be over 30 feet from all other property lines. Also proposed are two new retaining walls. One retaining wall would be located to the east of the residence and would be approximately 10 feet in height for a length of 18 feet. The second retaining wall would be located to the rear of the residence and would be 5 feet in height for a length of approximately 70 feet.

PROJECT SETTING

The proposed project is for an addition to an existing residence on a 20,032 square foot lot on Stirling Way in Inverness. The property is heavily vegetated with an overstory of Coast live oak (*Quercus agrifolia*), California bay (*Umbellularia californica*), and Madrone (*Arbutus menziesii*). Within the proposed project area, no trees are proposed for removal and the site is composed of herbaceous ruderal species. The lot is on a south facing slope that averages approximately 59% and due to the surrounding woodlands, has minimal visibility to the community. The proposed project would be located in the interior of the property and would maintain large setbacks to all property lines, with the exception of the northern property line, which would be approximately 11 feet, 4 inches from the proposed addition. The project is accessed from Stirling Way, off of Vision Road.

A review of the California Natural Diversity Database (CNDDDB) and the Marin County Local Coastal Program Resource Map was conducted by staff. Based on research, it was found that the project site has potential for the following special-status plant species: Marin knotweed (*Polygonum marinense*), Lyngsby sedge (*Carex lyngbyei*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), Coast lily, (*Lilium maritimum*), North Coast phacelia (*Phacelia insularis* var. *continentis*), and Northern Maritime Chaparral. Also listed on the CNDDDB are Marin Hesperian (*Vespericola marinensis*), Pallid bat (*Antrozous pallidus*) and Point Reyes mountain beaver (*Aplodontia rufa phaea*). The project site is also within a quarter mile of a known Northern Spotted Owl (*Strix occidentalis caurina*, NSO) nesting site.

An analysis of the proposed project and impacts on flora and fauna that have potential to be within the region is located in the recommended resolution for the Menke Coastal Permit and Minor Design Review.

BACKGROUND

The existing residence received building permit approval for construction in 1953. Historically, it has been used as a summer cabin. The residence is served by an existing gravel driveway off of Stirling Way, and an existing septic system. Currently, the only parking available is in tandem along the driveway.

The current application was filed on December 16, 2010. In addition to the project plans, the applicant submitted the following reports: Preliminary Title Report by Stewart Title Guaranty Company, February 23, 2011.

The project was reviewed by the Marin County Department of Public Works (DPW), Environmental Health Services (EHS), Inverness Public Utility District, North Marin Water District (NMWD), the Inverness Association, and the California Coastal Commission. The reviewing agencies did not raise any major problems with the project. Comments received from DPW, EHS, Inverness Public Utility District, and the NMWD are attached. No modifications have been made to the conceptual plans during the review process. Story poles have been erected to demonstrate the visual impacts of the project. No other agency comments were received. The project was deemed complete on March 23, 2011.

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California

Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property. No public comments were received at the time of this report.

RECOMMENDATION

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

- Attachments:
1. Proposed Resolution recommending approval of the Menke Coastal Permit and Design Review
 2. CEQA Exemption
 3. Location Map
 4. Assessor's Parcel Map
 5. Proposed Plans, 10 sheets
 6. Department of Public Works Memo, 3/15/2011
 7. Environmental Health Services, Memo, 12/28/2011
 8. Inverness Public Utility District Memo, 1/6/11
 9. North Marin Water District Letters, 12/21/10
 10. Inverness Association, 4/28/11

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION APPROVING WITH CONDITIONS THE
MENKE COASTAL PERMIT AND DESIGN REVIEW
131 STIRLING WAY, INVERNESS
ASSESSOR'S PARCEL 112-132-07

