



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

### STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR MATTHEWS COASTAL PERMIT, LAND DIVISION, AND DESIGN REVIEW

Item No.:	1	Project No.:	2010-0121
Applicant:	John T. Matthews	Owner:	John T. Matthews
Property Address:	27 Kehoe Drive, Inverness	Assessor's Parcel:	112-340-16
Hearing Date:	September 15, 2011	Planner:	Scott Greeley

**RECOMMENDATION: Approve with conditions**  
**APPEAL PERIOD: 10 business days to the Board of Supervisors**  
**LAST DATE FOR ACTION: November 14, 2011**

#### PROJECT SETTING:

General Plan:	C-SF4 (Coastal, Single-Family, 1 to 5 units per acre)
Community Plan:	Inverness Ridge
Zoning:	C-RSP-0.5 (Coastal, Residential, Single-family, Planned, 1 unit per 2 acres)
Lot size:	5.37-acres
Adjacent Land Uses:	Single-Family Residential

The subject property is located within the community of Inverness on Kehoe Way, a non-County maintained road, which connects to Woodhaven Road and Pine Hill Drive that come off of Sir Francis Drake Boulevard. The property is within a rural residential neighborhood, with properties ranging in size from 1 to 20-acres. The property is generally subject to moderately steep slopes, with exception to the locations where the existing residence is and the proposed residence is to be located, where the site is relatively flat. The property has historically been clear of significant vegetation, and has views of Tomales Bay along the northerly side property line.

#### BACKGROUND:

The proposed project was originally submitted in May 2010. During review of the completeness of the application, the applicant submitted project plans, a utilities plan, a site survey, a title report for the property, biological assessments prepared by Thomas Gaman and Jules Evens, and an arborist report prepared by Nick Whitney. Application materials were transmitted to the Department of Public Works, the Marin County Environmental Health Services Division, Marin County Fire Department, Inverness Public Utility District, California Coastal Commission, Inverness Association, and the Inverness Ridge Association. The responsible agencies indicated that it would be feasible for the project to be constructed in conformance with their standards, provided certain conditions are imposed. In September 2010, the applicant installed story poles with netting to reflect the design of the proposed residence on Parcel B. The application was deemed complete on September 30, 2010. It was

determined that an initial study of environmental impact would be required. On November 22, 2010, the applicant submitted additional material related to the environmental review. Staff drafted a Negative Declaration, which was distributed to local and State agencies and commenting groups on August 5, 2011 with a request to provide comments by September 6, 2011. Additional public notice of the project and the hearing date was distributed to interested parties and property owners within 600 feet of the subject property.

## **KEY ISSUES:**

The applicant is challenging the affordable housing fees which have traditionally been required prior to final map recordation.

The basis for Marin County's Affordable housing fees goes back to July 22, 1980 when the Board of Supervisors adopted Ordinance 2572 establishing the County's Inclusionary requirements that included a provision for the payment of in-lieu fees for housing projects of 10 units or more. On October 28, 2003, the Board adopted Ordinance 3393, which expanded the inclusionary requirement to apply to subdivisions and development of 2 units or more.

Marin County Code (MCC) Section 22.22.20.B.2 states that the applicant shall "provide 20% of the total number of parcels in the case of land divisions, for the development of inclusionary units." MCC Section 22.22.20.B.3 states that when the percentage of units to be provided is less than half a unit (0.50), then an in-lieu fee must be paid.

In a recent challenge to one provision of the Affordable Housing Ordinance, in the Casalnuovo Land Division Appeal (Project ID: 11-0241), the Board of Supervisors examined MCC Section 22.22.020, Table 3-4a. The table was meant to clarify how the ordinance was to be interpreted for land divisions. In the case of one unit, an inclusionary fee was not applicable, according to the table. In the situation of where two units were possible, the fee for 0.4 units was to be collected. The applicant challenged the ordinance on the basis that it is unclear, because the table indicates that where a 2-lot land division is taking place and a residence already exists on the property, only one new unit would be possible on the new lot and therefore no inclusionary housing fee should apply. The Board of Supervisors considered this argument and examined the language and table in the Development Code.

