

MARIN COUNTY PLANNING COMMISSION HEARING MINUTES

September 26, 2005

Marin County Civic Center, Room 328 - San Rafael, California

*Commissioners Present:* Steve C. Thompson, Chairman  
Jo Julin, Vice Chair  
Hank Barner  
Don Dickenson  
Mark Ginalski  
Randy Greenberg  
Wade Holland

*Commissioners Absent:* None

*Staff Present:* Alex Hinds, Agency Director  
Brian Crawford, Deputy Director of Planning  
Eric Steger, Senior Civil Engineer, Department of Public Works  
Anna Camaraota, Planner  
Jeremy Tejirian, Planner  
Kim Shine, Recording Secretary

*Minutes Approved on:* October 24, 2005

Convened at 1:03 p.m.  
Adjourned at 4:00 p.m.

1. INITIAL TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

*M/s Julin/Holland to incorporate the staff reports into the minutes. Motion passed 7/0.*

- b. Continuances – None

- c. Approval of Minutes – September 12, 2005

*M/s Barner/Julin to approve the minutes of September 12, 2005, as corrected. Motion passed 6/0/1 (Commissioner Dickenson abstained, as he was absent at that meeting).*

2. COMMUNICATIONS

The Commission and staff noted several pieces of correspondence for their review.

3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

Commissioner Julin provided the Commission with information regarding a substantial change being proposed to the federal Endangered Species Act.

4. DIRECTOR'S REPORT

Director Alex Hinds reported on the following upcoming Board of Supervisors items:

- Adoption of the Ahawanee Water Principles for resource-efficient land use
- Adoption of the single family energy efficiency ordinance
- certification of Marin County's 100th green business
- CDA staff met with the Transportation Authority of Marin for the purpose of forming a subcommittee to re-establish the Countywide Planning Agency (CWPA)
- Upcoming lecture series on planning topics

Deputy Director Crawford reported on the following projects which have or will be heard before the Board of Supervisors:

- Youssefirad Design Review appeal
- Pappas Design Review Clearance appeal
- EIR contract for the San Rafael Rock Quarry

5. FUTURE AGENDA ITEMS AND FIELD TRIPS

October 10, 2005 (late morning start)

- Lawson's Landing DEIR
- Appeal of Kidson Certificate of Compliance
- Appeals of McEvoy Use Permit

October 24, 2005 (possible late morning start)

- Appeal of Hillenbrand Coastal Permit, Design Review, and Merger
- Douglas Design Review
- Ghafoori Design Review
- Antonioli Development Plan and Lot Line Adjustment (continued)

November 14, 2005

- Vlahos Design Review
- Milstein Design Review
- Mt. Tam Cemetery Master Plan
- Meese Negative Declaration Land Division and Development Plan

November 28, 2005

- Development Code amendments
- Appeal of Eastwood Park Design Review

December 5, 2005 – Special Meeting

- Certification of Redwood Landfill FEIR

December 12, 2005

- Vlahos Design Review
- Felling Design Review and Initial Study

Continued public hearing to consider the Geoffrey Telford Appeal of the Deputy Zoning Administrator's denial of an application for construction of an approximately 25-foot high, 2,140 square foot single-family residence and a 440 square foot detached garage on a vacant lot in Inverness. The project also includes construction of an approximately 545 square foot deck on the north (downhill) elevation of the proposed residence, resulting in a deck that is approximately 13.5 feet in height above grade where a 10-foot maximum is allowed. The new residence would maintain the following minimum setbacks from the closest corresponding property lines: 63 feet from the north (front) property line, 100 feet from the south (rear) property line, 5 feet from the east (left side) property line, and 5 feet from the west (right side) property line. The 14-foot high, detached garage would be located within the northwest corner of the subject property adjacent to Vallejo Avenue and would maintain the following minimum setbacks from the closest corresponding property lines: one foot from the north (front) property line, and one foot from the west (right side) property line. The appellant has noted that the basis for denial of the application as set forth by the Deputy Zoning Administrator is arbitrary and capricious. The subject property is located at 9 Vallejo Avenue, Inverness, and is further identified as Assessor's Parcel 114-273-09.

