

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**

Brubaker Design Review and Tree Removal Permit

Decision: Approve with condition
Date: May 22, 2020

Project ID No: P2682 Applicants: William Hansell
Architecture
Owners: Joseph and Marka
Brubaker
Assessor's Parcel No(s): 186-071-05
Property Address: 79 Inverness Drive, San
Rafael
Project Planner: Immanuel Bereket
415-473-2755
ibereket@marincounty.org

Signature:

Countywide Plan Designation: SF3 (Single Family, one unit per one to five acres)
Community Plan Area: None
Zoning District: R1-B4 (Residential, Single-Family District)
Environmental Determination: Exempt per CEQA Guidelines Section 15301(e)(1)

PROJECT SUMMARY

The applicant requests Design Review and Accessory Dwelling Unit (“ADU”) permit approvals to construct a new, two-level, 1,166-square-foot ADU on a developed lot in San Rafael. The 1,166 square feet of proposed development would result in a floor area ratio of 11.8 percent on the 42,296 square foot lot. The proposed building would reach a maximum height of 30 feet above surrounding grade, and the exterior walls would have the following setbacks: 60 feet one inch from the southern front property line; 41 feet five inches from the western side property line; and over 90 feet from all other property lines.

The project includes a proposal to remove one tree classified as "Protected" per Section 22.130.030 of the Marin County Development Code to accommodate the construction of the residence and associated site improvements. Other site improvements entailed in the proposed development include an at-grade staircase, and landscape and hardscape improvements. The proposed ADU will be reviewed with this application but will be approved under a separate ministerial permit.

Design Review approval is required under the Marin County Code Section 22.42.020.A because construction of the proposed project would result in more than 3,500 square feet of floor area in the R1-B4 Zoning District. Tree removal permit is required because the project proposes to remove one tree classified as "Protected" per Section 22.130.030 of the Marin County Development Code,

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). The site is heavily wooded and contains a significant amount of mature living trees, most of which are protected under the Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). With the proposed addition, one protected tree is located within the area of disturbance and is proposed for removal to accommodate the proposed project. Given the lot size and the amount of vegetation on the site, the removal of one tree would be insignificant. Further, there are several large trees (California Bay) located within the proximity of the proposed ADU. These trees were strategically planted when the property was developed to provide immediate vegetative screening from off-site locations. As conditioned herein, the project would be required to protect all large trees during construction to ensure the health of these 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. Further, no vegetation that could provide any habitat value is scheduled for removal.
- 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. The southwesterly portion of the property contains a drainage swale that descends into a thick woodland forest below. As proposed, the project would be set back at least 60 feet four inches from the top of the bank. Therefore, the project would not 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. As discussed above, the project site contains a drainage swale at the southwesterly portion of the lot. As proposed, the project would be set back at least 60 feet four inches from the top of the bank.
- 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 the 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 the 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.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines, as discussed below.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The approximately one-one acre lot is a steeply upward-sloping property that is developed with a single-family residence, a driveway, garage, and a patio area. The site adjoins China Camp State Park and public open space to the northwest, the City of San Rafael corporate limits to the southwest, and the Loch Lomond and Bayside Acres subdivisions to the southwest and southeast. Landscaping consists of non-native annual grassland, ornamental woodland, and mature native trees strategically planted to screen the property from off-site locations.

The proposed addition would occur on the northwest part of the site, which was selected by the applicants partially to minimize grading and partially to locate the attached addition on the least visually prominent portion of the property. The applicant retained the services of Herzog Geotechnical Consulting Engineers Inc., who prepared a geotechnical review containing recommendations for the construction of the proposed project, dated January 29, 2020. According to the report, the proposed development is feasible from an engineering, geologic, and geotechnical engineering standpoint. The proposed grading and construction will be free of geotechnical hazards such as land sliding, slippage, and settlement, and the

proposed grading will not adversely affect offsite property provided that construction follows the recommendations of the geotechnical engineer during grading and construction of the site. Building permit requirements mandate preparation and submittal of an engineered grading and drainage plan under the standards outlined by the Department of Public Works during the Building Permit review process, which will further ensure the project complies with all applicable codes.

The proposed addition is in conformance with the County's Single-Family Design Guidelines, and the addition is sited on a large parcel in a manner so that it is indiscernible from the public road or surrounding properties. The area is mostly developed with single-family homes on large lots that are minimally visible off-site. Size and architectural styles vary in this neighborhood, and the design submitted is consistent with the existing range. Therefore, the proposed project is consistent with this finding because it avoids tree removal and grading and is designed to preserve the inherent characteristics of the site.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The property is located outside of the Ridge and Upland Greenbelt (RUG) area and is not located on a visually prominent ridgeline. The proposed addition would be located on the least visually prominent portion of a property, and constructed against the hillside in a manner where it would be placed behind the primary residence and completely screened when viewed from the street level (private access easement). Views of the addition from the China Camp State Park and open hillsides are partly interrupted by topography and greatly obscured by existing mature trees and vegetation. Additionally, the project is not located near streams or areas that are constrained by unusual geotechnical hazards. Therefore, the project is consistent with this finding.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The property is currently developed with a two-car garage that is connected to the primary residence through a breezeway bridge, which breaks up the massing of the building to two smaller building forms. The garage and the primary residence are further integrated by use of identical building and roofing materials. When viewed from a street level, the property appears two single-story buildings, and appears as two two-story buildings when viewed from the north elevation (China Camp State Park). The building design effectively breaks up the massing to smaller building forms.

