

<b>MARIN COUNTY PLANNING DIVISION ADMINISTRATIVE DECISION Belvedere Place Property Owner LLC Master Sign</b>			
<b>Decision:</b>		<b>Approved with Conditions</b>	
<b>Date:</b>		<b>November 25, 2020</b>	
Project ID No:	P2892	Applicant(s):	Rob Anderson
		Owner(s):	Belvedere Place Property Owner LLC
		Assessor's Parcel No(s):	043-151-32
		Property Address:	1 Belvedere Place, Mill Valley
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	<i>Kathleen Kilgariff</i>
Countywide Plan Designation:		MF4 (Multi-Family, 11-30 units/acre)	
Community Plan Area:		Strawberry Plan Area	
Zoning District:		RMP-12.1 (Residential, Multiple Planned, 12.1 units/acre)	
Environmental Determination:		Statutorily Exempt from CEQA per Section 15270	

### PROJECT SUMMARY

The applicant requests Master Sign Program approval to allow an existing office complex in Mill Valley to establish envelopes, materials, and size standards for signage on the property. Signage is limited to the western façade of the northernmost office building, the retaining wall north of the subject office structure, and two free standing signs at the western entrance to the parking garage and the southern pedestrian entrance of the subject office building.

A previously approved Sign Permit application authorized the installation of a landlord sign that measures 34 feet, 5 inches in length and 2 feet, 5 inches in height. This brushed aluminum sign identifies the office complex as 'Belvedere Place'. This sign area is included in the proposed Master Sign Program and remains unchanged from the currently permitted dimensions.

Also included in the previous application are the existing, free standing monument signs, which are incorporated into the Master Sign Permit proposal. These signs measure 4 feet, 2 inches in length by 5 feet in height and 4 feet, 11 inches in length by 4 feet in height, respectively. The Master Sign Program indicates that the maximum permitted height for a free standing directory sign could reach a maximum height of 6 feet, consistent with the Marin County Code.

One primary sign per main tenant is permitted. The sign envelope for Tenant Sign One is located at the northwestern corner of the office building and measures 15 feet in length by 2 feet, 9 inches in height. The sign envelope for Tenant Sign Two is located south of the Tenant Sign One envelope and measures 15 feet in length by 2 feet, 9 inches in height. However, the actual sign area may not exceed 12.5 square feet in area.

All signage shall be reverse channel letters made of aluminum. The existing signs, as well as any future sign in their locations, would be natural brushed aluminum while the proposed tenant signs would be white aluminum. Letter height shall be limited to a maximum height of 24 inches, and no illumination is proposed. Graphic image logos may exceed the maximum letter height up to 40 percent.

Master Sign Program approval is required because the project entails a proposal that does not comply with sign standards outlined in Section 22.28.040 of the Marin County Code as outlined in Section 22.60.020.A.1 of the Code.

## **BACKGROUND & KEY ISSUES**

### Sign Review Application

A Sign Review Application was submitted on November 13, 2018 to install a 19 square foot internally illuminated sign for one tenant space on the subject property. Upon receipt, the application was transmitted to the Strawberry Design Review Board (SDRB). The SDRB reviewed the application at their December 3, 2018 meeting where they recommended denial of the application and requested the owner of the building provide a Master Sign Program for the property.

At the time, the Marin County Code (MCC) did not require a Master Sign Program for the installation of one tenant sign. However, the MCC was amended by the Board of Supervisors in 2019 (Ordinance 3706). Now, a Master Sign Program is required because the project entails the installation of signs that deviate from sign standards and which are mounted on a building elevation that does not serve as the primary entrance, as outlined in MCC Section 22.60.020.A.1.

The Sign Review was approved on January 3, 2019 with a condition that the sign shall be externally illuminated, because the project was consistent with the findings for approval that are supported by the Development Code and the original Master Plan and Precise Development Plan.

Subsequently, two appeals were filed with the Planning Division on January 16, 2019. The appeals were filed by Redwood Trust, Inc., a current tenant of the building where the proposed sign would be mounted, and Joe Sherer on behalf of Strawberry Advocates, a community group.

### First Master Sign Program Application

The applicants of the previous Sign Review Application withdrew their application to address both the concerns of Redwood Trust Inc and the Strawberry Advocates and applied for the subject Master Sign Program on October 10, 2020. Therefore, the previous approval was never vested and is not in effect.

The Master Sign Program application was routed to the SDRB on October 21, 2019 to review the merits of the project. The application was heard before the SDRB on November 4, 2020.

At this hearing, the SDRB raised several of the same concerns discussed during their previous review of the initial Sign Review application and recommended denial of the project for the following reasons:

- With the exception of the existing sign, the Master Plan for the office complex prohibits signs other than the existing 'Belvedere Place' sign at the property entrance.
- Internally illuminated signage on the exterior of a hillside structure is inconsistent with the surrounding area.
- The overall amount of signage square footage is in excess of what is permitted by the code.