SECTION I: FINDINGS

- I. WHEREAS the applicant and owner, Ann Menke, has applied for Coastal Permit and Minor Design Review approval for an addition. The addition would be 499.5 square feet in size and the existing residence is 499 square feet in size. The addition would result in a new total floor area of 998.5 square feet on the 20,032 square foot lot, and a new floor area ratio of 5%. The addition would reach a maximum height of 24.4 feet above grade, an increase of one foot above the existing height. The residence would be finished in hardie-plank siding that is painted olive green, with off white trim, and an asphalt shingle roof in black. A new deck would extend alongside the existing deck for the length of the addition, approximately 30 feet). The addition would result in a new side (north) setback of 11 feet, 4 inches, and would be over 30 feet from all other property lines. Also proposed are two new retaining walls. One retaining wall would be located to the east of the residence and would be approximately 10 feet in height for a length of 18 feet. The second retaining wall would be located to the rear of the residence and would be 5 feet in height for a length of approximately 70 feet. 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 May 12, 2011, 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, 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 15301, Class 1 because it entails an addition to an existing 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 an addition to an existing 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 would not impact housing opportunities in the Coastal Recreation Corridor nor would it adversely affect agricultural areas or public open space in the project vicinity because it is an addition to an existing residence, which would not result in the loss of agricultural or public open space lands.
- C. The project as conditioned would not result in impacts to special-status species (*CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2*) because as conditioned, the project would not occur during the nesting season for the Northern Spotted Owl, and based on a review of the California Natural Diversity Database, and site visits and research by staff, the subject property does not provide habitat for special-status species that have potential to occur near the project area.
- 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 project would be constructed with a drainage system that complies with the standards and best management practices required by the Department of Public Works.
- F. The project would be constructed in conformance with the County earthquake standards, which would be 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 ensures 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 reduce 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 below in Design Review findings.
- J. The project would 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 because:
- A. The project would involve the construction of an addition to an existing single-family residence, which is a permitted use under the governing zoning district and would be compatible with the surrounding residential uses and density standards.
 - 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 finished in a dark, earth toned colors, which would be consistent with the woodland character of the neighborhood.
 - C. The single-family residence would not exceed the 25 foot height limit for the subject C-RSP-0.5 zoning district (Coastal, Residential Single-family Planned, 1 unit per 2 acres).
 - D. The residence would have adequate water facilities, utilities, protective services (fire and police), and a roadway network currently exists to serve the project.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory Coastal Permit findings pursuant to Marin County Code Section 22.56.130I and that this project conforms to the requirements of Local Coastal Program, Unit 2, for the reasons listed below:

A. Water Supply:

Inverness Public Utility 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 applicant has provided a passing evaluation of the existing septic system. The applicant is required to apply for a "Minor Design Change" to upgrade the existing septic system to a Class III system prior to obtaining a building permit.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for excavation to accommodate the foundation piers. Conditions of project approval require the applicant to submit during and post-construction erosion and siltation control Plans, and detailed grading and drainage plans to the Department of Public Works for review and approval during the building permit process.

D. Archaeological Resources:

Review of the Marin County Archaeological Sensitivity and Archeological 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 addition would be located within an area of existing disturbance and near the existing

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 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:

A search of the California Natural Diversity Database (CNDDDB) and the Local Coastal Program Natural Resources Map, Unit II resulted in a list of potential wildlife that may be within the vicinity of the project. Specifically the CNDDDB found there is potential for Marin Hesperian (*Vespericola marinensis*), Pallid bat (*Antrozous pallidus*) and Point Reyes mountain beaver (*Aplodontia rufa phaea*). Marin Hesperian is a mollusk found in moist spots in coastal brush fields and chaparral vegetation, and under leaves of cow parsnip, around spring seeps, in leaf mold, and in alder and mixed evergreen forest; none of which are present on the property. The pallid bat roosts in colonies in the cavities of trees. No trees are proposed to be removed for the subject project. The Point Reyes mountain beaver inhabits relatively moist slopes with dense over and understory, and north-facing slopes that are well-vegetated with ferns. No Mountain Beavers have been found since surveys in 1981, and all known colonies are west of Inverness Ridge. The proposed project site for the addition has no overstory, and has only ruderal species. During a site visit, no burrow holes were found in the project area and it is unlikely that the species is located within the vicinity. Therefore, based on research of the CNDDDB and review of the site, the project would not impact Marin Hesperian, Pallid bat, or Point Reyes mountain beaver.

