



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Richards Negative Declaration of Environmental Impact and
Coastal Permit And Design Review 2011-0220

RECOMMENDATION: Approval with conditions
HEARING DATE: December 13, 2012

Application No:	2011-0220	Applicant:	Anthony Richards
Agenda Item:	3	Owners:	Rob and Cathy Richards
Last Date for Action:	December 13, 2012	Assessor's Parcel No:	112-174-09
		Property Address:	445 Aberdeen Way, Inverness
		Project Planner:	Curtis Havel

Countywide Plan Designation: CSF3, Coastal Single Family, one unit per one acre to five acres
Community Plan Area: Inverness Ridge Communities
Zoning: C-RSP-1.0, Coastal Residential Single-family District, one unit per acre maximum density
CEQA: Negative Declaration of Environmental Impact

PROJECT DESCRIPTION

The project is a proposal to construct a 1,928 square foot single-family residence and an attached 376 square foot garage on a 12,000 square foot lot in Inverness. A new septic system is proposed upslope of the residence in the rear yard area. The residence would have a maximum height of 25 feet from finished exterior grade. The driveway serving the residence would be made of concrete pavers. The residence would have the following minimum setbacks from corresponding property lines: 18 feet front (north), 26 feet side (west), 18 feet side (east), and 58 feet rear (south). A portion of the proposed residence would be located within the Stream Conservation Area because the residence would be located 56 feet from the creek top-of-bank (Second Valley Creek, also known as Alder Creek, flows along the opposite side of Aberdeen Way).

The project entails 248 cubic yards of grading for the building footprint, driveway, septic tank and leachfield. Outside of the building footprint and semi-permeable driveway, no hardscape is proposed and drainage runoff generated by the project would be accommodated by a 40-foot long dissipation trench. The project engineer, Torikian Associates, has indicated that no surface runoff will be introduced to the street or Second Valley Creek. The proposed landscaping plan includes the installation Marin County and California native plants. The proposed project does not entail the removal of any trees.

PROJECT SETTING

The vacant, 12,000 square foot property is located along the southerly edge of Aberdeen Way in Inverness, approximately one-half mile west of Tomales Bay. The property is bordered by Aberdeen Way to the north, and residential development to the west, east and south. To the opposite (north) side of Aberdeen Way, Second Valley Creek flows from west to east generally paralleling and set apart from the northerly edge of Aberdeen Way and finally emptying into Tomales Bay. The northerly half of the project site closest to Aberdeen Way is thinly vegetated and moderately sloped (approximately 2-9 percent). The southerly half (rear) of the site is steeply sloped (9-30 percent) and more heavily vegetated.

Aberdeen Way provides separation between the project site and Second Valley Creek. Second Valley Creek is identified by maps on file at Marin County as providing potential habitat for Steelhead Trout (*Oncorhynchus kisutch*) and as a blue-line stream subject to Stream Conservation Area policies contained in the Marin Countywide Plan. The Stream Conservation Area (SCA) establishes a buffer zone within a strip of land that includes the watercourse and extends laterally outward from both banks of the streams to a width of 100 feet on each side of the stream.

The general planning area is rural residential in character, and is governed by a Residential, Single-Family Planned (RSP) zoning district with densities of approximately one unit per acre. The project site is not located within a Ridge and Upland Greenbelt Area as defined by the Marin Countywide Plan, and the project site is not located along a prominent ridgeline.

PUBLIC NOTICE

The Community Development Agency, Planning Division has mailed notices to applicable agencies, interested parties and organizations, and all owners of properties within 600 feet of the subject property. The notice was also published in a general circulation newspaper pursuant to the requirements of the California Environmental Quality Act (CEQA). The notice identified the applicant, described the project and its location, gave the earliest possible decision date and method of contact staff for more information, and provided instructions about how to obtain a copy of the prepared Initial Study and proposed Negative Declaration of Environmental Impact. No comments were received as of the date of the preparation of this staff report.