In their analysis, the Board found that the "Project Size" column [Section 22.22.020, Table 3-4a] was intended to refer to the number of units in the subdivision; a project size of 1 was noted as "non-applicable", since by simple meaning, a subdivision entails at least two lots. However, without clarification, the "Project Size" column could also be interpreted to mean the number of developable lots, leading to Mr. Casalnuovo's interpretation that an inclusionary fee is not applicable to a two-lot subdivision resulting in only one developable lot. Because Table 3-4a is unclear and subject to misinterpretation, the Board of Supervisors agreed with Mr. Casalnuovo and determined that an in-lieu inclusionary housing fee would not be required for the project. Mr. Casalnuovo would therefore only be responsible for paying the applicable Housing Impact Fee, required of new large residences, prior to issuance of a building permit, at the time he, or a future land owner chooses to build a residence on the new lot.

The circumstances pertaining to Casalnuovo project also pertain to the Matthews project, which also involves a 2-lot land division with one existing residence on the property. As such, staff is recommending not charging the affordable housing fees typically owed prior to map recordation of the Parcel Map and that only the applicable Housing Impact Fees be collected prior to issuance of the building permit.

## **RESPONSE TO COMMENTS:**

In response to the Negative Declaration/Initial Study, staff received several comments which are summarized and responded to below.

### *Comment:*

Staff received comment pertaining to the square footage and height of the proposed residence from the owner's daughter, Darby Johnson. Darby has requested the option to increase the size of the residence by up to an additional 400 square feet to a building area of approximately 2,400 square feet, primarily with the changes along the northerly side of the residence. In addition, Darby is requesting the option to increase the height of the overall roof to a uniform 24 feet 10 inches in height and to replace the proposed redwood siding with quarter round log siding.

### *Response:*

The increase of the proposed residence from 2,000 square feet to 2,400 square feet will not create any new environmental impacts. In addition, while increasing the height of the residence to a uniform 24 feet 10 inches, will create a longer, uninterrupted roof line, the residence complies with the height standards of the zoning district, and is set back far enough on the lot to not be readily visible from Tomales Bay. Further, the additional building area would occur on a flat portion of the lot where there are few trees. The modification will not result in Countywide plan or community plan policy conflicts or any additional environmental impacts.

### *Comment:*

Staff received comment from the North Marin Water District stating that it has no issue with the proposed Negative Declaration/Initial Study since it is located outside of their improvement district.

### *Response:*

The project is located within the water district boundaries of the Inverness Public Utility District (IPUD). IPUD's comments to the Initial Study are discussed below.

### *Comment:*

Staff received comment from the Inverness Public Utility District which repeated comments received for project completeness originally sent on August 25, 2010, pertaining to Fire Department and water system requirements.

### *Response:*

These comments have already been considered and are reflected in the Initial Study and attached resolutions.

### *Comment:*

Staff received comment from the Environmental Health Services (EHS) Division stating that they were unaware of the applicant's intent to connect to IPUD for one house and to continue utilizing the existing well for the other. EHS has stated that prior to recordation of the Parcel Map, the applicant must identify all water-related easements on the map, obtain a domestic water permit from EHS, and meet

all IPUD standards.

*Response:*

The applicant's intent to continue to utilize the existing well for one of the two residences, while connecting the other to IPUD's water lines was made known during the preparation of the Initial Study. The well has existed for decades and has served the existing residence since it was constructed. The well will not require its own separate Coastal Permit since the well is already existing and serves the existing residence on the property. However, all septic system components must be 100 feet from the well. It appears on the plans that a proposed septic tank may only be 95 feet from the well, and will need to be relocated to meet the minimum setback. Prior to issuance of a building permit, the applicant will need to ensure that this 100 foot setback is maintained.

The requirement to identify all easements prior to recordation of the Parcel Map, is a standard condition of approval. Receiving clearance from IPUD is also necessary prior to building permit issuance, since IPUD is the one providing water service for one of the two lots. The comments from EHS will not result in new impacts and will not require any new mitigations.

*Comment:*

Staff received comment from the Inverness Association with comments on the state of the story poles, questions as to maintenance responsibilities for Kehoe Way and Pine Hill Road, and an earlier set of plans which had shown a possible second unit.

*Response:*

The story poles were one of the completeness requirements which the Matthews satisfied prior to the environmental review being completed. The story poles, with netting, have been up since September 2010 for staff and public consideration. The height of the proposed residence is less than 25 feet in height, which is consistent with the zoning standard. In addition, aesthetics and visibility of the residence have been considered in the Initial Study and resolution for the Coastal Permit, Land Division, and Design Review.

The maintenance responsibilities of Kehoe Way and Pine Hill Road are a civil.

The possible second unit which was part of the original application is no longer part of the present application. If the owner chooses to pursue a second unit sometime in the future, the applicant will need to apply for a new Coastal Permit, Design Review, and Second Unit Permit.

