



# MARIN COUNTY

## COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

### STAFF REPORT TO THE PLANNING COMMISSION GOBAR DESIGN REVIEW

Item No:	6	Application No:	DR 04-44
Applicants:	Franklin and Barbara Gobar	Owners:	Franklin and Barbara Gobar
Property Address:	26 Unionstone Drive, San Rafael	Assessor's Parcel:	164-354-05
Hearing Date:	December 13, 2004	Planner:	Anna M. Camaraota

**RECOMMENDATION:**

**Approve with Conditions**

**APPEAL PERIOD:**

**Ten calendar days to the Marin County Board of Supervisors**

**LAST DATE FOR ACTION:**

**December 13, 2004**

#### SUMMARY RECOMMENDATION:

Staff recommends that the Planning Commission conditionally approve the revised Gobar Design Review proposal to construct an approximately 26-foot high, 3,261 square foot addition to an existing 2,616 square foot single-family residence (including attached garage), resulting in a total building area of 5,877 square feet, to construct a new in-ground swimming pool/spa, and to remove a partially constructed, 308 square foot equipment shed. The adjusted floor area (deducting 540 square feet of excludable garage area) would be 5,337 square feet, representing a 7.2% floor area ratio (FAR) on the 74,052 square foot (1.7 acre) property. Five hundred and forty five (545) square feet of the proposed addition would consist of a cellar located entirely below grade that would not contribute to the bulk and mass of the structure. Design Review is required pursuant to Marin County Code MCC §22.42.020.B.2, because the total building area exceeds 4,000 square feet.

#### REVISED PROJECT DESCRIPTION:

On September 13, 2004, the Planning Commission considered the applicant's original proposal to construct additions to an existing single-family residence totaling 4,379 square feet and to legalize a detached, 308 square-foot equipment shed, and unanimously continued the application. The purpose of the continuance was to allow the applicant time to revise the project to address concerns expressed by the Commissioners. Recommendations made by the Commission included elimination of the partially constructed 308 square-foot, detached equipment shed (including the foundation), minimization of the proposed roofline/ridgeline of the addition to the residence, and a reduction in the scale of the front entryway for the residence. In addition, Commissioners Julin, Greenberg, and Berland recommended that the size of the addition be reduced to result in a smaller residence. The suggested residential sizes ranged from 3,000 to 4,500 square feet.

In response to the Commission's recommendations, the applicant submitted revised plans proposing to demolish the partially constructed, 308 square foot equipment shed and associated foundation, reduce the scale of the front entryway for the residence, decrease the size of the proposed addition from 4,379 square feet to 3,261 square feet, and add landscaping along the slope above the pool/spa and bordering portions of the dirt driveway adjacent to the east property line to provide screening between the subject property and the neighboring property located east of the residence (identified as 15 Hearthstone Drive, San Rafael, Assessor's Parcel 164-172-04). Proposed reductions to the lower level of the residence include elimination of the double-height entry tower and stepping back the south (front) façade by three feet, stepping back the east (right side) façade by up to five feet, and stepping back portions

of the north (rear) façade by up to four feet, resulting in a reduction of approximately 710 square feet of floor area. Proposed reductions to the upper level of the residence include stepping back the south (front) façade by two and a half feet, and stepping back the portions of the north (rear elevation) by up to eight feet, resulting in a reduction of approximately 409 square feet of floor area. In addition, the applicant has reduced the overall height from 28 feet to 26 feet above grade and incorporated a hipped roof for the two-story portion of the residence, which would decrease the length of the originally proposed ridgeline from 71.5 linear feet to 50 linear feet.

#### **GENERAL INFORMATION:**

Countywide Plan: SF5 (Single-family Residential, two to four units per acre maximum density)  
Zoning: R-1:B-2 (Residential, Single-Family, 10,000 square foot minimum lot size)  
Lot size: 74,052 square feet (1.7 acres)  
Adjacent Land Uses: Single-family residential  
Vegetation: Introduced landscaping consisting of trees and shrubs  
Topography and Slope: Plateau on moderate to steep south-facing slope  
Environmental Hazards: None identified

#### **ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails construction of an addition to an existing single-family residence with no potentially significant impacts on the environment.

#### **PUBLIC NOTICE:**

The Community Development Agency provided public notice of the Planning Commission hearing of September 13, 2004, identifying the applicants, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property and all interested parties identified in the public record. The Planning Commission continued the hearing to November 15, 2004 to allow the applicant to revise the project and submit detailed plans that incorporate recommended modifications for consideration. With the consent of the applicant, the hearing was further continued by the Planning Commission to December 13, 2004. Notices describing the modified project and identifying the revised hearing date were mailed to all property owners within 600 feet of the subject property and all interested parties identified in the public record.