BACKGROUND

The property was created as Lots 17 and 18 of the "Amended Map No. 1 of Inverness" in 1909 (Book 3, Page 13 of Recorded Maps). The property is identified by the Inverness Ridge Communities Plan as being located in "Old Inverness" because this area was the first to experience residential development. The vacant property is bordered to either side by single-family residences and is considered an infill lot consistent with the established development patterns of the neighborhood.

The Coastal Permit and Design Review application was referred to the Marin County Environmental Health Services, the California Coastal Commission, the Marin County Department of Public Works, the Inverness Association, the Inverness Public Utility District (including the Inverness Fire Department), and Marin County Fire Department. In response to constraints related to the siting of the septic system, the project applicant reduced the area of their project by approximately 700 square feet (and coincidentally lowered the overall height of the house from 30 feet to 25 feet). Story poles were erected at the site during the completeness review of the application and prior to the circulation of the formal public notice.

The proposed single-family residence is located partially within the Stream Conservation Area (SCA). An Initial Study was conducted to evaluate potential impacts to the environment. Upon review of the Initial Study, the Environmental Coordinator determined that a Negative Declaration of Environmental Impact is appropriate for the proposed project. The Notice of Draft Negative Declaration of Environmental Impact was circulated to various reviewing public agencies, community groups, and interested parties for a 20-day period. As of the date of the preparation of this staff report, no comments have been received in response to the notice.

RECOMMENDATION:

Overall, the design of the proposed residence is compatible with that of other houses in the vicinity, respects the surrounding natural environment, and will not adversely affect the views, light or privacy of adjoining properties. Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolutions granting the Negative Declaration of Environmental Impact and approving the Richards Coastal Permit and Design Review.

Attachments:

1. Proposed resolution recommending the grant of a Negative Declaration of Environmental Impact for the Richards Coastal Permit and Design Review
2. Proposed resolution recommending approval of the Richards Coastal Permit and Design Review

The following attachments were provided to the Deputy Zoning Administrator only. They are available for public review at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

3. Richards Negative Declaration of Environmental Impact and Initial Study
4. Reduced plan set



MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR
THE RICHARDS COASTAL PERMIT AND DESIGN REVIEW 2011-0220

ASSESSOR'S PARCEL 112-174-09
445 ABERDEEN WAY, INVERNESS

SECTION I: FINDINGS

I. WHEREAS the applicant, Anthony Richards, on behalf of the property owners, Rob and Cathy Richards, is proposing to construct a 1,928 square foot single-family residence and an attached 376 square foot garage on a 12,000 square foot lot in Inverness. A new septic system is proposed upslope of the residence in the rear yard area. The residence would have a maximum height of 25 feet from finished exterior grade. The driveway serving the residence would be made of concrete pavers. The residence would have the following minimum setbacks from corresponding property lines: 18 feet front (north), 26 feet side (west), 18 feet side (east), and 58 feet rear (south). A portion of the proposed residence would be located within the Stream Conservation Area because the residence would be located 56 feet from the creek top-of-bank (Second Valley Creek, also known as Alder Creek, flows along the opposite side of Aberdeen Way).

The project entails 248 cubic yards of grading for the building footprint, driveway, septic tank and leachfield. Outside of the building footprint and semi-permeable driveway, no hardscape is proposed and drainage runoff generated by the project would be accommodated by a 40-foot long dissipation trench. The project engineer, Torikian Associates, has indicated that no surface runoff will be introduced to the street or Second Valley Creek. The proposed landscaping plan includes the installation Marin County and California native plants. The proposed project does not entail the removal of any trees.

The subject property is located at 445 Aberdeen Way, Inverness, and is further identified as Assessor's Parcel 112-174-09.

II. WHEREAS the Marin County Community Development Agency prepared an Initial Study for the project which determined that potential impacts relating to land use and planning, population and housing, geophysical, water, air quality, transportation and circulation, biology, energy and natural resources, hazards, noise, public services, utilities, visual resources and aesthetics, and cultural resources are avoided and there is no evidence that the project may have a significant effect on the environment.