As proposed, the addition would continue this prevailing pattern by placing new construction behind the primary residence and connection would be established by a breezeway bridge. This effectively screens the addition when viewed from the street level (private access easement) and breaks up the massing to three smaller building forms when viewed from the north China Camp State Park and open hillsides perspectives, which are further interrupted by topography and existing mature trees.

The addition would reach a maximum height of 30 feet where a maximum height of 30 feet is permitted; it will provide a front yard setback of 60 feet one inch where 25 feet is required; and it will provide 41 feet five inches side yard setback where 20 feet side yard setback is required. The proposed building materials and finish would match the existing composite tile roofing, corteen steel panels, concrete plaster, wood siding and anodized metal window framing, and dark green trims.

Therefore, the size of the proposed project is not excessively large for a .97 acre lot. The project site is located in an area designated for low density residential uses and is adequate in size and shape to accommodate the proposed addition as illustrated in the plans submitted by the applicant. The height, massing, and scale of the addition are comparable to the neighboring residences as well as the existing building on-site.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

The subject site is surrounded by single family residences of various architectural styles. As proposed, the massing would step down with the hill so that the addition is completely obscured from street view. The height of the proposed addition would not exceed the height of the existing primary residence, which appears as a single-story residence when viewed from the street level, and the full two-story height is revealed only when viewed from the rear (north) elevation. The addition incorporates articulated building forms, varied roof profiles, and several window and door openings that effectively break up the visual bulk and mass.

The only large expansive wall will be located along north elevation. This elevation will feature several large window openings that will articulate the visual mass of the building. Therefore, the bulk and mass of the proposed addition, the architectural style, materials, and colors used are compatible with other dwellings in the neighborhood.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

As proposed, the selected exterior light fixtures will be shielded and downward facing, thereby minimizing possibilities of light flooding into the neighboring properties. A standard condition of approval will be imposed to ensure that all the exterior lighting is unobtrusive and downward facing.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The landscape plan (Sheet Number L1.1) shows existing small shrubs, mixed with ornamental and fruit trees and ground cover along perimeter of the project site, the main residence, the driveway, and the entry walkway. The project proposes to remove an apple and white oleander trees to accommodate the project, while retaining all existing vegetation.

ACCESS: Development standard C; Design Guidelines A-1.5

The property is accessible via a private easement extending from Inverness Drive in the Loch Lomond subdivision. No alterations are proposed to the existing driveway or parking areas as part of the project.

NEIGHBORHOOD COMPATIBILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The proposed addition will be consistent with the key design principles of the Single-family Residential Design Guidelines in that the project maintains adequate space, light, and a sense of openness from nearby residences in the neighborhood. The project is designed so that the bulk, massing, and siting is consistent with the neighborhood.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

Based on the topography and location of the subject property as well as the varied architecture and scale of the neighborhood, the proposed addition is designed to be in keeping with and compatible with the surrounding neighborhood. Additionally, the design incorporates articulation, windows, doors, and colors that help minimize the appearance of mass and bulk. The project would be proportional to the mass and bulk of the existing facilities and would complement the character of the surrounding built environment.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

As discussed above, the project will result in a building that is oriented on the site in a way that will not result in development that infringes upon the views, air, light, and privacy currently enjoyed by the surrounding neighbors. The proposed addition provides adequate separation from property lines and adjoining residences consistent with the R1:B4 zoning district. Therefore, the project would not result in development that infringes upon the views, air, light, and privacy currently enjoyed by the surrounding neighbors. Additionally, all exterior lighting would be located and/or shielded so as not to cast glare on nearby properties.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

The project has been reviewed by the Department of Public Works (DPW) for compliance with standards for parking, retaining walls, and drainage, and these would be verified during the Building Permit process, thus ensuring the project would not affect rights-of-way or pathways for circulation.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The proposed addition will provide appropriate separation between buildings and development on adjacent properties by maintaining adequate setbacks. The existing fence, coupled with the proposed landscaping, will provide further screening and soften views of the addition from off-site locations, and will enhance the privacy of the occupants of the subject and surrounding properties. The project will not remove any existing mature trees or native plants and would not impact any other natural features consistent with fire safety requirements, and will be reviewed during the Building Permit stage to ensure the structure meets all current fire and building code requirements.