*Comment:*

Staff received comments from Tom and Barbara Gaman about traffic on Kehoe Way, potential view shed impacts from the house on Tomales Bay.

*Response:*

As noted above, staff has examined potential visual impacts in the Initial Study and Resolution for the Coastal Permit, Land Division, and Design Review. No significant visual impacts were identified because the residence is in a rural community with large lots, is adequately set back from the proposed property lines, and the height of the proposed residence is less than 25 feet in height, which is consistent with the zoning standard.

As noted above, the maintenance of Kehoe Way is a civil matter.

**RECOMMENDATION:**

Based on the analysis above and the attached Resolution, staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the individual recommended Resolutions for the Negative Declaration and approving the Matthews Coastal Permit, Land Division, and Design Review.

Attachments:

1. Recommended Resolution adopting the Matthews Negative Declaration
2. Recommended Resolution adopting the Matthews Coastal Permit, Land Division, and Design Review
3. Comment from Bedar (Darby) Matthews, received August 29, 2011
4. Proposed plan modification from Bedar Matthews, received August 29, 2011
5. Comment from North Marin Water District, dated August 8, 2011
6. Comment from Inverness Public Utility District, dated August 29, 2011
7. Environmental Health Services memo, dated August 9, 2011
8. Inverness Association email, received September 6, 2011
9. Tom and Barbara Gaman letter, dated September 3, 2011
10. Location map
11. Project plans

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR  
RESOLUTION 11-  
A RESOLUTION GRANTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
FOR THE MATTHEWS COASTAL PERMIT, LAND DIVISION, AND DESIGN REVIEW  
27 KEHOE WAY, INVERNESS  
ASSESSOR'S PARCEL 116-340-16

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**SECTION 1: FINDINGS**

- I. WHEREAS the applicant and Trustee, John T. Matthews, is proposing to divide the 5.37 acre property into a 3.24-acre lot, with no building envelope (Parcel A) and a 2.14-acre lot, with a 0.77-acre building envelope (Parcel B), respectively. Parcels A and B are proposed to be accessed by the existing driveway that extends from the eastern edge of the property which extends off of Kehoe Way to serve the proposed residence on Parcel B as well as north and to the west to serve the existing residence on proposed Parcel A. The applicant is also requesting Coastal Permit and Design Review approval to construct a new, 1,998 square foot residence, with an attached 451.5 square foot carport that would accommodate two parking spaces, two additional off-street, uncovered parking spaces, two patio areas, a septic system, and utilities. The project address is 27 Kehoe Way, Inverness, California and is further identified as Assessor's Parcel 112-340-16.
- II. WHEREAS on August 5, 2011, an Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 30-day public review period for review and comment on the Negative Declaration.
- III. WHEREAS on August 9, 2011 a Notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration was published in a general circulation newspaper pursuant to CEQA.
- IV. WHEREAS the Marin County Environmental Coordinator has determined that, based on the Initial Study, a Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
- V. WHEREAS, after the close of the 30-day public review period on September 6, 2011, the Marin County Deputy Zoning Administrator reviewed and considered the information contained in the draft Negative Declaration, and comments and responses thereto.

**SECTION 2: ACTION**

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby makes the following findings:

1. Notice of the initial public review period and hearing on the Negative Declaration was given as required by law and said hearing was conducted pursuant to Sections 15073 and 15074 of the State CEQA Guidelines and the County CEQA process.

2. All individuals, groups and agencies desiring to comment on the Negative Declaration were given the opportunity to address the Planning Commission.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, responses to comments, and all supporting information incorporated by reference therein.
4. The Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's CEQA process.

### **SECTION 3: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County 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 September 22, 2011.

### **SECTION 4: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of September 2011:

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CURTIS HAVEL  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 11-

A RESOLUTION APPROVING THE MATTHEWS COASTAL PERMIT, LAND DIVISION, AND DESIGN REVIEW

27 KEHOE WAY, INVERNESS  
ASSESSOR'S PARCEL 112-340-16

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**SECTION I: FINDINGS**

- VI. WHEREAS the applicant and Trustee, John T. Matthews, is proposing to divide the 5.37 acre property into a 3.24-acre lot, with no building envelope (Parcel A) and a 2.14-acre lot, with a 0.77-acre building envelope (Parcel B), respectively. Parcels A and B are proposed to be accessed by the existing driveway that extends from the eastern edge of the property which extends off of Kehoe Way to serve the proposed residence on Parcel B as well as north and to the west to serve the existing residence on proposed Parcel A. The applicant is also requesting Coastal Permit and Design Review approval to construct a new, 1,998 square foot residence, with an attached 451.5 square foot carport that would accommodate two parking spaces, two additional off-street, uncovered parking spaces, two patio areas, a septic system, and utilities. The project address is 27 Kehoe Way, Inverness, California and is further identified as Assessor's Parcel 112-340-16.
  