*This item was continued from the hearing of August 8, 2005.*

Staff summarized the staff report and recommended that the Planning Commission review the administrative record, conduct a public hearing, and move to sustain the appeal and adopt the proposed resolution approving the Telford Coastal Permit and Design Review application.

The Commission asked staff for clarification on the following issues:

- Location of parking spaces
- Material for retaining wall, stairs, and stair railing
- Total square footage of the house
- Availability of building material samples
- Adequacy of the septic system
- Whether the proposed family room and bath could be used as a bedroom and, if so, was the septic adequate to serve the additional bedroom

The public hearing was opened.

Onju Updegrave, the architect representing the applicant, addressed the following issues:

- The retaining wall would be visually softened with all-native plant species.
- Having a parking place in front of the garage was not possible because of the cross-slope.
- Turning the roof ridge on the garage the other way was studied, but on the uphill side the height of the retaining wall would be the same. There is a possibility of making the front wall lower and having a ridge that was offset, but that was not the client's preference.
- The stair handrail on the right side would need to be metal and could be painted to blend into the landscape.
- Concrete was the best choice for the retaining wall and steps in terms of long-term maintenance, and the concrete could be colored or faced with a material to make it more aesthetically pleasing.
- To break up the façade, a bay window was added at the living room level and the deck was wrapped around to avoid having a tall wall at that corner.

- Because the building has been moved downhill from what was already approved, the applicant will ask a septic engineer to determine if the leach lines could be extended in the event that the additional space was converted to a bedroom at a future date.

In response to Commissioner Greenberg's concern that the garage door would create an undesirable visual contrast to the house, the architect stated that the material for the garage door, whether metal or wood, could be painted to match the siding.

Deborah Brandon, the applicant's neighbor at 3 Vallejo Avenue who will be providing the landscape design for the project, addressed the Commission regarding the following issues:

- The landscaping would consist of drought-tolerant plants, including native and perennial color plants.
- Pendulous-growing California native wild lilac planted at the top of the wall and vines growing on a supporting trellis would both screen the concrete retaining wall.
- A coastal oak grove is planned for the area where the garage ends and the house begins.

The public hearing was closed.

***M/s Holland/Julin move approval of resolution sustaining the Telford appeal and adopt the proposed resolution approving the Coastal Permit and Design Review applications, with the following corrections:***

- Section I, first line, correct spelling of "WHEREAS"
- Section I, third line, change "2,140" to "2,417"
- Section I.XI.C, third line, eliminate "with" and add "to"
- Section I.XI.D, correct spelling of "archaeological" in heading
- Section I.XI.G, first line, change "a" to "an"
- Section I.XI.I, amend as follows: "A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for the great egret (*Ardea alba*) and the great blue heron (*Ardea herodias*). These species have no special status ranking on State or Federal lists maintained by the California Department of Fish and Game. Further, the species have a Global Rank of G5, which indicates that the population is demonstrably secure to ineradicable due to being commonly found in the world. Finally, construction of the proposed project would not threaten the habitat areas for these bird species or remove any vegetation areas that may be used for nesting and breeding activities because the subject property is located within a residentially and commercially developed area, the site lacks shoreline characteristics that are preferred by these bird species, and no trees are proposed for removal as a result of the project.
- Section I.XI.O, first line, remove the word "not"
- Section II.1, last line, make "condition" plural
- Section II.2, second line, correct spelling of "shown"
- Section II.2, add the following after "a - d":
  - e. Garage Doors: Painted or stained to avoid contrast with exterior of building
  - f. Walkway Stairs: Natural, earth-tone rock pavers or concrete tint
  - g. Stair Railing: Open metal
  - h. Retaining Walls: Natural, earth-tone rock or concrete tint
- Section II.13, third/fourth line, correct spelling and spacing of "a qualified"
- Section II.17, third line, correct spelling of "wastewater"

- Section III, last line, change appeal date from “October 2, 2005” to “October 3, 2005”

Commissioner Barner stated his intention to vote for the motion, and congratulated staff on a job well done. He expressed concern about the lower level being used as a bedroom at some future date, and staff noted that, if so, the septic system would have to be expanded with the appropriate permit approvals.