Mandatory Findings for Tree Removal Permit (Marin County Code Section 22.62.050)

- A.** The project is consistent with the mandatory findings for Tree Removal Permit approval for the reasons discussed below.
- B.** The tree removal would not be located in close proximity to streams, wetlands, shorelines, or habitats for special status species of plants or animals.
- C.** The tree removal would not destabilize steep slopes or substantially decrease privacy, wind screening, or the aesthetic quality of the property.
- D.** The tree removal is necessary for the full enjoyment of the property and the surrounding area would continue to support ample native vegetation, consistent with fire safety requirements.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

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 Design Review approval authorizes construction of an approximately 1,166-square-foot addition to the main residence on a developed lot in San Rafael. The 1,166 square feet of proposed development would result in a floor area ratio of 11.8 percent on the 42,296 square foot lot. The proposed building would reach a maximum height of 30 feet above surrounding grade, and the exterior walls would have the following setbacks: 60 feet one inch from the southern front property line; 41 feet five inches from the western side property line; and over 90 feet from all other property lines.

The project includes a proposal to remove one tree classified as "Protected" per Section 22.130.030 of the Marin County Development Code to accommodate the construction of the residence and associated site improvements. Other site improvements entailed in the proposed development include an at-grade staircase, and landscape and hardscape improvements. The proposed ADU will be reviewed with this application but will be approved under a separate ministerial permit.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "79 Inverness Drive," consisting of 17 sheets prepared by Hansell Design, received in final form on March 9, 2020, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2020" with respect to all standard conditions of approval: 2, 6, and 8.

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.

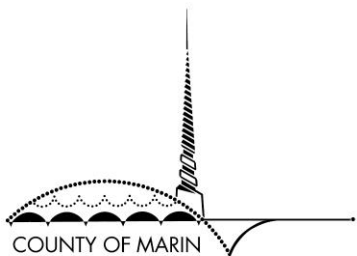
RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be mailed to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, and postmarked no later than eight business days from the date of this decision (Thursday, June 4, 2020). Any party interested in filing a petition to appeal must make an appointment with the project planner in order to submit an appeal.

cc: *{Via email to County departments and Design Review boards}*
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2020
2. Planning Application Review, Department of Public Works, April 2, 2019



**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.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: March 18, 2020

DUE: March 24, 2019

TO: Immanuel Bereket

FROM: Cara E. Zichelli

APPROVED: 

RE: Brubaker Design Review & ADU Permit
P2682 & P2683

APN: 186-071-05

ADDRESS: 79 Inverness Drive, San Rafael

TYPE OF DOCUMENT

- DESIGN REVIEW
 COASTAL PERMIT
 LAND DIVISION
 VARIANCE
 USE PERMIT
 ADU PERMIT
 ENVIRONMENTAL REV.
 OTHER:

Department of Public Works Land Use Division
has reviewed this application for content and:

Comments Included (Inc.) or
Attached (Att.) from other DPW
Divisions:

- Find it **COMPLETE**
 Find it **INCOMPLETE**, please submit items listed below
 Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

- Traffic
 Flood Control
 Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

1. **Geotechnical Review and Acceptance:** The plans must be reviewed and approved by the soils engineer. Certification shall be either by his/her stamp and original signature on the plans or by a stamped and signed letter. Certification shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered. Geotechnical engineer to specifically comment on suitability of proposed dry well on the hill side near a previous land slide. Geotechnical engineer shall also provide recommendations regarding construction access down the hill to the area of addition and protection of slide repair area.
2. **Grading & Drainage Plans:** Provide a drainage and grading plan prepared by a licensed professional engineer or by a registered architect:
 - a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
 - b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion, as well as slide repair and drainage associated with this repair. Note that 2016 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.
 - c. Per 2016 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.
 - d. The plan shall also incorporate any recommendations from the Geotechnical Engineer.

- e. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and specifically indicate the area of new impervious surface plus replace impervious surface. Demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.
 - f. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
 - g. Indicate means of restoring all disturbed areas.
 - h. Add a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.
3. **Best Management Practices:** Based on the location of work in relation to the ephemeral water course and the volume of anticipated cut and fill presented in the second planning transmittal, applicant shall provide a Best Management Practices plan for construction phase erosion and sediment control measures. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>
4. **Stormwater Control Plans:** If the area of new plus replaced impervious surfaces equals or exceeds 2,500 sf, provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2> . Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes. **NOTE: information provided in the second planning transmittal indicated less than 1,000 sf of new plus replaced impervious surfaces; as described, the project will be exempt from stormwater control plan requirements.**
5. **Utilities:** Plan shall show the location of all the existing utility laterals and indicate which, if any, will be upgraded or relocated with this project. Be certain to include water, sanitary sewer, gas, electric and telecommunications. Show location of sewer ejector pump as well.
6. **Construction Management Plan:** Provide a construction management plan, including at a minimum the following:
- a. Provide a site plan showing areas where grading and construction will take place, soils will be stockpiled, storage area for material delivery, parking for construction workers, and temporary facilities such as portable toilets.
 - b. Provide details on hillside protection and any measures recommended by the geotechnical engineer in regards to hillside stability and the slide repair.
 - c. Construction phasing and the timing during any given year when the various components of construction will occur, such as grading, tree and vegetation removal, loud external noise-making work, etc.

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