#### **PLAN CONSISTENCY:**

The modified project is generally consistent with the goals and policies of the Marin Countywide Plan, Title 22 (Zoning), and Title 24 (Development Standards). Please refer to the plan consistency findings contained in the attached resolution.

#### **PROJECT ANALYSIS:**

The property consists of an approximately 1.7-acre property located on a moderate to steep, south-facing slope within the Marinwood subdivision and contiguous to the Las Gallinas Ranch subdivision. A 40-foot wide, 136-foot long driveway off of Unionstone Drive provides access to the property upslope. The property is bordered by 12 residential properties ranging in lot size from 8,625 square feet to 43,302 square feet. Nine of the properties are located downslope from the subject property and consist of smaller lots with modest, ranch style homes that are typical of the Marinwood subdivision. The three remaining lots are located immediately upslope from the property within the Las Gallinas Ranch subdivision, which is characterized by larger lots and homes. Mature trees and shrubs are located along portions of the perimeter of the property; however, there is relatively little existing landscaping immediately surrounding the developed portions of the property on the plateau, leaving the residence somewhat exposed to views from upslope and from certain vantage points downslope.

## 1. Residential Additions

The applicant has reduced the size of the originally proposed addition by 1,118 square feet by eliminating floor area at the lower and upper levels along the south (front), east (right side), and portions of the north (rear) façades. The revised project proposes a 3,261 square-foot addition to an existing 2,616 square foot residence, resulting in a total building area of 5,877 square feet (including the proposed 545 square foot cellar). Exclusions granted for 540 square feet of floor area within the garage area (pursuant to Marin County Code §22.130.030) would result in a total adjusted floor area of 5,337 square feet, representing a floor area ratio (FAR) of 7.2% for the 1.7-acre property. Proposed additions to the residence include conversion of the existing two-car garage to living space, overall expansion of the footprint and expansion of the second level, and construction of an attached 3-bay garage and a 545 square foot cellar. The 545 square foot cellar would be completely below grade and would not add to the bulk and mass of the residence, resulting in a residence with the visual appearance of a 4,792 square foot home. Please refer to the following table for a comparison of the current and previous projects.

	EXISTING	INITIAL PROPOSAL	REVISED PROPOSAL
<b>Lot Area:</b>	<b>74,052 s.f./ 1.7 acres</b>	<b>74,052 s.f./ 1.7 acres</b>	<b>74,052 s.f./ 1.7 acres</b>
<b>Floor Area (Residence):</b>			
Main Level (Including Garage)	1,658 s.f.	4,127 s.f.	3,417 s.f.
Upper Level	958 s.f.	2,323 s. f.	1,914 s.f.
Cellar (Below Grade)	n/a	545 s.f.	545 s.f.
Proposed Addition	n/a		
<b>Floor Area (Accessory):</b>			
Storage Shed (Partially Constructed)	n/a	308 s.f.	n/a (To Be Removed)
<b>Total Floor Area:</b>	<b>2,616</b>	<b>7,303 s.f.</b>	<b>5,877 s.f.</b>
<b>Excludable Floor Area:</b>			
Garage	<540 s.f.>	<540 s.f.>	<540 s.f.>
Detached Accessory Structure	n/a	<250 s.f.>	n/a
<b>Floor Area Ratio (FAR)</b>	<b>2.80%</b>	<b>8.8%</b>	<b>7.21%</b>
<b>Height:</b>			
Residence	not available	28 feet	26 feet
Accessory	n/a	15 feet (reduced from 18.75 feet)	n/a
<b>Setbacks:</b>			
Northeast Intersect (rear)	138 feet	125 feet	128 feet
South (front)	72 feet	40 feet	40 feet
East (right side)	75 feet	57.25 feet	62.75
Northwest Property line (left side)	92 feet	72 feet	74.5 feet

Although the resulting size of the residence is slightly larger than the range of home sizes that were recommended by some of the Commissioners, staff finds that the project has incorporated a number of

refinements and improvements that merit approval. In addition to reducing the size of the proposed addition, the applicant proposes modifications to architectural features of the residence. Modifications include replacement of the originally proposed entry tower with a pedestrian scaled entryway, which includes a recessed front door with a false balcony above, utilization of arched garage doors, split-pane entry door and bay windows, and inclusion of two gable dormers along the front façade, which serve to break up the roofline. The reductions in the size would result in larger setbacks from the front, right side, and rear property lines, and result in a residence that is compatible in size, scale, and character with the surrounding Marinwood subdivision and the Las Gallinas Ranch subdivision located immediately up slope.