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing September 15, 2011, to consider the merits of the project and hear testimony regarding the project.
  
- III. WHEREAS the Marin County Deputy Zoning Administrator reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and determined, subject to the conditions of project approval contained herein, that this project will not result in any potentially significant environmental impacts, and qualifies for a Negative Declaration of Environmental Impact in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's CEQA process.
  
- IV. WHEREAS for the reasons stated in the policy analysis in the Initial Study and 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, BIO-2.2, BIO-2.a, and BIO-2.c*).
  - 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 BIO4-20, 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, EH-2.a, 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 and Inverness Public Utility District 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 for the reasons stated in the policy analysis in the Initial Study and for the following reasons: indicated below, the project is consistent with the Inverness Ridge Communities Plan, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent land use policies of the Inverness Ridge Communities Plan including:
- A. The two-lot land division would result in a future increase in the availability of housing opportunities in an existing residential community consistent with the recommended one dwelling unit per 2-acres identified in the Community Plan. The property is served by an existing road network, and has adequate leachfield areas for on-site sewage disposal systems. The proposed building envelope on "Parcel B" is located near existing

improvements on the property. Finally, the construction of one additional residence on the proposed new lot would not require significant grading or tree removal and would be compatible with the height and scale of existing development in the vicinity.

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 a private well, which serves the existing residence. Following construction, the applicant is proposing to connect the existing well to the proposed residence and then connect the existing residence to the Inverness Public Utility District's (IPUD) water lines, which are presently located just outside of the property on Kehoe Way. The Inverness Public Utility District has stated that they have adequate water capacity to accommodate the additional residence. Prior to final inspection, the applicant will need to satisfy all water standards required by the Inverness Public Utility 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 (EHS) Division. On August 19<sup>th</sup> and 20<sup>th</sup>, 2010, a site review was performed by Environmental Health Services 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. Recent comments from the applicant indicate that the residence may exceed the size presently proposed by the plans. Any changes will potentially require additional tests and approval by EHS. In the review, prior to issuance of a building permit, the applicant must demonstrate that a minimum 100 foot setback is being maintained between the well from the leach field and all related septic system equipment. At present, the alternate septic tank site identified on the plans appears to not meet this requirement and the tank may need to be relocated a few feet. This should not be a problem given the size of the proposed lot and the minimal distance needed to meet the standard. The applicant, prior to issuance of a building permit, will need to demonstrate that any and all other EHS standards are met, including maintaining a minimum acceptable setback between the septic system components and the existing well. Therefore, the project is consistent with this finding.

C. Grading and Excavation

Much of the property is subject to steep slopes, however the proposed residence is located near the front of the lot, is subject to flat slope conditions, and is located close to the existing driveway, with an estimated excavation and fill of 60 cubic yards. Recent comments from the applicant indicate that the residence may exceed the size presently proposed by the plans, however, given the gentle slopes of the development area, this should result in minimal additional grading and excavation being necessary. Driveway access to the existing residence is already largely in place, is flat or subject to gentle slopes, and will require minimal improvements to meet County driveway standards to serve both residences. 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 located outside areas of known archaeological sensitivity. The project is also in a modestly developed part of Inverness 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 Inverness community because it does not involve removing any existing housing. The proposed project also includes construction of a new residence, which will increase the amount of available 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 Coastal 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, the Local Coastal Program natural resource maps, and biological assessments prepared by Thomas Gaman, Forester, and Jules Evens, Biologist, and as discussed in the Initial Study, this site does not possess any critical wildlife habitat or is otherwise home to any 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, the Local Coastal Program natural resource maps, the biological assessments prepared by Thomas Gaman and Jules Evens, as well as the arborist report prepared by Nick Whitney, Certified Arborist, this property 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 and, based on the Geological Report, prepared by Bogos Torikian, Registered Geotechnical Engineer, and Jack Alt, Registered Geologist, of Torikian Associates referenced in the Negative Declaration/Initial Study, is known to be located away from known geologic hazards and is subject to highly stable soil conditions. 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 prior to building permit issuance. In addition, the Marin County Community Development Agency – Building and Safety Division will determine seismic compliance with the California 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

The land division would meet all land division standards. Therefore, the project is consistent with this finding.

