

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 12-102

A RESOLUTION APPROVING THE DONAT COASTAL PERMIT 2011-0265
12719 SIR FRANCIS DRAKE BOULEVARD, INVERNESS
ASSESSOR'S PARCEL 114-071-01

SECTION I: FINDINGS

- I. WHEREAS the applicant and owner, project is a proposal to construct a 2,485 square foot single-family residence with an attached 540 square foot garage, and convert an existing 892 square foot residence to a guest house on a 5.16-acre lot. A new 2,500-gallon water storage tank is proposed to replace the existing 1,550 gallon tank. The new tank is proposed to be located 12 feet from the rear property line. Water service to the residence would be provided from the North Marin Water District through a new service lateral from the main within Sir Francis Drake Boulevard. A new septic system is proposed southeast of the proposed residence and the second unit would continue to rely on the existing septic system. The residence is proposed to have a maximum height of 25 feet from finished exterior grade and the following minimum setbacks from corresponding property lines: 248 feet front (northeast), 184 feet side (southeast), 230 feet side (northwest), and 136 feet rear (southwest). The existing guest house has a maximum height of 25 feet and the following property line setbacks: 320 feet front (northeast), 310 feet side (southeast), 110 feet side (northwest), and 101 feet rear (southwest). The property is located at 12719 Sir Francis Drake Boulevard in Inverness, and is further identified as Assessor's Parcel Number 114-071-01.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 16, 2012 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 15303, Class 3 because it entails construction of a new single family residence that would not result in potentially significant adverse impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval (Section 22.56.130 of the Interim Marin County Code) pursuant to the requirements and objectives of the Local Coastal Program, Unit II as described below.

A. Water Supply:

The North Marin Water District (NMWD) has indicated that an adequate quantity and quality of water is available to serve the proposed project subject to annexation into NNWD's Improvement District, and completion of agreements and financial arrangements with the NMWD for the construction of new water facilities to serve the project.

B. Septic System Standards:

The project applicant conducted site review and percolation tests demonstrating the feasibility for the development of an adequately sized and designed sewage disposal system to serve the residence. Environmental Health Services staff (EHS) verified this and indicated the applicant would need to apply and obtain a permit for an up-to-code Class 1 sewage disposal system prior to issuance of a building permit.

C. Grading and Excavation:

The proposed project would require approximately 345 cubic yards of excavation. The proposed grading would enable improvements to the existing driveway to provide adequate access to the project site while preserving trees, and to provide opportunities for on-site parking and turnarounds. The proposed residence incorporates a foundation design which steps up the hillside, thereby minimizing grading and site disturbance. The project has been reviewed by the Department of Public Works staff and found to be acceptable with respect to geotechnical and stormwater drainage issues.

D. Archaeological Resources:

The proposed project involves the excavation of materials on a site that has been previously disturbed by single-family residential development. Therefore, it is highly unlikely that the project would disturb cultural resources.

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. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing:

The proposed project will not result in the demolition of existing residential development that provides housing opportunities for persons of low and moderate income.

G. Stream and Wetland Resource Protection:

The proposed project is not located within 100 feet of a blue-line stream as identified on the most recent edition of the Inverness USGS quadrangle map.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat:

The project site does not contain plant or animal species listed on the Department of Fish and Game's Natural Diversity Database Maps, and does not provide significant habitat for wildlife as verified by a biological report prepared by Jules Evens of Avocet Research Associates at the behest of the project applicant. The project will not remove significant

vegetation or otherwise adversely impact probable wildlife habitat areas because these resources are not present at the site.

J. Protection of Native Plant Communities:

The project site does not contain a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off the site.

K. Shoreline Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

L. Geologic Hazards:

The project site is located in an area with some degree of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. However, the project site is located outside the delineated boundaries of the San Andreas Fault zone as indicated by the project applicant's geotechnical engineer, Torikian Associates. The Geotechnical Investigation for the property prepared by Torikian Associates determined that the project is feasible from a geotechnical standpoint. Through the building permit plan checking process, Marin County Building Inspection staff will review the plans for conformance with Marin County Building Codes relative to seismic safety factors.