Finally, the applicant has submitted landscape plans utilizing New Zealand Tea Plant and Rhododendron bordering portions of the dirt driveway which runs adjacent to the east property line in order to provide screening between the subject property and the neighboring property located east of the residence (identified as 15 Hearthstone Drive, San Rafael, Assessor's Parcel 164-172-04). Prior to issuance of a Building Permit, staff recommends that a more extensive landscape plan be submitted for review and approval by the Director and that the applicant submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District or North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.

Staff recommends that your Commission approve with conditions the residential addition.

## **2. Equipment Shed**

The applicant has revised the proposal to eliminate the partially constructed, 308 square foot detached equipment shed and associated foundation located approximately 75 feet southeast of the existing residence. Staff recommends that your Commission require removal of the partially constructed equipment shed within 60 days from the date of project approval.

## **3. Swimming Pool**

The proposed swimming pool would be located west of the proposed residence and would include an elevated terrace containing the spa and a small seating area. The applicant has incorporated landscape plans on the revised site plan utilizing Bacopa and Rosemary along the approximately 4-foot high retaining wall running east to west, adjacent to the north end of the pool, and Mongo and Fountain Grass on the slope above the spa. Staff recommends that a more extensive landscape plan be submitted for review and approval as indicated above. Staff recommends that your Commission approve with conditions, construction of the swimming pool/spa.

## **CONCLUSION:**

The modified proposal has addressed concerns raised by staff, the Planning Commission, and neighbors in reference to the original proposal, including visual and privacy impacts resulting from the detached equipment shed and visual impacts resulting from the size of the residence by: (1) eliminating the partially constructed, 308 square-foot, detached equipment shed, (2) reducing the size of the proposed addition by 1,118 square feet, (3) incorporating a hipped roofline to reduce the length of the ridgeline, (4) minimizing the appearance of the entryway, and (5) incorporating architectural details which break up the roof line and result in a residence which is compatible in size, scale and character with the surrounding neighborhoods. In addition, the applicant has provided preliminary landscape plans to provide screening from off-site views. Staff recommends that more detailed landscape plans be required before issuance of a building permit as a condition of project approval. For these reasons, staff recommends approval of the project.

## **RECOMMENDATION:**

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and move to adopt the attached resolution approving with conditions the Gobar Design Review.

- Attachments:
1. Proposed Resolution Approving the Gobar Design Review
  2. Planning Commission Staff Report, September 13, 2004
  3. Planning Commission Minutes, September 13, 2004
  4. Revised Site Plan, Vicinity Map, Parcel Map, received November 2, 2004
  5. Revised Floor Plans Main Level, received November 2, 2004
  6. Revised Floor Plans Upper Level, received November 2, 2004
  7. Revised East (Front) Elevation, received November 2, 2004
  8. Revised West and North Elevations, received November 2, 2004
  9. Revised South Elevation, received November 2, 2004

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING WITH CONDITIONS  
THE GOBAR DESIGN REVIEW  
26 UNIONSTONE AVENUE, SAN RAFAEL  
ASSESSOR'S PARCELS 164-354-05

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**SECTION I: FINDINGS**

- I. WHEREAS Franklin and Barbara Gobar are requesting Design Review approval to allow construction of an approximately 26-foot high, 3,261 square foot addition on an existing 2,616 square foot single-family residence (including attached garage), resulting in a total floor area of 5,877 square feet, construction of a new in-ground swimming pool/spa, and to removal of a partially constructed, 308 square foot equipment shed. The adjusted floor area (deducting 540 square feet of excludable garage area) would be 5,337 square feet, representing a 7.2% floor area ratio (FAR) on the 74,052 square foot (1.7 acre) property. Five hundred and forty five (545) square feet of the proposed addition would consist of a cellar located entirely below grade, and would not contribute to the bulk and mass of the structure. The subject property is identified as 26 Unionstone Avenue, San Rafael and is further identified as Assessor's Parcel 164-354-05.
  
- II. WHEREAS on August 3, 2004, the Community Development Agency deemed the Gobar Design Review application complete and mailed notices to residents within 600 feet of the subject property advising that no formal public hearing would be held on this application and that a decision would be reached by the Agency Director no earlier than August 17, 2004.
  
- III. WHEREAS, a petition in opposition of the project and several letters were received which identified the following concerns related to the project:
  - A. The partially constructed, 308 square-foot tool shed appears to be larger than stated;
  - B. The location of the tool shed and the placement of windows is intrusive on the privacy of neighboring property owners;
  - C. The proposed height will overlook residences downslope and impede views of Blackstone Canyon;
  - D. The setback of the partially constructed/proposed equipment shed does not appear to be 32 feet from the east property boundary as indicated on the plans;
  - E. The intended use of the partially constructed equipment shed is questionable;
  - F. There are discrepancies in the notice posted on March 26, 2004 and recently mailed notices for the project;
  - G. The proposed addition to the single-family residence will result in a large home that will not fit into the community;
  - H. It is not clear if the existing drainage would be sufficient to serve proposed development on the site; and
  - I. If approved, the proposed additional square footage will increase traffic on Unionstone Drive.

- IV. WHEREAS the Marin County Community Development Agency determined that the concerns raised by neighbors warranted referral of the project for consideration by the Marin County Planning Commission.
- V. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on September 13, 2004, to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- VI. WHEREAS the Marin County Planning Commission unanimously continued the Gobar Design Review to the November 15, 2004 hearing date to allow the applicant time to revise the project to address concerns expressed by the Commissioners, Planning staff, and neighbors.
- VII. WHEREAS, with the consent of the applicant, the hearing was further continued by the Planning Commission to December 13, 2004.
- VIII. WHEREAS the Marin County Planning Commission held a duly noticed continued public hearing on December 13, 2004, to consider the merits of the project and hear testimony in favor of, and in opposition to, the project.
- IX. WHEREAS the Marin County Planning Commission finds that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails construction of an addition to a single-family residence with no potentially significant impacts on the environment.
- X. WHEREAS the Marin County Planning Commission finds that the proposed project, with the conditions outlined below, is consistent with the Countywide Plan policies because it would:
- A. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard;
  - B. Result in development which conforms to the governing standards related to building height, size and location;
  - C. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
  - D. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
  - E. Minimize soil disturbance and maximize protection of natural vegetation; and
  - F. Minimize potential hazards to the public from private construction.
- XI. WHEREAS the Marin County Planning Commission finds that the proposed project, is consistent with all of the mandatory findings to approve the Gobar Design Review application (Section 22.42.060 of the Marin County Code) as specified below.
- A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/ disharmony with its locale and surrounding neighborhood;**

The addition has been sited so that the residence maintains the following minimum setbacks from corresponding property lines: approximately 128 feet from the northeast intersect (rear) property boundary), 40 feet from the south (front) property line, 62.75 feet from the east (right side) property line, and 74.5 feet from the northwest (left side) property line. The large setbacks, combined with existing mature vegetation located along the south façade of the residence, mature vegetation around the perimeter of the property, and

additional vegetation required as a condition of project approval, will provide adequate screening and privacy between the subject property and adjacent properties.

- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

The project will not impact view, light, air, and privacy of surrounding residences or public areas due to the following reasons: (1) the existing and proposed landscaping on the subject property would provide adequate visual screening and privacy between the subject property and adjoining properties; (2) the revised height of the residence from 28 to 26 feet does not exceed the 30-foot height limit for the governing R-1:B-2 zoning district; (3) the proposed siting of the addition will allow for ample setbacks from adjacent properties, (4) the revised project will result in a structure of a height, mass and bulk proportionately appropriate to the site; and (5) the design of the revised project will be compatible with that of other houses in the vicinity.

- C. The proposed development will not directly, or cumulatively, 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 discussion contained in Findings A and B are supportive of this finding.

- D. The proposed development will be properly and adequately landscaped with maximum retention or trees and other natural features and will conserve non-renewable energy and natural resources;**

All mature trees will be maintained on the property and additional landscaping, required as a condition of project approval, will provide additional visual screening and privacy between the subject property and adjoining properties.

- E. The proposed development will comply with applicable design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);**

The project is consistent with the required findings cited above because the addition would result in a structure of a height, mass and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the addition would conform to a principally-permitted use in the zoning district which governs the subject property and would be situated solely on the subject property. Existing vegetation and required landscaping would adequately screen the structure from off-site locations, would stabilize and prevent the erosion of graded soils around the structure, and would enhance the privacy of the occupants of the subject and surrounding properties. The addition would minimize drainage alterations, grading and excavation, tree removal and other adverse physical effects on the natural environment. Finally, the design of the addition would be compatible with that of other houses in the vicinity, would respect the surrounding natural environment, and would not diminish views from surrounding properties.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of the structures;**

The residence has been sited in a location that meets the setback requirements under the governing R-1:B-2 zoning. Although the resulting size of the residence is slightly larger than the range of home sizes that were recommended by some of the Commissioners, staff finds that the project has incorporated a number of refinements and improvements that merit approval. In addition to reducing the size of the proposed addition, the applicant proposes modifications to architectural features of the



residence. Modifications include replacement of the originally proposed entry tower with a pedestrian scaled entryway, which includes a recessed front door with a false balcony above, utilization of arched garage doors, split-pane entry door and bay windows, and inclusion of two gable dormers along the front façade, which serve to break up the roofline. The reductions in the size would result in larger setbacks from the front, right side, and rear property lines, and result in a residence that is compatible in size, scale, and character with the surrounding Marinwood subdivision and the Las Gallinas Ranch subdivision located immediately up slope.

**2. Drainage systems and appurtenant structures;**

The drainage systems have been reviewed and accepted by the Department of Public Works with the inclusion of Condition 19(G) which requires installation of drainage inlets or cleanouts at pipe intersections and at bends with angles greater than ten (10) degrees.

**3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);**

The proposed addition would be situated on an existing plateau that surrounds the existing residence and excavation would be limited to construction of the pool/spa (approximately 150 cubic yards) and the below grade basement (approximately 235 cubic yards).

**4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and**

The proposal will not interfere with existing pathways or rights-of-way for persons, animals, vehicles, or watercraft.

**5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.**

The siting of the residence will not eliminate the sun and/or light exposure on adjacent properties, or result in the elimination of views, vistas, or privacy. Existing mature landscaping and the installation of additional landscaping will provide additional visual screening from off-site locations.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The residence will be required to comply with the County's energy efficiency ordinance by incorporating energy efficient building materials and appliances.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposal to construct a single-family residence and accessory structure is consistent with the Marin Countywide Plan designation of SF5, single-family residential, two to four units per acre maximum density and with the governing R-1:B-2 zoning district. The structures have been designed to be compatible with the natural environment and will not be detrimental to the surrounding properties.

XII. WHEREAS the Marin County Planning Commission finds that the concerns raised earlier by the Planning Commission, Planning staff, and neighbors have been adequately addressed in the revised proposal, based on the following factors.

The modified proposal has adequately addressed concerns related to visual and privacy impacts resulting from the detached equipment shed and visual impacts resulting from the size of the residence, by: (1) eliminating the partially constructed, 308 square-foot, detached equipment shed, (2) reducing the size of the proposed addition by 1,118 square feet, (3) incorporating a hipped roofline to reduce the length of the ridgeline, (4) minimizing the appearance of the entryway, and (5) incorporating architectural details which break up the roof line and result in a residence which is compatible in size, scale and character with the surrounding neighborhood. In addition, the applicant has provided preliminary landscape plans to provide screening from off-site views which shall be further refined as a condition of project approval.

## **SECTION II: PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves with conditions the Gobar Design Review subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Gobar Residence," consisting of 13 sheets prepared by T. Willis Design, received on November 3, 2004, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein. This Design Review approval hereby permits construction of an approximately 26-foot high, 3,261 square foot addition on an existing 2,616 square foot single-family residence (including attached garage), resulting in a total floor area of 5,877 square feet, construction of a new in-ground swimming pool/spa, and removal of a partially constructed, 308 square foot equipment shed. The project is approved with the following minimum setbacks to corresponding property lines: approximately 128 feet from the northeast intersect (rear) property boundary), 40 feet from the south (front) property line, 62.75 feet from the east (right side) property line, and 74.5 feet from the northwest (left side) property line. The subject property is located at 26 Unionstone Drive, San Rafael and is further identified as Assessor's Parcel 164-354-05.

2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Frank Gobar, received on September 13, 2004, and on file with the Marin County Community Development Agency, except as modified herein. The submitted sample board includes the following:

Siding: Stucco (light yellow ochre)  
Roof: Red clay tile  
Trim: Hemlock, aluminum clad windows

All flashing, metal work and trim shall be treated or painted an appropriately subdued, nonreflective color.

3. 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 Gobar Design Review conditions of approval as notes.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit either: 1) a Statement of Conformance, signed by a certified or licensed landscape design professional confirming that the landscape design requirements of Chapter 23.10 of the Marin County Code have been met; or 2) a letter from the Marin Municipal Water District or North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.

6. The partially constructed, 308 square-foot detached storage shed shall be removed within 60-days of the date of project approval.
7. 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.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a revised landscape and irrigation plan which includes: (a) proposed plantings by scientific and common names; (b) container size at the time of planting and height at maturity; and (c) the method and general location of irrigation. The emphasis of the landscape plan should be to provide privacy screening elements and slope stabilizing elements and to soften the bulk and mass of the residence and pool/spa. Native and drought-tolerant species are recommended. The plan should incorporate any vegetation modification and management requirements established by the local fire district for minimum brush and tree clearance to create defensible space around the structure.
9. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency.
10. Within 60 days from the date of approval, the applicant shall complete removal of the 308 square foot equipment shed and obtain an inspection by the Community Development staff verifying compliance with this requirement.
11. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall submit documentation from the project engineer or "as-built" service, to be approved by the Chief Building Inspector, confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans. A registered engineer or "as-built" service must stamp and wet sign this verification. Alternatively, the applicant may request that the Building and Safety Inspection staff verify the floor area based on measurement marks on the subfloor and second/third floor framing.
12. All construction activities shall comply with the following standards:
  - A. Except for such non-noise generating activities, including but not limited to, painting, sanding, and sweeping, construction activity is only permitted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and 9:00 a.m. and 4:00 p.m. on Saturday. No construction shall be permitted on Sundays or the following holidays (New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Christmas). If the holiday falls on a weekend, the prohibition on noise-generating construction activities shall apply to the ensuing weekday during which the holiday is observed. 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.
13. 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.

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 (description of project being approved), for which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees, and/or costs awarded against the County, if any, and the cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred in connection with such proceedings, whether incurred by the applicant/owner, the County, and/or the parties initiating or bringing such proceeding.
15. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
16. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: New Home Green Building Residential Design Guidelines.
17. BEFORE FINAL INSPECTION, the applicant shall install all landscaping and an automatic drip irrigation system in accordance with the approved landscape plan. The applicant shall call for a Community Development Agency staff inspection of the landscaping at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection and imposition of hourly fees for subsequent reinspections.
18. 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

19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall comply with the following requirements:
  - A. Site retaining walls and drainage and grading plans must be designed by a Registered Civil Engineer or Architect. Plans must have his/her signature and professional stamp;
  - B. Plans must show details, top and toe elevations, and proposed type of retaining walls;
  - C. Apply for a separate building permit for site retaining walls;
  - D. Plans must show limits of grading and indicate total acreage of area to be disturbed;
  - E. Submit an Erosion and Siltation Control Plan for review and approval by the Department of Public Works (DPW);
  - F. Note on plans that the Design Engineer shall certify to the County of Marin in writing (including signature and stamp) that all grading, drainage, and retaining wall work was done according to plans and field directions. Describe all field changes. Also note on plans that prior to final inspection, site improvements shall be inspected by a DPW engineer;
  - G. Provide drainage inlets or cleanouts at pipe intersections and at bends with angles greater than ten (10) degrees. Note: Consider redirecting the portion of the "V"-ditch, north of the proposed pool, to flow westerly and locate the drainage line westerly of the pool site, thereby avoiding the need to locate the drainage lines under the patio area and eliminating the need for multiple bends, inlets, or cleanouts;

- H. Plans must show elevation of finished grades, pads, and floors;
- I. Plans must indicate the type of surfacing for the driveway spur and the access to the concrete pad;
- J. The driveway shall be repaved with concrete since the slope is greater than 18 percent, per Marin County Code.

Marin County Fire Department

20. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

Marin Municipal Water District

21. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

Las Gallinas Valley Sanitary District of Marin County

22. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Las Gallinas Valley Sanitary District of Marin County that all additional connection fees pursuant to District Ordinance have been satisfied.

**SECTION III: VESTING OF RIGHTS**

The applicant must vest this Design Review approval by securing a Building Permit for all of the approved work and substantially completing all approved work in accordance with the approved permits by December 13, 2006, 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 Director approves it. The partially constructed, 308 square-foot detached equipment shed shall be removed within 60 days (February 13, 2005) and the area occupied by the shed shall be re-graded and restored. Design Review extensions to a total of not more than four (4) years may be granted for cause pursuant to Marin County Code Section 22.56.050.

**SECTION IV: APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 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 23, 2004.**

**SECTION V: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 13<sup>th</sup> day of December 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

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ALLAN BERLAND, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Woods  
Recording Secretary