Commissioner Dickenson said that he intended to vote for the motion and noted that with the plan revisions, the design very effectively breaks up the mass of the house. He stated that the biggest visual impact will be along the streetscape, which the architect has mitigated acceptably.

Commissioner Greenberg noted that the applicant was very responsive to the Commission’s previous comments. She reiterated her concern about the aesthetics of the visible concrete retaining wall on the street front and voiced a remaining concern about relying on landscaping as screening, because landscaping may not be maintained. She asked that the vertical walls and steps be faced with earth-tone rock, which occurs in the area.

Commissioner Julin said that she supported the staff recommendation, noting that she feels that the revised plans are harmonious, as well as sensitive to the land and the viewer’s eye.

Commissioner Dickenson stated that the curving board pattern of the walls will help to reduce their visual impact, and suggested that a darkened color for the concrete would be adequate.

Chairman Thompson suggested staining the concrete to be same color as the earth tones, which will fade away behind the plants. Staff confirmed that the Commission wished the permit conditions to be amended to reflect the darkening of the retaining walls and steps, either by tinting or staining the concrete.

Commissioner Ginalski said that in his opinion the project was a superior project, and he would support the application. He also said he agreed with darkening the concrete. He confirmed with staff that in Finding I, the square footage should be changed from 2,140 to the 2,417.

Staff noted that the project requires conformance with CDA’s certified rating for green building requirements.

The Chairman conducted a roll call vote, and the motion carried 7/0/0. The Chairman stated that the decision is not final and may be appealed to the Board of Supervisors within five working days, October 3, 2005, at 4 p.m.

The Commission took a recess at 2:34 p.m. and reconvened at 2:45 p.m.

**MARIN COUNTY PLANNING COMMISSION**

**RESOLUTION PC05-014**

**A RESOLUTION SUSTAINING THE TELFORD APPEAL AND APPROVING  
THE TELFORD COASTAL PERMIT AND DESIGN REVIEW APPLICATION**

**9 VALLEJO AVENUE, INVERNESS  
ASSESSOR'S PARCEL 114-273-09**

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**SECTION I: FINDINGS**

I. WHEREAS the applicant, Onju Updegrave, on behalf of the owners, Geoffrey Telford and Christopher Stewart, is requesting approval for construction of an approximately 25-foot high, 2,417 square foot single-family residence and a 14-foot high, 440 square foot detached garage. The project also includes construction of an approximately 545 square foot deck on the north (downhill) elevation of the proposed residence, resulting in a deck that is approximately 13.5 feet in height above grade where a 10-foot maximum is allowed. The new residence would maintain the following minimum setbacks from the closest corresponding property lines: 63 feet from the north (front) property line, 100 feet from the south (rear) property line, 5 feet from the east (left side) property line, and 5 feet from the west (right side) property line. The 14-foot high, detached garage would be located within the northwest corner of the subject property adjacent to Vallejo Avenue and would maintain the following minimum setbacks to the closest corresponding property lines: one foot from the north (front) property line, and one foot from the west (right side) property line. The structures would be finished with dark grey asphalt shingle roofing, cedar or redwood shingle siding with natural finish, cedar or redwood fascia with natural finish, dark bronze gutters and painted metal flashings, cedar or redwood natural trim, and tan or dark bronze vinyl windows and doors.