III. 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).

IV. WHEREAS on November 9, 2012, the Richards Initial Study and proposed Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 20-day public review period for review and comment on the Negative Declaration. The circulated materials included the formal notice of the public review period and Marin County Deputy Zoning Administrator hearing date to consider granting final approval of the Negative Declaration and the notice was published in a general circulation newspaper pursuant to CEQA.

No comments were received in response to the circulated Initial Study, proposed Negative Declaration of Environmental Impact, and public notice.

- V. WHEREAS the Marin County Deputy Zoning Administrator has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds 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 CEQA process.

SECTION II: 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 Marin County Deputy Zoning Administrator.
3. The Negative Declaration of Environmental Impact for the project consists of the Negative Declaration, Initial Study, and all supporting information incorporated by reference therein. A response to comments was not necessary because no comments were received during the circulation of the Initial Study and Negative Declaration of Environmental Impact.
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.

LET IT BE FURTHER RESOLVED that the Marin County Deputy Zoning Administrator hereby grants the Negative Declaration of Environmental Impact for the Richards Coastal Permit and Design Review application as an adequate and complete environmental document for purposes of approving the project and declares that the Negative Declaration has been completed and considered in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA process.

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 13th day of December, 2012.

BENJAMIN BERTO, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE RICHARDS
COASTAL PERMIT AND DESIGN REVIEW 2011-0220
445 ABERDEEN WAY, INVERNESS
ASSESSOR'S PARCEL 112-174-09

SECTION I: FINDINGS

I. WHEREAS the applicant, Anthony Richards, on behalf of the property owners, Rob and Cathy Richards, is proposing to construct a 1,928 square foot single-family residence and an attached 376 square foot garage on a 12,000 square foot lot in Inverness. A new septic system is proposed upslope of the residence in the rear yard area. The residence would have a maximum height of 25 feet from finished exterior grade. The driveway serving the residence would be made of concrete pavers. The residence would have the following minimum setbacks from corresponding property lines: 18 feet front (north), 26 feet side (west), 18 feet side (east), and 58 feet rear (south). A portion of the proposed residence would be located within the Stream Conservation Area because the residence would be located 56 feet from the creek top-of-bank (Second Valley Creek, also known as Alder Creek, flows along the opposite side of Aberdeen Way).

The project entails 248 cubic yards of grading for the building footprint, driveway, septic tank and leachfield. Outside of the building footprint and semi-permeable driveway, no hardscape is proposed and drainage runoff generated by the project would be accommodated by a 40-foot long dissipation trench. The project engineer, Torikian Associates, has indicated that no surface runoff will be introduced to the street or Second Valley Creek. The proposed landscaping plan includes the installation Marin County and California native plants. The proposed project does not entail the removal of any trees. The property is located at 445 Aberdeen Way in Inverness, and is further identified as Assessor's Parcel Number 112-174-09.

II. WHEREAS an Initial Study has been prepared pursuant to the requirements of the California Environmental Quality Act, and the Environmental Coordinator of the County of Marin has recommended the grant of a Negative Declaration of Environmental Impact because it has been determined that no significant effects would occur and there is no evidence that the project would have a significant effect on the environment.

III. WHEREAS the Marin County Deputy Zoning Administrator has reviewed and considered testimony in favor of, and against, a proposed Negative Declaration and finds, subject to recommended 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 CEQA process.

IV. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on December 13, 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.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan as described below.
- A. The construction of a new single-family residence is consistent with the C-SF3 (Coastal, Single-family, 1 unit per 1-5 acres maximum density) land use designation.
 - B. The project will provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
 - C. The project complies with Marin County standards for flood control, geotechnical engineering, and seismic safety, and includes improvements to protect lives and property from hazard.
 - D. The project results in development which conforms to the governing standards related to building height, size and location.
 - E. The project complies with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works.
 - F. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - G. The project minimizes soil disturbance and maximize protection of natural vegetation.
 - H. The project complies with Stream Conservation Area (SCA) policies because new construction within an SCA is allowed if development outside the SCA would result in more adverse environmental impacts. The project is currently designed to avoid any tree removal and minimize grading by locating development in the most level portion of the property. Location of the proposed single family residence outside of the SCA would result in the residence being located on a steeply sloped and heavily wooded hillside, necessitating excessive tree removal and grading. Furthermore, it is likely that the proposed septic system would be relocated to the front half of the property within the SCA if the house were located on the hillside towards the rear half of the property. Therefore, the project qualifies for an exception from SCA restrictions because location of the project outside of the SCA would result in greater potential impacts to water quality, wildlife habitat and other sensitive biological resources due to tree removal, grading, and location of the septic system leachfield in closer proximity to the creek.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the Inverness Ridge Community Plan due to the following factors.
- A. The project would involve the construction of a new single-family residence, which is a principally-permitted use under the governing zoning district, and therefore, would be compatible with surrounding residential uses.
 - B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.

- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- D. The project will not impact recreational opportunities in the area because the single-family residence will not obstruct or otherwise interfere with existing public access to recreational facilities.

VII. 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 Inverness Public Utility District has indicated that an adequate quantity and quality of water is available to serve the proposed single-family dwelling.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and approved an application for a septic system to serve the new single-family dwelling.

C. Grading and Excavation:

The proposed project would require approximately 248 cubic yards of excavation. According to the project engineer, the proposed single-family dwelling has been located in the most geologically stable portion of the property, and the grading is necessary to create a stable building pad. The siting of the home in the more level portion of the property minimizes the amount of grading required for the project, and will avoid existing trees at the property. The project has been reviewed by the Department of Public Works staff and found to be acceptable subject to the standard conditions required by the County including, but not limited to, erosion control, geotechnical issues, and drainage. Established programs, such as the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), will require the applicant to submit an erosion control and sedimentation plan that utilizes erosion control provisions consistent with standard best management practices during construction as well as for permanent long-term erosion control features throughout the property. Finally, the Department of Public Works will require that the Building Permit plans are designed consistent with the project engineer's geotechnical recommendations and reviewed and approved by a Registered Civil or Geotechnical Engineer.

D. Archaeological Resources:

Review of the Marin County Archaeological Sensitivity Maps indicates that the subject property is located in an area of low archaeological sensitivity and that the presence of relics associated with unique ethnic, cultural or religious or sacred uses within the project area is highly unlikely. The proposed project will not disturb cultural resources because the project is located in an area of low archeological sensitivity and would only require limited amounts of grading for foundation improvements. Therefore, the project is consistent with this finding.

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 single-family residence is located 56 feet from the top of bank of Second Valley Creek. The project site is separated from the creek by Aberdeen Way, a 50-foot wide road right of way. The 100-foot stream buffer area extends into the generally level, front half of the subject property. The area of the property outside of the stream buffer area becomes more steeply sloped (approximately 30%) and heavily wooded. The biological assessment provided by the applicant did not identify the presence of a riparian plant community at the project site.

The project has been designed to avoid potential impacts to flora and fauna in the area, protect water quality, and eliminate any additional amounts of runoff generated by the project through the implementation of the following proposed project design features: locating development in a portion of the property that would minimize grading and avoid the need for any tree removal; incorporating a permeable driveway surface and dissipation trench that would collect and convey stormwater runoff thereby eliminating increased hydrologic and sediment inputs into Second Valley Creek associated with the proposed residence as verified by the project sponsor's engineer; and incorporating a landscape plan that utilizes native plant species to enhance and improve the soil stability and habitat value at the project site.

As discussed in the Richards Initial Study and Negative Declaration of Environmental Impact, the Biological Assessment prepared by WRA noted that locating the proposed development outside of the stream buffer area would result in greater impacts that would require mitigation measures related to tree and habitat removal. Locating the single-family residence outside of the stream buffer area would be more environmentally damaging to the environment because the foundation for the single-family residence would require greater amounts of grading, the alternative site would require removal of native trees, and the relocation of the septic system would likely be located closer to the creek in the SCA. The project is consistent with this finding as discussed above because locating development outside of the buffer zone would result in greater impacts to the environment.

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 has been designed to avoid wildlife habitat areas and will not remove significant vegetation at the site. The project biologist, WRA Environmental Consultants, (WRA)

conducted an assessment of the property at the behest of the project applicant and concluded that the proposed project as it is currently designed would not impact riparian or wetland resources. Overall, the project has been designed to minimize and avoid environmental impacts associated with drainage, grading, and tree removal.

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 coastal bluff area and does not entail the repair or placement of shoreline protective works such as revetment, breakwaters, groins or other such construction that alters natural shoreline processes.

L. Geologic Hazards:

The project site is not located in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. The project applicant's geotechnical engineer, Torikian Associates, has verified that the site is not situated within an Earthquake Fault Zone and 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 building forms are adequately articulated providing visual interest and reducing the apparent mass and bulk of the structure. The project entails no tree removal and therefore would not significantly alter the visual character of the woodland habitat on the rear half of the project site. 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 district. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout the Inverness area that would blend the structure into the natural and built environments.

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.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.82.040 of the Interim Marin County Code) as described below.

The project results in a single family residential structure of a height, mass and bulk proportionately appropriate to the site that provides adequate setbacks from property lines and other buildings on the subject and surrounding properties. The project is consistent with policies and programs in the Marin Countywide Plan and Local Coastal Program as enumerated in Findings V and VII above, and maintains a principally-permitted residential use under the governing C-RSP-1.0 (Coastal, Residential, Single-Family, Planned District, one unit per acre maximum density) zoning district.

The single-family dwelling will not exceed a maximum height of 25 feet (consistent with the 25-foot height standard established by the governing zoning district) and will result in development which incorporates architectural characteristics and building forms that are consistent with other development in the area. The single-family residence will be constructed using earth-toned materials and colors, non-reflective and subdued in nature, to better blend with the surrounding natural environment as well as the built environment. Landscaping proposed by the applicant, along with existing vegetation at the site, will partially screen and soften the appearance of the structure from off-site locations, will stabilize and prevent the erosion of graded soils around the structure, and will enhance the privacy of the occupants of the subject and surrounding properties.

The single-family residence has been sited on the property to minimize drainage alterations, grading and excavation, and other potentially adverse physical effects on the natural environment. The project does not require any tree removal. The design of the single-family residence is compatible with other development in the vicinity, respects the surrounding natural environment, and will not diminish views from surrounding properties. The single-family residence and attached garage will foster energy and natural resource conservation because it will be required to meet the standards of Marin County Ordinance 3356 (Energy Efficiency Standards for Single Family Dwellings) as a standard practice required during Building Permit review. Finally, the Marin County Environmental Health Services staff has approved the on-site sewage disposal system designed to serve the single-family dwelling and the Inverness Public Utility District has indicated their ability to provide water service to the subject property.

Based on the findings above, the construction of the single-family residence and attached garage accessory structure will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION II: CONDITIONS OF APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Richards Coastal Permit and Design Review 2011-0220 pursuant to Chapters 22.56 and 22.82 of the Interim Marin County Code and subject to the following conditions:

Community Development Agency – Planning Division

1. The Richards Coastal Permit and Design Review 2011-0220 hereby approves construction of a 1,928 square foot single-family residence and an attached 376 square foot garage on a 12,000 square foot lot in Inverness. A new septic system is approved upslope of the residence in the rear yard area. The residence is approved to have a maximum height of 25 feet from finished exterior grade. The driveway serving the residence is approved to be made of concrete pavers. The residence is approved to have the following minimum setbacks from corresponding property lines and site features: 18 feet from the northerly front property line; 26 feet from the westerly side property line; 18 feet from the easterly side property line; 58 feet from the southerly rear property line; and, 56 feet from the top-of-bank of Second Valley Creek. The property is located at 445 Aberdeen Way in Inverness, and is further identified as Assessor's Parcel Number 112-174-09.
2. Plans submitted for a Building Permit shall substantially conform to plans on file with the Marin County Community Development Agency identified as "Exhibit A," entitled, "445 Aberdeen Way Inverness," consisting of 8 sheets prepared by Anthony M. Richards, Stephen J. Flatland (Professional Land Surveyor) and Paul B. Torikian (Soils and Foundation Engineer, Geotechnical Engineer), received February 2, 2012.
3. Approved exterior building materials and colors shall substantially conform to the color/materials contained in "Exhibit A," and as further identified below:
 - a. Class A Composition Roofing Shingles: "Sherwood Green" (dark green/black)
 - b. Hardi Shingle Siding – "Pluto Beige" (dark beige)
 - c. Windows – Beige Vinyl Sash
 - d. Doors (garage and house) – "Ultra Green" (dark green)