M. Public Works Projects:

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

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

O. Visual Resources:

Construction of the proposed single-family dwelling would not impair or obstruct coastal views from off-site. The height, scale and design of the proposed project is compatible with the character of the surrounding natural and built environments. The proposed residence would be partially screened from off-site locations by existing vegetation and would not obstruct views of the Inverness Ridge or Tomales Bay. The proposed residence would not obstruct public views and would not be significantly larger than other residences in the vicinity and would comply with the 25 foot height limit required by the governing zoning. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout the Inverness area would blend the structure into the natural and built environments to the greatest extent feasible.

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 project site is not located within the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Donat Coastal Permit 2011-0265 pursuant to Chapter 22.56 of the Interim Marin County Code and subject to the following conditions:

Community Development Agency – Planning Division

1. The Donat Coastal Permit 2011-0265 hereby approves construction of a 2,485 square foot single-family residence with an attached 540 square foot garage, and conversion of an existing 892 square foot residence to a guest house. A new 2,500-gallon water storage tank is approved to replace the existing 1,550 gallon tank and be located 12 feet from the rear property line. The residence is approved to have a maximum height of 25 feet from finished exterior grade and maintain the following minimum setbacks from corresponding property lines: 248 feet front (northeast), 184 feet side (southeast), 230 feet side (northwest), and 136 feet rear (southwest). This approval also includes improvements to the existing driveway serving the property. The property is located at 12719 Sir Francis Drake Boulevard in Inverness, and is further identified as Assessor's Parcel Number 114-071-01.
2. EXCEPT AS MODIFIED BY THESE CONDITIONS OF APPROVAL, plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Donat Residence," consisting of 17 sheets prepared by Shelter Systems (Lance Wyeth), dated December 7, 2011 and received December 7, 2011, and on file with the Marin County Community Development Agency.
3. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," and on file with the Marin County Community Development Agency including:
 - a. Stained natural cedar siding
 - b. "Elk" Prestique: 'Sablewood (Black)' asphalt shingles
 - c. Stained natural cedar trim
 - d. "Marvin's" Clad Wood windows and doors (clad colors: 'Evergreen' or 'Sherwood')

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall 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 conditions of approval as notes.
5. Plans submitted for a Building Permit must depict removal of the food preparation facilities from the existing 892 square foot residence. The food preparation facilities must be removed from the 892 square foot residence PRIOR TO FINAL INSPECTIONS.
6. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.

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. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Community Development Agency – Environmental Health Services Division

13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall apply for and obtain a permit issued by the Environmental Health Services Division (EHS) for an up-to-code, Class 1, onsite sewage disposal system.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant, on behalf of the Hamilton Water Company (a State Small Water System) will need to apply for and obtain a new domestic water permit for the State Small Water System. *If the North Marin Water District (NMWD) is chosen as a service provider, then the applicant must provide a will-serve letter from the NMWD.*

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

The following conditions from the Department of Public Works must be addressed BEFORE ISSUANCE OF A BUILDING PERMIT.