O. Visual Resources

The project is located in a rural, residentially developed portion of Inverness. The proposed residence, while having views of Tomales Bay will be set back from the edge of the hillside, 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. 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 Kehoe Way and not infringing on access to any 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 proposed project is consistent with the mandatory findings for Land Division approval pursuant to the requirements in

Marin County Code Chapter 20.56, Action On Tentative Map Where Parcel Map Required (Section 20.56.120 Required findings) as described below. The map shall be denied for any of the following causes:

- A. The proposed map is not consistent with applicable general and specific plans.

The Matthews Tentative Map is a 2-lot land division of a 5.37-acre lot that is consistent with the Marin Countywide Plan land use designation of C-SF3, Coastal Single Family, 1 unit per 1 acre to 5 acres. The resultant density would be 1 unit per 2.685 acres – consistent with the density range. The Matthews Tentative Map is consistent with the Local Coastal Program and the Inverness Ridge Communities Plan because it would result in one additional building site within the existing community area and would not result in adverse effects to coastal resources or the Inverness Community. Overall, the project is consistent with the goals and policies of the Countywide Plan because it would create additional residential parcels within the Coastal Corridor, consistent with existing low density residential development in the vicinity without adversely impacting natural resources or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services. Finally, while the applicant has indicated an interest in enlarging the proposed residence, the proposed project, based on the new lot's physical characteristics would not result in substantial grading or tree removal, or other adverse impacts on the environment, consistent with Environmental Hazards and Community Development Element policies. Therefore this negative finding cannot be made and the map can be approved.

- B. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

While a Building Envelope has been proposed, the environmental conditions for the entire property were considered in the Initial Study. Since there are no environmental constraints that are peculiar to the property the building envelope is not needed for the project to be consistent with the findings for project approval. Therefore, a condition of approval requires that the building envelope be eliminated from the project. Overall, the project is consistent with the goals and policies of the Countywide Plan because it would create an additional residential lot within the Coastal Corridor consistent with existing low density residential development in the vicinity without adversely impacting natural resources or disrupting existing public services for water supply, fire protection, waste disposal, schools, traffic, circulation or other services. Finally, the proposed project would not result in substantial grading or tree removal, or other adverse impacts on the environment, consistent with Environmental Hazards and Community Development element policies. Therefore this negative finding cannot be made and the map can be approved.

- C. This site is not physically suitable for the type of development.

The site has gentle slope conditions where the driveway, existing residence, and proposed residence are to be located. The soil types can accommodate the new residential development including an individual on-site septic system. In addition, there are no wetlands or streams within 100 feet of the property and the building area are not heavily wooded. Therefore this negative finding cannot be made and the map can be approved.

- D. The site is not physically suitable for the proposed density of development.

The site has gentle slope conditions where the driveway, existing residence, and proposed residence are to be located. The lot size can accommodate the new residential development including an individual on-site septic system. Further, the project would not result in

significant adverse physical impacts related to unstable soil conditions or drainage alterations. Therefore this negative finding cannot be made and the map can be approved.

- E. The design of the subdivision or proposed improvement is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the land division is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife. The biological assessment prepared by Thomas Gaman and Jules Evens, as well as the geotechnical studies prepared by Torikian and Associates and analyzed as part of the Impact Analysis in the Negative Declaration/Initial Study indicate that the project would not result in significant impacts. The proposed project would protect the environment with minimal grading and tree removal, and erosion control measures. The proposed residence is located in an open field location and would avoid removal of trees onsite. Therefore this negative finding cannot be made and the map can be approved.

- F. The design of the subdivision is not likely to cause serious public health problems.

The design of the land division and proposed improvements are not likely to cause serious public health problems because the proposed project would result in the installation of access and drainage improvements to both properties. Finally, conditions of approval require the applicant to comply with fire safety, access, water and sanitary service standards as required by the Inverness Public Utility District, the Inverness Fire Department in conjunction with the Marin County Fire Department, the Environmental Health Services Division, and the Department of Public Works. Therefore this negative finding cannot be made and the map can be approved.

- G. The design of the subdivision or type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The design of the land division would not conflict with any easements for access or use of the property within the proposed land division. In addition, the proposed lot configuration has been designed to utilize existing easements, burdening the property to avoid the need for additional private easements on or across the site. Therefore this negative finding cannot be made and the map can be approved.