It is important to note, the Master Plan for the subject property does not entail requirements for signage (size, color, materials, illumination, etc.), other than the requirement that any proposed sign be subject to the Marin County Development Code.

Further, a Master Sign Program allows the County to permit exceptions to the sign standards so long as the application is consistent with the findings outlined in the following sections of this decision.)

The application was deemed incomplete on November 8, 2019. The applicant resubmitted plans on November 19, 2019, which were routed to the SDRB on November 25, 2019. Because the updated plans did not modify the project, and only provided updates to the colors and materials, the SDRB chose to not hear the item again. As such, their recommendation to deny the project stands.

The project was subsequently denied by the Marin County Planning Department on February 12, 2020 because the project was not deemed consistent with the community character and the findings could not be made to support the Master Sign Program.

#### Current Master Sign Program Application

Based on the comments from the SDRB and findings made in the previous Master Sign Program denial, the applicant modified the project and submitted plans on August 31, 2020. An Interagency Online Referral was created, and all project materials were posted to the project webpage the week of September 7, 2020.

The following changes were made to the application from the previous Master Sign Plan proposal:

- Allowable area of signs has been reduced from 170 square feet to 25 square feet, allowing two signs to have a total of 12.5 square feet each
- Maximum letter height has been reduced from 30 to 24 inches
- Illuminated signs are not allowed.

While the proposal was posted on the website and the SDRB was informed of the proposed project, the SDRB did not schedule a meeting to consider the item. As such, the findings reflect an analysis of the current proposal by the Marin County Planning Department.

## **COUNTYWIDE PLAN CONSISTENCY**

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

## **STRAWBERRY COMMUNITY PLAN CONSISTENCY**

The proposed project is inconsistent with the Strawberry Community Plan for the following reasons:

- A. The project is consistent with the Natural Resource Conservation policies, including policies 1.1 and 1.2 because it would not result in any Bay or wetland fill or affect any protect historical or archeological resources.

- B. The application establishes sign envelopes, as well as colors and materials for future signs, along the western facade of an office building that sits on a hill above the Strawberry Village Shopping Center. The subject office building is one of two on the property and faces southwest (towards Redwood Hwy Frontage Rd. and Hwy 101). The office building is visible from the public right-of-way, but the structure is intended to blend into the surrounding area which is why it was constructed in the natural bowl of the hillside, as discussed in the Strawberry Hill Master Plan (Ordinance No. 2838).

The commercial area along the frontage road contains an assortment of signs, ranging in colors and illumination styles. With the exception of the existing 'Belvedere Place' sign, there are no signs within the area between the commercial and residential developments. This is especially clear at night - while the frontage road is lighted, the area above the commercial corridor is fairly dark.

The application notes, "All signage shall be Reverse Aluminum Channel. Colors are limited to White Kynar finish or Clear Sealer finish on Brushed Aluminum."

The installation of non-illuminated signage would avoid impacting the natural setting of the structure as the signs would not be visible at nighttime, preserving the hillside and limiting predominant signage illumination to the frontage road. As such, the project is consistent with the scale and character policies, including policy 2.1, which encourages preserving the natural appearance of hills, ridgelines, and other prominent significant landforms.

- C. The project is consistent with the safety policies, including policies 3.1 through 3.4, because it would be built in conformance with all safety standards related to slope stability, subsidence, and seismic activity.
- D. The project is consistent with the open space policies, including policies 4.1 through 4.35, because it would not adversely affect the access to or habitat quality of open space areas.

## **DEVELOPMENT CODE CONSISTENCY**

### **Mandatory Findings for Master Sign Program (Marin County Code Section 22.60.030)**

- A. If applicable, exceeding the General Standards for Permanent Signs By Use (22.28.040) and/or the Standards for Specific Sign Types (22.28.050) is necessary to overcome a visibility disadvantage caused by an unfavorable orientation of the front wall to the public right-of-way or by an unusually large setback.**

As noted above, the proposed signs are located on the western side of a building that sits on a hill above the Strawberry Village Shopping Center. The office building is oriented to the southwest. Belvedere Place, a private access road, is located off Belvedere Drive, a road commonly used by visitors to the Strawberry Village shopping center.

The office building is visible from the public right-of-way, but the placement of the structure is intended to blend into the surrounding area. Additionally, a stand of trees further limits visibility of the structures from the public right-of-way. The office complex does not have an unusually large setback from the property line but given the distance and size of the site, the structures are well set back from the public realm.

MCC Section 22.28.050.8.a.iv requires signs for individual tenants in multi-tenant buildings be mounted on the primary entrance elevation of the space occupied by the business. The front wall of the structure is the entrance to the office building. The formal entrance to the office building where the proposed signs would be mounted is not visible from surrounding streets and results in an unfavorable orientation to the public right-of-way. As such, it is appropriate to mount the signs on the western elevation for visibility.