15. 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). Include engineer calculations showing a minimum of a 1.5 factor-of-safety for sliding and overturning. Also, include cross section references on the site plan to the structural plans for the retaining walls.
16. A registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
17. The retaining wall back-drain discharge appears to outlet in close proximity to the septic system. Verify on the plans that no surface water drainage is interfering with or draining into the septic system.
18. The surface water drainage piping system is shown to cross the septic piping system. If crossing these systems is unavoidable, then the crossing point shall be separated by a minimum of 12-inches of impervious earthen material. Otherwise, provide a design where the piping systems do not cross.
19. Show that the surface drainage on the up-hill side of the structure foundation is draining at 5% slope for 10-ft or a system designed to meet the same intent.
20. Show that the 2nd unit parking meets the minimum parking space size and turnaround requirements. The parking space shall be 8.5-ft x 18-ft, should not exceed a slope of 5% in any direction (shall not exceed 8%), shall allow the achievement of the desired out-going direction in one turning movement for the standard composite vehicle, and shall be independently accessible. This conditions shall be unnecessary if the Second Unit Permit application is withdrawn.
21. Provide the surface type for the entire driveway from Sir Francis Drake Blvd to the proposed site parking. Please be apprised that the following criteria for the access driveway are required:
 - a. Longitudinal slopes of 12% to just under 18% shall be at least asphalt.
 - b. Longitudinal slopes of 18% to 25% shall be a brushed-finish concrete. Slopes shall not exceed 25%.
 - c. All cross slope shall be a minimum of 2% and shall not exceed 8%.
 - d. The minimum width of the driveway from Sir Francis Drake Blvd. to the site parking and fire truck turnaround shall be 12-ft with 2-ft of clearance on each side. If the existing driveway does not meet these minimum requirements, it shall be improved in order to meet these minimum requirements.

- e. All driveway surfaces shall have a minimum 30-ton capacity for a fire apparatus for the entire 12-ft width.
 - f. Provide all vertical curve transitions. For the best results, vertical curve transitions should not exceed a slope difference of 12% for a linear distance of 15-ft between the two slopes.
22. The entire fire truck turnaround and the turnout shall be drivable with a 30-ton capacity and shall allow for a standard fire apparatus to achieve the desired out-going direction in one turning movement.
23. The fire truck turnaround slope shall not exceed 8% in any direction.
24. Submit Erosion and Siltation Control plans.
25. An encroachment permit shall be required for work within the Sir Francis Drake Blvd. road right-of-way. Please be apprised that Sir Francis Drake Boulevard is with a 5-year moratorium for any cutting of the pavement.
26. The plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.
27. Provide a note on the plans that states the following: *The design engineer shall certify to the Department of Public Works in writing that all grading, drainage, and retaining wall construction was completed in accordance with the approved plans and field inspections. Also, the grading and drainage, driveways, parking and all other site improvements shall be inspected by a Department of Public Works engineer prior to building permit final.*

Marin County Fire Department

28. An automatic fire sprinkler system is required per National Fire Protection Association (NFPA) Standard 13D and Marin County Fire Department (MCFD) requirements.
29. The address shall be posted and illuminated conforming to MCFD requirements.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
31. BEFORE FRAMING INSPECTIONS, the fire hydrants shall be installed and tested.
32. BEFORE FRAMING INSPECTIONS or delivery of lumber to the site, roadways and driveways shall be installed with first lift asphalt or concrete. If a gravel surface is proposed, the MCFD requires a wet-stamped letter from a Geotechnical Engineer indicating the surface will support a 30-ton fire apparatus in all weather conditions.
33. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management/Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
34. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

North Marin Water District

35. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner shall submit an application to the North Marin Water District (NMWD) and complete financial arrangements for annexation into NMWD's Improvement District.
36. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner shall enter into an agreement with the NMWD and complete financial arrangements for the construction of new water facilities.
37. BEFORE THE FINAL INSPECTION, the applicant shall submit confirmation from the District that all requirements of the District have been satisfied and that water service installation is complete.

SECTION III: VESTING AND APPEAL RIGHTS

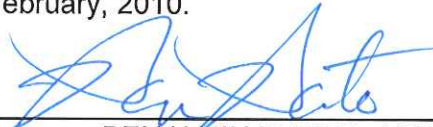
NOW THEREFORE, BE IT RESOLVED that the applicant must vest this approval by obtaining a Building Permit or other construction permit for the approved work and substantially completing the improvements in accordance with the approved permits or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120 of the Interim 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 **12:00 p.m. on February 24, 2010.**

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16th day of February, 2010.



BENJAMIN BERTO, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Joyce Evans
DZA Secretary