The subject property is located at 9 Vallejo Avenue, Inverness, and is further identified as Assessor's Parcel 114-273-09.

II. WHEREAS on June 30, 2005, the Deputy Zoning Administrator denied the Telford Coastal Permit and Design Review proposing construction of single-family residence and a detached garage on a vacant lot in Inverness.

III. WHEREAS, a timely appeal of the Deputy Zoning Administrator's denial of the Telford Coastal Permit and Design Review was filed by Geoffrey Telford, owner of the subject property, asserting that the basis for the project denial was arbitrary and capricious.

IV. WHEREAS the Marin County Planning Commission held a duly-noticed public hearing on August 8, 2005, to consider the merits of the project, and hear testimony in favor of, and in opposition to the project. Prior to the hearing, the applicant modified the application by proposing to (1) Relocate the new residence 12 feet down slope from the original location, resulting in the following minimum setbacks to the closest corresponding property lines: 58 feet from the north (front) property line, 115 feet from the south (rear) property line, 3 feet from the east (left side) property line, and 7 feet, 2 inches from the west (right side) property line; (2) Remove the downhill portion of the lower deck along the north (front) façade; (3) Create a new entry at the west end of the north (front) façade;

(4) Re-align the pathway providing access from the detached garage to the new residence upslope to incorporate a curvilinear design that reduced the length and allows for further screening of lighting from off-site locations; and (5) Modify the roofline to a gable design with the ridge running east to west. Following consideration of the modified application, the Planning Commission directed staff to prepare a resolution with findings to grant the appeal and approve the modified project.

- V. WHEREAS, following the Planning Commission's hearing, the applicant submitted further modifications to the project which included the following: (1) Revised pathway lighting to include ground-level fixtures on a three-way timer switch; (2) Stepped a portion of the front retaining wall adjacent to the detached garage/parking area to create a planting pocket for screening of the wall; (3) Added a planting strip at the face of the front retaining wall adjacent to the detached garage/parking area to provide a planting pocket for screening of the wall; (4) Modified the design of the front retaining wall to utilize a vertically formed, curved concrete treatment; (5) Incorporated architectural details to the north (front) façade of the detached garage including a revised door with trellis; (6) Added a bay at the living room (second level) to break up the north (front) façade; and (7) Integrated a 237 square foot family/game room and bath at the entry level, which previously consisted of un-utilized understory area.
- VI. WHEREAS the Marin County Planning Commission held a continued public hearing on September 26, 2005 to consider the modified proposal as described above.
- VII. WHEREAS the Marin County Planning Commission finds that that there is sufficient evidence to support the Telford Appeal and to approve construction of the modified project, which includes construction of an approximately 25-foot high, 2,377 square foot single-family residence and a 14-foot high, 440 square foot detached garage on a vacant lot in Inverness. As modified, the new residence would maintain the following minimum setbacks from the closest corresponding property lines: 58 feet from the north (front) property line, 115 feet from the south (rear) property line, 3 feet from the east (left side) property line, and 7 feet, 2 inches from the west (right side) property line. The 14-foot high, detached garage would be located within the northwest corner of the subject property adjacent to Vallejo Avenue and would maintain the following minimum setbacks to the closest corresponding property lines: one foot from the north (front) property line, and one foot from the west (right side) property line. The structures would be finished with dark grey asphalt shingle roofing, cedar or redwood shingle siding with natural finish, cedar or redwood fascia with natural finish, dark bronze gutters and painted metal flashings, cedar or redwood natural trim, and dark bronze vinyl windows and doors.
- VIII. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3.
- IX. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan because the project would:
- A. Provide housing opportunities in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity; (EQ A-6, & CD A-2)
  - B. Contribute to the diversity of housing stock for Inverness residents; (CD B-2)