**B. The signs would be in proper scale with the uses and structures on the property and in the surrounding community.**

There are two office buildings on the property. The Master Sign Program entails the installation of two signs on the northernmost office building and includes keeping the existing 'Belvedere Place' sign. In addition, there are existing monument signs on the property that do not require discretionary review. The proposed sign envelopes measure 15 feet in length by 2 feet, 9 inches in height. However, the actual sign area may not exceed 12.5 square feet in area. This results in a sign area of 25 square feet. Per MCC Section 22.28.040.F, typical development standards for Commercial or Industrial Uses are as follows:

Maximum number of signs – two

Maximum area –

- Ground floor: one square foot per one linear foot of wall to which the sign is mounted, to a maximum of 50 square feet.
- Upper floor: 24 square feet

Maximum Height – A minimum distance from the top of the wall or parapet of two feet or 10% of the height of the wall, whichever is greater.

The Master Sign Program allows for exceptions to the number of signs, and development standards, the overall sign area (for both the existing 'Belvedere Place' and proposed sign envelopes) on the site would result in 108 square feet of sign area. The previously denied sign area was 251.9 square feet. The 143.9 square feet in size reduction results in a project that is compatible with the Development Code standards, existing structures, and surrounding community.

**C. The colors, contrast, typography, and materials used for the signs would be simple and attractive and compliment the architectural design found on the property and in the surrounding community.**

All signage shall be reverse channel letters made of aluminum. The existing signs, as well as any future sign in their locations, would be natural brushed aluminum while the proposed tenant signs would be white aluminum. Letter height shall be limited to a maximum height of 24 inches, and no illumination is proposed. Because no illumination is proposed, the signs would not be visible at night and would be visible from limited vantage points during the day given the surrounding vegetation. As a result, the signage would be simple and compliment both the property and the surrounding community.

**D. The location and appearance of the signs would be compatible with other signs in the vicinity and the character of the surrounding community.**

There are several commercial uses in the vicinity of this property with varying signage and typography, though these signs are entirely located along the highway frontage road. The office complex is located above the commercial corridor, in an area of transition, from a commercial to residential zone. Because the project site is an office complex, it is typical to

allow the installation of signs, or to review and approve Master Sign Programs, similar to the Strawberry Shopping Center that is adjacent to the project site.

The transition from commercial area to residential is not impacted by the installation of the signs, especially given the fact that no external illumination is permitted. The lack of external illumination allows the office complex to be identifiable during the day and blend with the hillside at night.

As a result, the signs would be compatible with other signs in the area, while also being compatible with the surrounding land uses.

**E. The Master Sign Program would result in signs that are visually related or complementary to each other, what they identify, and the uses and development on the site and in the surrounding community.**

The actual sign copy is not included as part of this application. Instead, the Master Sign Program establishes the design standards with which any sign would be required to comply. That said, the proposed sign materials provide a departure from the existing landlord sign (the brushed aluminum 'Belvedere Place' sign), to distinguish the tenants and landlord while allowing the materials to compliment each other. Due to the overall allowed sign area, materials, site topography, building orientation, and existing vegetation, it is not anticipated that the signs would result in an adverse impact on the site and the surrounding community.

**ACTION**

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

**CONDITIONS OF PROJECT APPROVAL**

**CDA-Planning Division**

1. This Master Sign Program approval authorizes an existing office complex in Mill Valley to establish envelopes, materials, and size standards for signage on the property. Signage is limited to the western façade of the northernmost office building, the retaining wall north of the subject office structure, and two free standing signs at the western entrance to the parking garage and the southern pedestrian entrance of the subject office building.

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free standing directory sign could reach a maximum height of 6 feet, consistent with the Marin County Code.

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2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Master Sign Program," consisting of 3 sheets prepared by Field and Paoli Architects, received in final form on August 31, 2020, and on file with the Marin County Community Development Agency.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all of the standard conditions of approval.

## **VESTING**

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

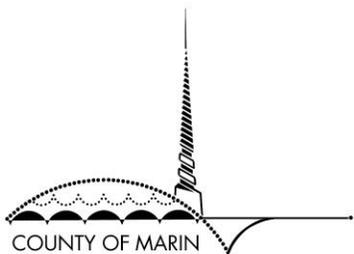
## **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (December 9, 2020).

cc: *{Via email to County departments and Design Review Board}*  
CDA – Assistant Director  
CDA – Planning Manager  
Strawberry Design Review Board

### **Attachments:**

1. Marin County Uniformly Applied Conditions 2020



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS  
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

**2020**

**STANDARD CONDITIONS**

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

**SPECIAL CONDITIONS**

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. 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 distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. 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 consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or 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.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

### CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.