- 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 component of the proposed project, which requires Design Review entails construction of a new, 1,998 square foot, residence, with an attached 451.5 square foot carport. As noted above in Section I: Findings, subsections IV and V, as well as the Negative Declaration/Initial Study, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities Plan. The owner's daughter, Darby Johnson, as a comment to the initial study has asked whether adding to the residence several feet to the north and east sides, enlarging the proposed residence approximately 100-400 feet would result in new environmental impacts or result in

conflicts in design or other applicable policies with the Countywide Plan or Inverness Ridge Communities Plan. The modifications to the residence would not result in any inconsistencies with policies of the Countywide Plan and community plan. In addition, the policy findings above in Findings IV and V above are still valid with such a modification. Further, the modifications are only on the northerly side, adding approximately 400 square feet to the residence, and the residence will still meet the 25-foot height standards of the Interim Development Code for the zoning district. Lastly, any changes to the proposed residence will need to be reviewed by Planning staff for substantial compliance with the approved plans and policy consistency prior to building permit issuance. 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 proposed residence has been designed to be consistent with the design, scale, and material commonly found in the surrounding community. In addition, the proposed residence and as potentially modified is adequately set back from the hillside facing towards Tomales Bay and does not exceed the height standards permitted by the zoning district. The project would not result in significant bulk or otherwise be highly visible from the neighbors or residents of Tomales Bay. Based on the proposed lot and its rural location off Kehoe Way, the residence, as modified, with it being set back as a result of the driveway from the northerly side property line, and continuing to adhere to the height standards of the Interim Development Code will still be consistent with this finding. In addition, any changes to the proposed residence will need to be reviewed by Planning staff for substantial compliance with the approved plans prior to building permit issuance. Therefore, 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 property is located in a low density, rural residentially developed portion of Inverness. The property is located near the end of a non-County maintained road with infrequent use, except by local residents. The proposed residence, or as potentially modified, will be situated upon a similar sized lot as others in the community and will be sufficiently set back to not be readily visible by neighbors and those in and around Tomales Bay. The construction of one additional residence will not be a substantial impact to those utilizing Kehoe Way or the local road network and no improvements to Kehoe Way or the local road system has been found to be needed by the Department of Public Works to accommodate the new residence. The driveway would be improved to County standards to also accommodate the new residence prior to building permit issuance. 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, and location of the residence. 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 significant removal of native trees or protected vegetation. The only trees proposed for removal are two snags, which are being removed for safety reasons, per the biologist and arborist reports. The applicant has also presented a landscape plan for the residence which is included as part of the proposed project. In the landscape plan, the applicant is proposing native shrubs planted along the periphery of "Parcel B". This plan will result in the removal of dead trees that are recognized as a safety hazard and add to the existing natural landscape. 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 residence and carport have been designed to be consistent with the scale, size, and design of other structures found in the surrounding community and, as noted in the Matthews Negative Declaration/Initial Study, as well as above in Section I: Findings, subsections IV and V, the proposed project complies with the C-SF3 policies of the General Plan and the Inverness Ridge Communities Plan. As noted in Design Review Finding A, the potential modification to the proposed residence is also consistent with Section I, subsections IV and V. The proposed residence, including as potentially modified, will be less than 25 feet in height, consistent with the height standards for the C-RSP-0.5 zoning district, and composed of redwood siding and partial river rock veneer. If the owner decides to modify to include replacement of the redwood siding with quarter round log siding, it would also be consistent with materials and the aesthetics commonly found in the surrounding neighborhood. The design and building materials to be used are consistent with the size and scale of other residences in community. The modifications to the design that the owner is considering would substantially conform to the proposed project.

- 2. Drainage systems and appurtenant structures,

The project has been reviewed and accepted by the Department of Public Works. The project, as proposed or potentially modified, has been conditioned so that a drainage plan be submitted and considered for compliance with County standards prior to building permit issuance. In addition, the applicant shall ensure that stormwater is properly managed entirely within the newly created property boundaries.

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

The location of the new building site is relatively flat and will require minimal grading and reforming of terrain to construct the project. In addition, the driveway that will serve both the existing residence and the proposed residence is already serving the existing residence and will require minimal necessary improvements to serve the new residence. The project has been designed to take advantage of the existing conditions and contours of the property 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;

Based on the location of the property and size of the proposed lot, as well as the surrounding lots within the community, the proposed 25 foot tall residence will not be readily visible to neighboring residents. The location of the residence, while affording views of Tomales Bay, will also be set back a sufficient distance from the northerly side property line to not be visually prominent from Tomales Bay. As designed, and based on the site's location, the project would not result in impacts upon sun and light exposure, views, vistas and privacy presently enjoyed by neighboring properties. Further, any changes to the proposed residence will need to be reviewed by Planning staff for substantial compliance with the approved plans prior to issuance of a building permit.