- C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard; (EQ A-11)
  - D. Create a single-family residence, a principally permitted use under the governing zoning designation; (Title 22 of the Marin County Code)
  - E. Result in development which conforms to the governing standards related to building height; (Title 22 of the Marin County Code)
  - F. 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; (Title 24 of the Marin County Code)
  - G. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services; (EQ A-14) and
  - H. Minimize soil disturbance and maximize natural vegetation; (EQ A-16 & D-3)
- X. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified, is consistent with the mandatory findings to approve the Telford Design Review (Section 22.82.040 of the Marin County Code) because:

The modified project is consistent with the required findings for approval of Design Review (Marin County Code Section 22.82.040) because the new residence and detached garage would result in height, mass, and bulk characteristics that are proportionate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. The revised building design and refinements to the site are an overall improvement to the original design and would adequately address concerns raised by the Planning Commission at the previous hearing. These changes further integrate the development into the surrounding community without conflicting with the requirements for protection of the coastal environmental and visual resources. The revised design is also consistent with the Single-family Residential Design Guidelines. The proposed 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 new residence and detached garage would minimize drainage alterations, grading and excavation, tree removal, and other adverse physical effects on the natural environment. Finally, the design of the residence and detached garage would be compatible with that of other structures in the vicinity, would respect the surrounding natural environment, would utilize colors and materials consistent with the prevailing community character, and would not diminish views from surrounding properties.

- XI. WHEREAS the Marin County Planning Commission finds that the proposed project, as modified, is consistent with the mandatory findings to approve a Coastal Permit (Section 22.56.130 of the Marin County Code) because:

A. Water Supply:

The North Marin Water District has reviewed the proposed project and indicated that they are able to supply water for the proposed single-family residence.

B. Septic System Standards:

The Marin County Department of Environmental Health Services has reviewed the proposed single-family residence and has indicated that a septic permit (Permit #05-19, issued 3/29/05) has been granted for the subject property.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary to accommodate the proposed single-family residence and garage. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Section 23.08 of the Marin County Code.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located within an area of high archeological sensitivity. The proposed project is not likely to disturb cultural resources because grading would be limited to foundation construction and installation of the septic system. However, a standard condition of project approval requires that, in the event such resources are encountered during grading, all work be stopped immediately and the services of a qualified consulting archaeologist be engaged to assess the value of the resources and to develop appropriate mitigation measures.

E. Coastal Access:

This finding is not applicable because the project 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 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:

Construction of the proposed single-family residence would increase the availability of housing stock in the Inverness community.

G. Stream Conservation Protection:

This finding is not applicable because the project is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the U.S. Geological Survey.

H. Dune Protection:

This finding is not applicable because 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:

A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is located in the habitat area for the great egret (*Ardea alba*) and the great blue heron (*Ardea herodias*). These species have no special status ranking on State or Federal lists maintained by the California Department of Fish and Game. Further, the species have a Global Rank of G5, which indicates that the population is demonstrably secure to ineradicable due to being commonly found in the world. Finally, construction of the proposed project would not threaten the habitat areas for these bird species or remove any vegetation areas that may be used for nesting and breeding activities because the subject property is located within a residentially and commercially developed area, the site lacks shoreline characteristics that are preferred by these bird species, and no trees are proposed for removal as a result of the project.

J. Protection of Native Plant Communities:

This finding is not applicable because a review of the California Natural Diversity Data Base, prepared by the California Department of Fish and Game, does not identify any native plant communities on the subject property.

K. Shoreline Protection:

This finding is not applicable because the project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards:

This finding is not applicable because the subject property 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.

M. Public Works Projects:

This finding is not applicable because the proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards:

The subject property is a legal lot of record and no land division or property line adjustment is proposed as a part of this project.

O. Visual Resources:

The project is consistent with this finding because the new residence and detached garage, as modified, would result in a structure with 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 residence and detached garage would conform to a principally permitted use in the C-RSP-1.0 zoning district, which governs the

subject property and would be situated solely on the subject property. The proposed 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 new residence and detached garage would minimize drainage alterations, grading and excavation, tree removal, and other adverse physical effects on the natural environment. Finally, the design of the residence and detached garage would be compatible with that of other structures in the vicinity, would respect the surrounding natural environment, would utilize colors and materials consistent with the prevailing community character, and would not diminish views from surrounding properties.

**P. Recreation/ Visitor Facilities:**

This finding is not applicable because 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:**

This finding is not applicable because the subject property is not located within the historic preservation boundaries for Point Reyes as identified in the Marin County Historic Study for the Local coastal Program.

**SECTION II: ACTION**

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission sustains the Telford Appeal and approves the Telford Coastal Permit and Design review subject to the following conditions:

1. Plans submitted for a Building Permit shall substantially conform to plans identified as “Exhibit A,” entitled, “New Residence, 9 Vallejo Avenue, Inverness, CA,” consisting of six sheets prepared by Onju Updegrave, dated February 15, 2005, with revisions dated April 5, 2005, May 25, 2005, June 28, 2005, August 2, 2005, and September 6, 2005 and received on September 6, 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 shown as notes on “Exhibit A” and with the sample board which is identified as “Exhibit B,” prepared by Onju Updegrave, and on file with the Marin County Community Development Agency, except as modified below:
  - a. Siding: Cedar or Redwood Shingle (Medium to Dark Stain)
  - b. Roof: Dark Grey Asphalt Shingle
  - c. Gutters: Dark Bronze
  - d. Trim: Cedar or Redwood (Medium to Dark Stain) or Painted Dark Evergreen
  - e. Garage Doors: Painted or stained to avoid contrast with exterior of building
  - f. Walkway Stairs: Natural, earth-tone rock pavers or concrete tint
  - g. Stair Railing: Open metal
  - h. Retaining Walls: Earth-tone rock or concrete tinted or stained a dark color.

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 Telford Coastal Permit and Design Review conditions of approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call-out the approved building setbacks on the Building Permit plans indicating the minimum front (north), side (east and west) and rear (south) setbacks.
5. 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 North Marin Water District indicating that the proposed landscaping complies with all conditions of the District's Water Conservation Ordinance.
6. 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.
7. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, material 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.
8. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks.
9. BEFORE APPROVAL OF THE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.

10. 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.
11. 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.
12. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
13. 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.
14. 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.
15. 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.

16. 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

17. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete and submit a *minor design change* for the septic permit issued March 24, 2005. The *minor design change* shall reflect the re-siting of the residence and wastewater tanks, as shown in the modified project identified in Condition 1 above.

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

18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit the following detail on the Building Permit plans:
  - a. An erosion and siltation plan shall be submitted.
  - b. The building permit plans must be reviewed and approved by the soils engineer. Certification shall be by the engineer's signature and stamp on the plans or by signed and stamped letter.
  - c. Signed and stamped engineer's calculations for site/driveway retaining walls shall be submitted.
  - d. No part of any structure, including garage eaves or trellis, shall encroach within county right-of-way. Clearly show limits of eaves and foundation on site plans.
  - e. Drain shall discharge along property frontage.
19. BEFORE ISSUANCE OF A BUILDING PERMIT, the front property boundary shall be surveyed and property line markers installed.
20. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit an Encroachment Permit application, subject for review and approval by the Road Commissioner, for any work within the public road right-of-way.

Marin County Fire Department

21. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide confirmation to the Planning Division that the Fire Marshal has approved the Vegetation Management/Defensible Space Plan and that the project complies with all applicable fire safety requirements.
22. BEFORE FRAMING INSPECTION, the applicant shall provide confirmation to the Planning Division from the Fire Marshal confirming that the Vegetation Management /Defensible Space Plan has been implemented and that the fire suppression water supply is in place.
23. BEFORE FINAL INSPECTION, the applicant shall provide confirmation from the Fire Marshal that all requirements of the Marin County Fire Department have been met.