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 and Design Review conditions of approval as notes.
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the

Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

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

Marin County Community Development Agency – Environmental Health Services Division

12. The applicant shall construct an on-site sewage disposal system consistent with Permit 12-26 on file with the Environmental Health Service Division. No construction shall occur until a Building Permit is issued for the single-family residence.

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.

13. The proposed electrical utility supply for the adjacent property (455 Aberdeen Way) traverses the subject property and will serve the neighboring property. DPW recommends that a utility easement be established appurtenant to the property being served.
14. 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 (the walls are 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.
15. A registered Engineer shall design the site/driveway retaining walls. Plans and calculations must have the Engineer's/Architect's wet stamp and signature.
16. Provide a back-drain plan for any proposed site retaining walls.
17. Provide a design for foundation drainage based on the recommendation depicted in the Geotechnical Report of May 12, 2011 by Torikian Associates.
18. Surface drainage from the driveway shall be diverted from draining directly into the Aberdeen Way.
19. Surface drainage around the foundation of the building shall slope away at a minimum of 5% for 10-ft (2010CBC§1804.3). Surface drainage along western side of the structure (behind the garage) does not appear to meet this requirement due to the proposed cut slope. Provide an engineered design that meets the same intent. The drainage and grading plans shall be designed by either a registered Engineer or Architect.
20. The proposed V-drainage swale crosses over the proposed septic tank. Provide approval from the County Environmental Health Department (EHS) for the proposed V-drainage/septic tank configuration or redesign if their proposed configuration is not allowed by EHS. Note that all drainage facilities shall terminate a minimum of 10-ft from the property boundary and shall be converted to sheet flow so as to percolate into the ground prior to crossing property boundaries.
21. The foundation and retaining wall drainage systems shall be completely separate from surface water drainage systems.
22. Unless specifically stated by the Geotechnical engineer that site conditions preclude managing drainage systems within property boundaries, all drainage systems shall terminate and convert to sheet/percolation flow a minimum of 10-ft from all property boundaries.
23. Due to the soil conditions depicted in the Geotechnical Report of May 12, 2011 by Torikian Associates, provide plans for the foundation excavation and as recommended in the Report. The foundation excavation design and all other geotechnical recommendations shall be presented in the plans based on the Geotechnical Report recommendations. A note in the plans referencing the Geotechnical Report will not suffice.

24. Provide the specific intended destination for the earthen cut surplus. A note on the plans indicating an "approved location" will not suffice.
25. An encroachment permit shall be required for all work within the road right-of-way.
26. 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.
27. Provide a note on the plans stating the following: *Design Engineer and/or Architect shall certify to the County in writing prior to final inspection that all grading, drainage, and retaining wall construction was completed in accordance to approved plans and field direction. Also state that the driveway, parking, and all other site improvements shall be inspected by a DPW engineer prior to final inspection.*
28. Note that a more detailed plan review will be conducted at the building permit phase whereby additional comments and/or plan revisions may be required. Additionally, the plans shall be wet-stamped and signed by the appropriate California registered professional prior to issuance a building permit.

Inverness Public Utility District (water and fire)

29. Interior residential fire protection sprinklers will be required for the new residence.
30. The owner(s) of the property will be required to apply for a New Service Connection per Inverness Public Utility District Regulations.

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 by December 13, 2014, 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 to the Coastal Permit and Design Review at least 10 days before the expiration of the Coastal Permit and Design Review approvals.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on December 26, 2012.

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 13th day of December, 2012.

BENJAMIN BERTO, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