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 materials, design, and scale of the proposed residence, or as modified, are consistent with others found in the surrounding community. The proposed residence 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.

## **SECTION II: DECISION**

The Marin County Deputy Zoning Administrator hereby approves the Matthews Coastal Permit, Land Division, and Design Review subject to the conditions of approval listed below. This approval authorizes the division of the 5.37 acre property into a 3.24-acre lot, with no building envelope (Parcel A) and a 2.14-acre lot, with no building envelope (Parcel B). Parcels A and B shall be accessed by the existing unpaved driveway that extends from Kehoe Way. The project approval includes construction, on Parcel B, of a new, two level, 24-foot 8-inch tall, 1,998 square foot residence with an attached 451.5 square foot carport that would accommodate two parking spaces, as well as associated site improvements including utilities and a septic system. The project address is **27 Kehoe Way, Inverness, California** and is further identified as **Assessor's Parcel 112-340-16**.

## **SECTION III: 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, "Proposed Matthews Residence," consisting of thirteen sheets prepared by William Kirsh, Architect, and Lawrence Stevens, Licensed Surveyor,, dated May 7, 2010 and received May 10, 2010, with revisions dated July 21, 2010 and received July 30, 2010, and on file with the

Marin County Community Development Agency, except as modified by the conditions listed herein.

- a. The building envelop on Parcel B shall be eliminated.
  - b. The applicant shall demonstrate to the Community Development Agency that the 100 foot setback between the existing well and all proposed septic system components on Parcel B are being met or otherwise relocate the septic system components to meet this standard.
2. BEFORE RECORDATION OF THE PARCEL MAP, the following items must be submitted to the Community Development Agency, Planning Division:
- a. Verification from the Inverness Public Utility District, which confirms that all required legal, financial, and construction agreements have been applied for and completed to install new water distribution facilities to the approved lots.
  - b. Verification from the County of Marin Community Development Agency, Environmental Health Services Division, which confirms that all required legal, financial, easements, contracts, and/or construction agreements have been applied for and completed to install new septic systems to the approved lots.
  - c. Verification from Pacific Gas and Electric, which confirms that all required legal, financial, easements, contracts, and construction agreements have been applied for and completed to provide underground power lines serving the approved lots.
3. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Department of Parks and Open Space, a park fee in-lieu of land dedication for future park improvements. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) that provide the formula for determining the in-lieu fee based upon the fair market value of land that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements.
4. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, street addressing for the approved lots shall be as follows:

<b>Lot</b>	<b>Street Address</b>
Parcel A	27 Kehoe Way, Inverness
Parcel B	27A Kehoe Way, Inverness

5. The applicant must submit Parcel Map Checking applications and associated fees separately to the Community Development Agency Planning Division and to the Department of Public Works Land Use and Water Resources Division. Approval of the Parcel Map is required from the Planning Division and from Department of Public Works County Surveyor prior to recordation. After approval of the Parcel Map, the applicant shall file a Parcel Map with the County Recorder to record the Land Division map as approved. The required Parcel Map must be in substantial conformance with Exhibit A, including, but not necessarily limited to, the proposed lot lines, building envelopes, access, and easements. Parcel Map data and form must be in compliance with provisions of Chapter 22.86 of Marin County Code.
6. The Matthews Land Division Tentative Map approval must be vested with the recordation of the required Parcel Map in compliance with all conditions of approval within three years after the date the Tentative Map is conditionally approved by the County of Marin. A timely filing is made when

all parties having record title interest in the real property submit written consent, and a fully executed Mylar complying with all conditions of approval, including executed versions of all required agreements and paying all required fees, are submitted to the County Surveyor. The Community Development Agency Director may administratively authorize extensions to this mandatory vesting period upon written request by the applicant and payment of the appropriate extension fee for a period not to exceed an aggregate of five years beyond the expiration date. Extension of the Land Division Tentative Map approval may also be permitted pursuant to applicable State laws.