North Marin Water District

24. BEFORE FINAL INSPECTION, the applicant shall submit confirmation from the District that all requirements of the District have been satisfied.

**SECTION III: APPEAL**

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 October 3, 2005.

**IV: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 26th day of September 2005, by the following vote to wit:

AYES: ALL  
NOES: NONE  
ABSENT: NONE

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STEVE C. THOMPSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Kim Shine  
Recording Secretary



7A. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: ANTONIOLI JT  
7B. LOT LINE ADJUSTMENT AND PRECISE DEVELOPMENT PLAN: ANTONIOLI

Continued public hearing to consider the Antonioli Lot Line Adjustment and Precise Development Plan application is for a 22.11-acre property in Novato. The Lot Line Adjustment and Precise Development Plan is a proposal to reconfigure four of the five existing contiguous lots, which comprise the Lands of Antonioli, in order to create two building sites adjacent to Crest Road in Novato. The property is currently developed with a single-family residence and accessory structures that would remain on a fifth lot. The plans show building envelopes for each lot, but detailed information is only provided for Lots 4 and 7 because these are contemplated for development in the near future. The residence proposed for Lot 4 would take access from the driveway leading from Crest Road to the existing residence, and the residence proposed for Lot 7 would take access directly from Crest Road. The proposed project would include offering a 5-foot wide strip of land adjacent to Crest Road for dedication to the County, and encumbering 6 acres of land with open space easements that would protect these areas from future development in perpetuity. The general purpose for the continued public hearing is to consider at a conceptual level of review an alternative proposal that shows a revised configuration for the building envelopes. The revised lot design has been submitted by the applicant in response to issues raised by the Planning Commission at the previous public hearings for the project. The Antonioli Lot Line Adjustment and Precise Development Plan site is located at 235 Crest Road in Novato, and is further identified as Assessor's Parcels 143-370-02, -03, -06, -07, -38, and 143-183-01.

Prior to taking action on the merits of the project, the Marin County Planning Commission will consider the adoption of a Negative Declaration of Environmental Impact for the project.

*(This item was continued from the hearings of August 9, 2004, September 13, 2004, and November 29, 2004.)*

Commissioner Barner told the Commission that he serves as President of the Blackpoint Improvement Club, which has taken a position on this application. He stated that he recused himself from the Improvement Club meeting when this action took place, left the building, and did not hear the discussion that took place.

Staff summarized the staff report and recommended that the Planning Commission review the administrative record, conduct a public hearing, and move to either 1) direct staff to return with a resolution denying the project and the alternative design; 2) direct staff to return with additional analysis of the alternative design, based on complete information from the applicant, and a draft resolution approving the proposed project; or 3) with the consent of the applicant, direct staff to return with additional analysis of a design with further modifications.

The Commission asked staff for clarification on the following issues:

- Changes in the lot configuration
- The driveway elevation
- The landscaping/fuels management easement on the driveway
- The height of the house
- The type and height of fencing
- The areas to be fenced
- How to protect the conservation easement
- The size of the building envelope on each lot

The public hearing was opened.

Steve Arago, landscape architect representing the applicant, spoke to the following issues regarding the alternative for Lot 7:

- Leachfield has been reduced
- Fencing outside the easements
- Proposed grading plan
- Requires retaining walls
- Height limitation is 30 feet
- House has moved down the hill to reduce visual impact on surrounding neighborhood
- Applicant will revise full application for consideration by the Commission
- Lots 4 and 7 are similar in size to others in neighborhood
- New location doesn't affect the conservation easement or the drainage easement

The Commission asked the applicant's representative to clarify the following issues:

- Distance between the proposed new driveway and the edge of Crest Road
- Structure height
- Location of the septic system upslope of the house
- Fire equipment access
- Alternatives to the location of the building envelope for Lot 4
- Whether the driveway grade could be flattened
- Vertical curves on the driveway

The public hearing was closed.