The project site is within 300 meters, but less than 100 meters from a known Northern Spotted Owl (*Strix occidentalis caurina*, NSO) nesting site. The project site is a developed lot that is vegetated with Tan oak, Coast live oak, Madrone, and California bay, and is classified as a Oak-Madrone Community. This vegetation community does not provide suitable nesting/roosting habitat for NSO. No trees or shrubs are proposed to be removed for the project, and the project would not significantly reduce foraging or dispersal habitat for NSO. Minimal ground disturbance would be required for the construction of piers for the foundation of the addition and retaining walls. Based on the United States Department of Interior, Fish and Wildlife Service Memo, "Estimating the effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California," the project would result in moderate (71-80 dB) auditory sound above the ambient (61-70 dB) conditions, which could result in potentially auditory harassment during the nesting period, but no visual harassment. The project as conditioned would not occur during the nesting season (February through July) for NSO. Therefore, based on the USFWS recommendations and the conditions of approval no impacts would occur to NSO.

J. Protection of Native Plant Communities:

A review of the California Natural Diversity Database (CNDDDB) and the Marin County Local Coastal Program Resource Map was conducted by staff. Based on research, it was found that the project site has potential for the following special-status plant species: Marin knotweed (*Polygonum marinense*), Lyngsby sedge (*Carex lyngbyei*), Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), Coast lily, (*Lilium maritimum*), North Coast phacelia (*Phacelia insularis* var. *continentis*), and Northern Maritime Chaparral. A site visit was conducted by staff, and there is no chaparral habitat. Within the area of the proposed project site all vegetation is herbaceous ruderal species. Of the special status species listed above, Marin knotweed, Coast lily, Lyngsby sedge, and the Coast lily are all located within marsh lands, which is not located near the property. The Marin checker lily and Phacelia are located on exposed hillsides and occur outside of the region. A site visit was conducted in January and April of 2011 by staff, and no special-status plant species were found.

K. Shoreline Protection:

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

L. Geologic Hazards:

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

M. Public Works Projects:

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

N. Land Division Standards:

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

O. Visual Resources:

The size, height, scale, and design of the proposed addition are compatible with the character of the surrounding community and would not be visually prominent from off-site locations. The addition would be of a similar height to the existing residence, and would result in a single-family residence that is less than 1,000 square feet in size.

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 proposed project would be sufficiently set back from all property lines. Additionally, the site is heavily vegetated along the property lines, which would minimize the visual prominence of the addition.

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 property, with the exception of the placement of existing power lines underground, which would require the agreement of the Inverness Public Utility District. A condition of approval has been added to require the applicant to receive approval from the utility company prior to construction. With this condition of approval, the project 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 addition is located entirely within the subject property 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 project does not propose the removal of native vegetation, and the property owner has maintained the required defensible space, which has been verified by the Inverness Public Utility District . Since the property is heavily vegetated along all property lines, no new vegetation is proposed for planting.

- 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 has been designed to meet height standards of the Local Coastal Program - Unit 2 and Title 22I. The residence would be finished in hardie-plank siding, which is fire resistant, and would be painted an olive green with off white trim, which would blend well with the natural environment. The proposed addition would be sited so that it would not obstruct public views from roads or adjacent properties, and would be screened by the existing vegetation.

- 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 minimal cut and fill require for the placement of the foundation piers for the residence and the east retaining wall, which should be minimal. The retaining walls would be screened by existing vegetation and the existing residence.

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 and blend with the natural environment.

SECTION II: ACTION

VIII. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Menke Coastal Permit (CP 11-05) and Design Review (DR 11-23) subject to the conditions of approval listed below. This approval authorizes the construction of a new addition that will be 499.5 square feet in size to an existing residence that is 499 square feet in size. The addition will result in a new total floor area of 998.5 square feet on the 20,032 square foot lot, and a new floor area ratio of 5%. The addition will reach a maximum height of 24.4 feet above grade. The residence will be finished in hardie-plank siding that is painted olive green, with off white trim, and an asphalt shingle roof in black. A new deck will extend alongside the existing deck for the length of the addition. The addition will result in a new side (north) setback of 11 feet, 4 inches, and will be over 30 feet from all other property lines. Also approved are two new retaining walls. One retaining wall will be located to the east of the residence and will be approximately 10 feet in height for a length of 18 feet. The second retaining wall will be located to the rear of the residence and will be 5 feet in height for a length of approximately 70 feet. The subject property is located at **131 Stirling Way Inverness**, and is further identified as **Assessor's Parcel 112-132-07**.