7. Darby Johnson, the daughter of the property owner, has requested consideration to modify the proposed residence by adding up to 400 square feet to the residence along the northerly side of the structure and potentially creating a uniform roof line height for the residence of 24 feet 10 inches. These changes would be considered substantially conforming to the plans which have been approved. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide County staff with drawings of the proposed changes, including but not limited to a revised site plan, elevations, and cross sections, to ensure adequate setbacks are maintained from the septic system and well, no encroachment onto the driveway will result, and to demonstrate that the residence does not exceed 25 feet in height.
8. 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 Coastal Permit, Land Division, and Design Review conditions of approval as notes.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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_Inspection_Procedures.pdf) for additional details regarding this requirement.
14. 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.
15. 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

16. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit a Parcel Map to DPW for review and approval. The Parcel Map shall be prepared in accordance with Marin County Code (MCC) Title 20, Subdivisions, and the Subdivision Map Act.
17. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall provide a road/driveway maintenance agreement for review and approval by the Department of Public Works. Once approved by DPW, the maintenance agreement between the two properties shall be recorded concurrently with the Map.
18. BEFORE ISSUANCE OF A BUILDING PERMIT, the access driveway for Parcel-A shall be reviewed and approved by the County Fire Department and shall meet the minimum requirements under MCC§24.04.235-320.

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the portion of driveway serving both Parcels-A & B shall be a minimum of 16-feet wide [MCC§24.04.260].
20. BEFORE ISSUANCE OF A BUILDING PERMIT, a geotechnical report which includes seismic site data is required under the 2007CBC. The seismic site data should be included in the geotechnical report. 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.
21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide all site retaining wall heights on the site plan.
22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall ensure no portion of any structure, including eaves and footings, shall extend beyond property boundaries. The end of the driveway retaining wall does not appear meet this requirement. Revise the plans to reflect this requirement.
23. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a back-drain plan for the retaining wall(s). All retaining wall back-drains systems shall be completely separate from surface water drainage systems. Also, the point of discharge shall be within property boundaries and shall have adequate erosion control mechanisms in place. Discharge of onsite-generated stormwater to the outside of property boundaries via designed/built drainage systems is prohibited.
24. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate Building Permit is required for site/driveway 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). Plans shall include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, plans shall include cross section references on the site plan to the structural plans for the retaining walls (note that building permit requirements are triggered if any portion of a contiguous meets the above parameters).
25. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's wet stamp and signature.
26. The proposed driveway slab is at a 9.5% slope. Per MCC§24.04.400, parking area slopes should not exceed 5% and shall not exceed 8% slope in all directions. Therefore, the driveway slab cannot be counted as guest parking as presented. BEFORE ISSUANCE OF A BUILDING PERMIT, redesign the driveway to meet the minimum slope requirements.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the proposed contours and slope for the parking to determine compliance with the maximum cross slope requirements.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall inform the Department of Public Works of the type of surfacing intended for the driveway.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall inform the Department of Public Works of the destination for the earth-cut surplus. If hauled off-site, proof of tipping location may be required (e.g. tipping fee receipts, etc.).
30. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall delineate the limits of grading

on the grading plan. Grading shall not extend beyond proposed septic leach field.

31. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit Erosion and Siltation Control plans.
32. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide a drainage plan for the project. The drainage and grading plans shall be designed by either a registered Engineer or Architect.

Marin County Community Development Agency, Environmental Health Services

33. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall identify on the Map all water-related easements, including those needed for Lot B to use and access the well located on Lot A, and all easements that are necessary for use of the existing spring where rights are historically documented.
34. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall obtain a domestic water permit from Environmental Health Services (EHS). Conditions include:
  - a. A dry season yield test (performed between July 15 to October 1) will need to be submitted and meet minimum county requirements.
  - b. Clarify use and location of the spring
35. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall meet the requirements to obtain a construction permit from EHS prior to obtaining a building permit. The applicant shall avoid altering or excavating the area set aside for the proposed septic system.

Inverness Public Utility District

36. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall apply for a New Service Connection per the Inverness Public Utility District (IPUD) Regulations, and also enter into a Cost Share Agreement with IPUD.
37. BEFORE FINAL INSPECTION, the applicant shall provide confirmation to the Community Development Agency from the Fire Marshal that all requirements of the fire department have been met.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Matthews Coastal Permit and Land Division by filing a Parcel Map before **September 15, 2014**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Community Development Agency Director approves it.

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Matthews 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 **September 15, 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 and 22.82.130I 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, Marin County Civic Center, San Rafael, no later than 4:00 p.m. on **September 22, 2011**.

**SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15<sup>th</sup> day of September 2011.

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CURTIS HAVEL  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
DZA Secretary