Commissioner Dickenson stated that while he objected to the original plan because of the impact of the home on Lot 7 on Crest Road streetscape, he supported the revised lot configuration and site for the building envelope and supported moving the home site down from the road, which has significant advantages and doesn't require excessive grading. He questioned limiting the house on Lot 7 to 18 feet, and felt that there should be flexibility when the house goes through design review not to limit it to a one-story house.

Commissioner Julin applauded the problem-solving approach and analysis of the project by staff and the applicant and stated that she supported directing staff to return with additional analysis of the alternative design, based on complete information from the applicant, and a draft resolution approving the proposed project. When asked about revising the Negative Declaration, staff stated that the revisions would be relatively minor. Commissioner Julin asked that those changes be made and the Negative Declaration brought to the Commission for action in order to not delay the applicant.

Commissioner Barner noted his appreciation that the constraints analysis was done and said he was pleased that the Commission's objectives for this project were achieved in terms of preserving visual aspects, wildlife corridors, and the beauty of this section of Crest Road. He further stated that he agreed with Commissioner Dickenson about having the flexibility for height limits. He agreed that a resolution to finalize the alternative should be brought to the Commission.

Commissioner Dickenson suggested that the Commission give staff clear direction regarding fencing. He stated that he feels it is appropriate that a property owner can fence the limits of their property with a wire fence, but the location of solid fencing should be limited. He expressed the view that if the owner of Lot

7 wanted an open wire fence at the new property line, that would be acceptable because the area is rural and fencing is part of livestock and vegetation management, but any solid fence along the road should be prohibited. Because it acts as a wildlife corridor, he said that the conservation easement probably should not be fenced.

Commissioner Greenberg stated that she doesn't approve of perimeter fencing, and she would like to look at each lot individually and decide how much area should be fenced. She stated her preference would be to keep the area natural, rather than having large fenced areas being fenced, especially lower down near water area. In regard to the height issue, she said she agreed that the house could probably be higher than 18 feet, as long as the footprint was appropriately reduced.

Chairman Thompson concurred with Commission Greenberg regarding fencing, as he likes the idea of having more flexibility for wildlife.

Commissioner Holland said he favored Option 2 of the staff report, and was not in favor of sticking with the 18 foot height limit. He noted that the Commission is not dealing with Design Review at this point, and didn't think it was appropriate to specify home sizes. He stated that he preferred wire strand rather than wire mesh fencing, especially in the conservation areas, as mesh does block some animals from getting through.

Staff confirmed if the Commission wished to accept the conceptual redesign in large part, but with a potential increase in the height of the house and either wire strand or wire mesh fencing of the envelope that goes beyond what's shown in the conceptual plans, the applicant would be asked to provide a complete set of plans which would be transmitted to the Department of Public Works, the Fire Department, and the Environmental Health Services division for comment. Also, in terms of the wire fencing, because of the language and intent of the Initial Study for the open space area to remain a wildlife corridor, no fencing should be located in conservation easement.

The applicant's representative stated that he accepted the Commission's position with respect to fencing and flexibility in building heights, and would revise their plans.

Commissioner Barner noted that this land is agriculturally zoned and in developing the particulars for the fencing, the objective should be the preservation and protection of wildlife corridors, as opposed to enclosure of domestic animals.

***M/s Barner/Dickenson to instruct staff to continue working with the applicant to refine the alternative proposal and return to the Commission with a resolution approving the alternative, including today's discussion, and continue the item to a date uncertain.***

***Motion passed 7/0/0.***

Commissioner Julin thanked Steve Arago for his fine work. She also told the Commission that the Board of Supervisors is sending a letter to Senators Boxer and Feinstein, and Congresswoman Woolsey regarding HR 3824, noting that the bill is titled "The Threatened and Endangered Species Recovery Act of 2005."

The meeting adjourned at 4 p.m.