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, Environmental Health Services Division, and the water and sewer providers.

SECTION III: 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 "Menke Residence," consisting of 10 sheets prepared by Stephen Pogue Architect, dated November 4, 2010, received December 16, 2010, except as modified by the conditions listed herein, and **Exhibit B** entitled "131 Menke Residence" consisting of one sheet with the exterior materials sample, dated December 6, 2010. All exhibits are on file in the Marin County Community Development Agency.
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 conditions of approval as notes.
3. The applicant shall receive approval from the Inverness Public Utility District for the undergrounding of utilities through their easement 3661 OR 353.
4. No exterior work shall occur that causes construction noise during the nesting season (February 1st through July 31st) for the Northern Spotted Owl.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
 10. 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.
 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.

Landscaping and Tree Protection

12. 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.

Environmental Health Services

13. BEFORE ISSUANCE OF A BUILDING PERMIT, submit an application for a “Minor Design Change” in order to complete the upgrade of the septic system from class IV to Class III.

Department of Public Works

BEFORE ISSUANCE OF A BUILDING PERMIT,

1. 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.
2. A separate Building Permit is required for each separate site/driveway retaining wall 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 sections of the proposed wall construction and cross section references on the site plan to the structural plans for the retaining walls.
3. The existing retaining walls along the driveway entrance measure 3-ft high with a surcharge created by the steep slopes, the driveway and Stirling Way. As a result, an after-the-fact building permit is required for the walls. Include all the information depicted in Item-2 above for the as-built plans and engineer calculations.
4. In rural areas, driveways shall be paved with a hard-scape surface for the first 30-ft from the roadway edge-of-pavement, or to the property line, which ever is furthest [MCC§24.04.290(b)].
5. Provide a cross section for the driveway showing the required surfacing.
6. The existing driveway retaining walls are built within the Stirling Way right-of-way. Although the Stirling right-of-way is not a County-maintained street, it is a publicly dedicated road as per Record Map 04-03. Therefore, a Recorded Notice of Acknowledgement shall be required to be recorded with the County Recorder’s office.
7. Provide on the Site Plan all retaining wall heights.
8. A registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer’s/Architect’s wet stamp and signature.
9. The minimum dimensions for a parking space is 8.5-ft by 18-ft. Provide a minimum of two on-site resident parking spaces meeting the minimum dimensional requirements.
10. Provide all driveway and parking slopes (longitudinal and cross). Parking space slopes should not exceed 5% and shall not exceed 8% in any direction.
11. A minimum of two guest spaces (of the same dimension for the resident spaces) shall be provided. Show where the guest spaces are proposed.
12. Submit during and post-construction Erosion and Siltation Control plans.

13. Provide detailed grading and drainage plans for the project:
 - a. The grading plan shall show the proposed extent of grading area (including surface grubbing); cut/fill locations and quantities; intended location of all cut surplus. Grading area should be kept to a minimum.
 - b. The drainage plans shall show the dispersal of impervious surface run-off collection as being directed into the ground and within property boundaries.
 - c. All foundation and retaining wall back-drains systems shall be separate from surface water drainage systems.
 - d. The drainage and grading plans shall be designed by either a registered Engineer or Architect.
 - e. Due to the close proximity to roadways and steep slopes within the site, all grading and drainage designs shall be under the purview of a registered Geotechnical engineer in order to minimize surface water runoff, sedimentation/erosion and compromise of slope stability from within the site.

14. Provide a note on the plans stating that the Design Engineer and/or Architect shall certify to the County in writing, prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final.

SECTION IV: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit and Minor Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **May 12, 2013** 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 May 19, 2011**.

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 12th day of May, 2011.

BEN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary