



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION WEINER APPEAL OF THE COMMUNITY DEVELOPMENT AGENCY'S CONDITIONAL APPROVAL OF THE RIES MINOR DESIGN REVIEW

Item No:	4.	Application No:	DM 05-14
Applicant:	Jared Polsky	Appellant:	Michael and Janet Weiner
Property Address:	115 St. Thomas Way, Tiburon	Assessor's Parcel:	038-215-03
Hearing Date:	June 13, 2005	Planner:	Larisa Roznowski

RECOMMENDATION:	Deny the Appeal and Sustain the Ries Minor Design Review Approval
APPEAL PERIOD:	Ten calendar days to the Marin County Board of Supervisors
LAST DATE FOR ACTION:	June 30, 2005

SUMMARY RECOMMENDATION

Staff recommends that the Planning Commission deny the Weiner appeal and sustain the Community Development Agency's (CDA) conditional approval of the Ries Minor Design Review allowing the proposed construction of 933 square feet of upper and lower level additions to an existing one-story 2,501 square foot single-family residence in the Paradise Cay subdivision in Tiburon. Staff finds that the basis of appeal does not provide sufficient grounds for denial of the proposal according to the County's Design Review findings.

PROJECT DESCRIPTION

The project is a proposal to construct 933 square feet of upper and lower level additions, 52 square feet of which is a garage addition, to an existing one-story 2,501 square foot single-family residence in the Paradise Cay subdivision in Tiburon. The project involves rebuilding and expanding the existing detached garage on the north side of the property to an attached garage, adding a second story area on the north side of the residence, and making other interior wall reconfigurations. As proposed, the 3,434 square foot residence on the 11,576 square foot lot area would result in a floor area ratio (FAR) of 29.6 percent. The residence would attain a maximum height of 21 feet above grade and the addition would maintain the following setbacks from corresponding property lines: 102 feet, 6 inches from the eastern rear property line, 39 feet, 6 inches from the southern side property line, 19 feet, 10 inches from the western front property line, and 6 foot, 1 inch from the northern side property line. The addition would be finished to match the existing residence with asphalt shingle composition roofing, light blue cedar sidewall shingles, off-white wood trim, and aluminum clad windows.

Design Review is required pursuant to Marin County Code Section 22.16.030.D, Planned District General Standards.

GENERAL INFORMATION

Countywide Plan: SF-6 (Single Family, 4 to 7 units per acre)
Zoning: BFC-RSP-5.8 (Bayfront Conservation Area, Residential, Single-Family Planned District, 5.8 units per acre)
Lot size: 7,427 square feet
Adjacent Land Uses: Single-family residential
Vegetation: introduced vegetation
Topography and Slope: relatively level

ENVIRONMENTAL REVIEW

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because the addition to the single-family residence would not result in any potentially significant impacts to the environment.

PUBLIC NOTICE

The Community Development Agency has provided public notice of the appeal hearing identifying the applicants and appellants, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property.

PLAN CONSISTENCY

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

ZONING CONSISTENCY

The project is consistent with principally-permitted uses and the BFC-RSP-5.8 zoning district development standards relative to height.

ANALYSIS OF APPEAL

Ian K. Boyd, attorney for Michael and Janet Weiner, the neighbors to the south at 111 St. Thomas Way, submitted a Petition of Appeal on April 25, 2005 identifying several bases for appeal of staff's administrative approval of the Ries Minor Design Review, including: (1) the proposed addition will substantially interfere with the use and enjoyment of the appellant's property, including light, air, privacy and views, specifically resulting from unencumbered views of the appellant's front yard and a violation of privacy; (2) the proposed addition will result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant's property, specifically significant decrease of sunlight on the appellant's property; and (3) the proposed addition will exacerbate noise that currently emanates from the applicant's residence. Below is staff's response to the issues raised by the appellant.

- 1. The proposed addition will substantially interfere with the use and enjoyment of the appellant's property, including light, air, privacy and views, specifically resulting from unencumbered views of the appellant's front yard and a violation of privacy.*

Response to Appeal:

The proposed addition would not impact light, air, privacy, and views of the appellant's property to the south because the addition is located on the north side of the subject property 39 feet, 6 inches from the shared southern side property line, and existing mature landscaping and fencing would provide adequate visual screening and privacy buffering between the proposed addition and adjoining residences. Staff conducted a site visit and made the determination that the windows that would face south towards the appellant's property (windows from proposed bedroom #4, bathroom, and office) would look only into the subject property's courtyard. The windows would be visually blocked from the appellant's property, except for the front tip of the front yard, by the existing southern wing of the residence. For these reasons, no violation of privacy would result to the appellant's residence or the majority of the front yard.

- 2. The proposed addition will result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant's property, specifically, resulting in a significant decrease of sunlight on the appellant's property.*

Response to Appeal:

For the same reasons as described in the Response to Appeal in #1 above, the proposed addition would not result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant's property, or specifically, resulting in a significant decrease of sunlight on the appellant's property. The applicant's property is north of the appellant's property. The peak roof ridge line of the proposed addition has an elevation of 21 feet above existing grade while the existing roof ridge line of the existing southern wing of the subject residence, located approximately 18 feet closer to the appellant's property, has an elevation of 17 feet, 5 inches above grade. The area of the proposed addition at the northern wing of the residence would be only 3 feet, 7 inches taller than the intervening south wing, and would be situated 39.5 feet from the common property line at the appellant's lot. The proposed addition is adequately sited from the appellant to the south, so that no loss of sunlight to the appellant's property would occur.

- 3. The proposed addition will exacerbate noise that currently emanates from the applicant's residence.*

Response to Appeal:

The project would not limit or inhibit the use or enjoyment of other properties on the vicinity because the proposed addition and use of the single-family residence is consistent with the single-family principally permitted use governed by the BFC-RSP-5.8 (Bayfront Conservation Area, Residential, Single-Family Planned District, 5.8 units per acre) zoning district.

CONCLUSION

The project is consistent with policies and programs in the Countywide Plan because the project involves the construction of a single-family residential addition that complies with the SF-6 (Single Family, 4 to 7 units per acre) land use designation, and is a principally-permitted use under the governing BFC-RSP-5.8 zoning district. The project would comply with all development standards applicable to the governing zoning district and would be of comparable height, size, and scale with other structures existing in the surrounding community. The project would not impact light, air, privacy, and views of surrounding residences because the addition has varying roof lines that minimize impacts to the neighbor to the north, has minimal fenestration on the northern side which maintains

privacy to the neighbor to the north, is blocked visually by the existing southern wing of the residence, maintains the privacy and views to the neighbor to the south, is adequately sited back (39 feet, 6 inches) from the southern side property line so that there are no light, air, view, or noise impacts to the neighbor to the south, and has existing mature landscaping and fencing that would provide adequate visual screening and privacy buffering between the proposed addition and adjoining residences.

The single-family residence will be situated solely on the subject property and will result in a structure of height, mass and bulk appropriate to the 7,427 square foot site and will provide adequate setbacks from property lines and other buildings on surrounding properties. The project incorporates architectural characteristics and building forms that are consistent with other development in the area and minimizes the apparent overall mass and bulk of the structure. Finally, the single-family residential addition would be constructed using materials and colors that are non-reflective and subdued in nature, to blend with the existing residence and the surrounding natural and built environment.

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and adopt the attached resolution: (1) denying the Weiner Appeal; and (2) sustaining the Community Development Agency's conditional approval of the Ries Minor Design Review.

- Attachments:
1. Proposed Resolution Denying the Weiner Appeal and Sustaining the Community Development Agency's conditional approval of the Ries Minor Design Review
 2. Weiner Petition for Appeal, received 4/25/05
 3. Categorical Exemption
 4. Location Map
 5. Assessor's Parcel Map
 6. Topographic map
 7. Site plan
 8. Floor plans
 9. Roof plan
 10. Building elevations
 11. Cross sections
 12. Marin County Code Section 22.16.030
 13. Tiburon Fire Protection District memo, dated 9/27/04
 14. Marin Municipal Water District letter, dated 9/28/04
 15. Paradise Cay Homeowners Association, Architectural Review Committee letter, dated 10/27/04
 16. Department of Public Works memorandum, dated 1/3/05
 17. Letter from Ian K. Boyd, attorney for Michael and Janet Weiner, dated 3/29/05
 18. Letter from Ian K. Boyd, attorney for Michael and Janet Weiner, dated 4/6/05
 19. Letter from Tom and Sue Simms, et. al., dated 5/23/05
 20. Letter from Edith and Dale La Gazette, et. al., dated 5/23/05
 21. Letter from Michael and Maria Ries, received 6/5/05
 22. Ries Design Review 05-14 Notice of Decision, dated 4/25/05

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION DENYING THE WEINER APPEAL AND SUSTAINING THE
COMMUNITY DEVELOPMENT AGENCY’S APPROVAL OF THE RIES MINOR DESIGN REVIEW 05-14
115 ST. THOMAS WAY, TIBURON
ASSESSOR’S PARCEL 038-215-03

SECTION I: FINDINGS

- I. WHEREAS Jared Polsky, on behalf of the property owners, Michael and Maria Ries, is requesting Minor Design Review approval to construct 933 square feet of upper and lower level additions, 52 square feet of which is a garage addition, to an existing one-story 2,501 square foot single-family residence in the Paradise Cay subdivision in Tiburon. The project proposal involves rebuilding and expanding the existing detached garage on the north side of the property to an attached garage, adding a second story area on the north side of the residence, and making other interior wall reconfigurations. As proposed, the 3,434 square foot residence on the 11,576 square foot lot area would result in a floor area ratio (FAR) of 29.6 percent. The residence would attain a maximum height of 21 feet above grade and the addition would maintain the following setbacks from corresponding property lines: 102 feet, 6 inches from the eastern rear property line, 39 feet, 6 inches from the southern side property line, 19 feet, 10 inches from the western front property line, and 6 foot, 1 inch from the northern side property line. The addition would be finished to match the existing residence with asphalt shingle composition roofing, light blue cedar sidewall shingles, off-white wood trim, and aluminum clad windows. The property is located at 115 St. Thomas Way in Tiburon, and is further identified as Assessor's Parcel 038-215-03.

- II. WHEREAS on April 14, 2005, the Community Development Agency issued a conditional approval of the Ries Minor Design Review granting authorization for the construction of 933 square feet of upper and lower level additions, 52 square feet of which is a garage addition, to an existing one-story 2,501 square foot single-family residence in the Paradise Cay subdivision in Tiburon. The approval includes several standard condition, however, because the project was found to be consistent with the required findings for Design Review, no substantial modifications to the project were required.

- III. WHEREAS, a timely appeal of the Community Development Agency’s approval of the Ries Minor Design Review has been filed by Michael and Janet Weiner asserting the following issues: (1) the proposed addition will substantially interfere with the use and enjoyment of the appellant’s property, including light, air, privacy and views, specifically resulting from unencumbered views of the appellant’s front yard and a violation of privacy; (2) the proposed addition will result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant’s property, specifically resulting in a significant decrease of sunlight on the appellant’s property; and (3) the proposed addition will exacerbate noise that currently emanates from the applicant’s residence.

- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on June 13, 2005, to consider the merits of the project and appeal, and hear testimony in favor of, and in opposition to, the project.

- V. 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 construction of the single-family residence would not result in any potentially significant impacts to the environment.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan for the following reasons:
- A. The project is consistent with the Countywide Plan and Tamalpais Community Plan’s SF-6 land use designation.
 - B. The project is consistent with the Countywide Plan’s Bayfront Conservation Area policies.
 - C. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - D. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.
 - E. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
 - F. The project would minimize soil disturbance and maximize retention of natural vegetation.
- VII. WHEREAS the Marin County Planning Commission finds that the proposed project, is consistent with all of the mandatory findings to approve the Ries Minor 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 proposed addition would conform with property development standards applicable to the BFC-RSP-5.8 zoning district including principally-permitted structures, uses, and maximum building height conditions. The addition would attain a maximum height of 21 feet above grade where 30 feet is allowed for primary structures. The project would result in minimal adverse physical and visual impacts because it would be constructed of building materials and colors that match the existing residence, would compliment the surrounding natural and built environment, and would be consistent with the surrounding community character.
 - 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 would comply with all development standards applicable to the governing zoning district and be of comparable height, size, and scale with other structures existing in the surrounding community. The project would not impact light, air, privacy, and views of surrounding

residences because the addition has varying roof lines that minimize impacts to the neighbor to the north, has minimal fenestration on the northern side which maintains privacy to the neighbor to the north, is blocked visually by the existing southern wing of the residence, which maintains the privacy and views to the neighbor to the south, is adequately sited back (39 feet, 6 inches) from the southern side property line so that there are no light, air, view, or noise impacts to the neighbor to the south, and has existing mature landscaping and fencing that would provide adequate visual screening and privacy buffering between the proposed addition and adjoining residences.

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 project will not limit or inhibit the use or enjoyment of other properties on the vicinity because the improvements are consistent with the uses permitted by the governing zoning district. The proposed development would not encroach into any rights-of-way, conservation easements, or public lands.

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

The project will involve no removal of trees or significant landscaping. It is primarily sited within the footprint of the existing residence and garage.

E. The proposed development will be in compliance with the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);

Proposed building materials and colors match the existing residence, would compliment the surrounding natural and built environment, and would be consistent with the surrounding community character. Minimal grading would occur because most of the improvements will occur within the footprint of the existing residence and garage, and the site is flat.

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

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

The size of the proposed addition is proportionately scaled to the 11,576 square foot lot area square foot lot and would result in a FAR of 29.6 percent. The addition would be articulated and would have windows that are screened from view from the adjoining neighboring residences. Building colors and materials would match the existing residence and blend with the natural and built environment. The lower plate heights and sloping roof minimize the mass of the addition. Finally, height, mass and scale would be consistent with the surrounding community character.

2. Drainage systems and appurtenant structures;

The proposed addition poses no adverse physical impacts to drainage systems and appurtenant structures.

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 built primarily within footprint of existing structures and would have no potential impact on natural terrain or appurtenant structures.

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

The proposed addition would have no impact on movement or general circulation of animals, conveyances, persons, vehicles, and watercraft.

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

Please see the response to Findings A and B.

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

As a condition of approval, 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: Remodeling 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.

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 project is consistent with the Countywide Plan and the BFC-RSP-5.8 zoning district. The structures have been designed to be compatible with the natural environment and will not be detrimental to the surrounding properties. The project has also been recommended for approval by the Paradise Cay Homeowners Association, Architectural Review Committee.

VIII. WHEREAS the Marin County Planning Commission finds that the bases for the Weiner appeal cannot be sustained and that the Community Development Agency acted appropriately in issuing the Ries Minor Design Review due to the following factors:

- 1. The proposed addition will substantially interfere with the use and enjoyment of the appellant’s property, including light, air, privacy and views, specifically resulting from unencumbered views of the appellant’s front yard and a violation of privacy.*

Response to Appeal:

The proposed addition would not impact light, air, privacy, and views of the appellant’s property to the south because the addition is located on the north side of the subject property 39 feet, 6 inches from the shared southern side property line, and existing mature landscaping and fencing would provide adequate visual screening and privacy buffering between the proposed addition and adjoining residences. Staff conducted a site visit and made the determination that the windows that would face south towards the appellant’s property (windows from proposed bedroom #4, bathroom, and office)

would look only into the subject property's courtyard. The windows would be visually blocked from the appellant's property, except for the front tip of the front yard, by the existing southern wing of the residence. For these reasons, no violation of privacy would result to the appellant's residence or the majority of the front yard.

2. *The proposed addition will result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant's property, specifically, resulting in a significant decrease of sunlight on the appellant's property.*

Response to Appeal:

For the same reasons as described in the Response to Appeal in #1 above, the proposed addition would not result in the elimination of significant sun and light exposure, views, vistas, and privacy to the appellant's property, or specifically, resulting in a significant decrease of sunlight on the appellant's property. The applicant's property is north of the appellant's property. The peak roof ridge line of the proposed addition has an elevation of 21 feet above existing grade while the existing roof ridge line of the existing southern wing of the subject residence, located approximately 18 feet closer to the appellant's property, has an elevation of 17 feet, 5 inches above grade. The area of the proposed addition at the northern wing of the residence would be only 3 feet, 7 inches taller than the intervening south wing, and would be situated 39.5 feet from the common property line at the appellant's lot. The proposed addition is adequately sited from the appellant to the south, so that no loss of sunlight to the appellant's property would occur.

3. *The proposed addition will exacerbate noise that currently emanates from the applicant's residence.*

Response to Appeal:

The project would not limit or inhibit the use or enjoyment of other properties on the vicinity because the proposed addition and use of the single-family residence is consistent with the single-family principally permitted use governed by the BFC-RSP-5.8 (Bayfront Conservation Area, Residential, Single-Family Planned District, 5.8 units per acre) zoning district.

SECTION II: PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby denies the Weiner appeal and sustains the Community Development Agency's conditional approval of the Ries Minor Design Review subject to the following conditions:

Community Development Agency – Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Ries Residence," consisting of 11 sheets prepared by Polsky Architects, received December 9, 2004, with revisions dated January 18, 2005, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by Polsky Architects, received September 14, 2004, and on file with the Marin County Community Development Agency including:
 - a. Siding: light blue cedar sidewall shingles to match existing
 - b. Roof: asphalt shingle composition roofing to match existing
 - c. Trim: off-white wood trim to match existing

All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective 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 conditions of approval as notes.
4. 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: Remodeling 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.
5. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

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

11. The subject property is partially in Flood Zone V1, elevation 6’. Show and label on plans FEMA FIRM Flood Hazard Boundary, as it is shown on FEMA FIRM Map # 465.
12. Revise sheet A0.0 to correctly show location and label public utility easement on site plan.
13. Proposed fence, gate and gate control columns shall be moved back behind front property line. No structures are allowed in road right of way.
14. Provide a detailed drainage plan for the project.
15. The plans shall have foundations designed to accommodate raising and/or leveling of the structure.
16. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.

Tiburon Fire Protection District

17. The structure shall have installed throughout an automatic fire sprinkler system in accordance with NFPA std. 13-4. The system design, installation, and final testing shall be approved by the District Fire Marshall. UFC 1003.
18. Approved smoke alarms shall be installed to provide protection to all sleeping areas. UBC 310
19. Approved spark arrestors shall be installed on chimneys. UFC 1109
20. Provide a “green belt” by cutting and clearing all combustible vegetation within 30 feet of the structure. UFC 1103

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.

SECTION III: VESTING OF RIGHTS

The applicant must vest this approval by obtaining a Building Permit for the approved work and substantially completing the improvements in accordance with the approved permits by June 13, 2007 for all entitlements, 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 22.56.050.B.3 of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be

completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Design Review approval (and no extensions have been granted), the Building Permit and Design Review 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 Design Review at least 10 days before the expiration of the Design Review approval.

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 \$700.00 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 June 23, 2005.**

SECTION V: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 13th day of June, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

STEVE C. THOMPSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary