MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Friedman Design Review
(Sorroko Master Plan, Lot 1)

Decision: Approved with conditions
Date: September 23, 202

Project ID No: P3678
Applicant(s): Rancy Hitchcock
Owner(s): Yury Friedman
Assessor's Parcel No(s): 039-302-02
Property Address: 3820 Paradise Drive, Lot 1, Tiburon
Project Planner: Michelle Levenson, (415)
47303615, mlevenson@marincounty.org

Signature:

Countywide Plan Designation: SF-3 (Single family, 1 unit per 1-5 acres)
Zoning District: BFC-RSP-0.5 (Bayfront Conservation Combining District, Residential, Single family, Planned)
Environmental Determination: Notice of Determination

PROJECT SUMMARY

The applicant requests Design Review approval to amend a previously approved Design Review approval (P2336). The proposed project entails the construction of a new 6,378-square-foot single family residence and attached garage on a vacant lot in Tiburon. The 6,378 square feet of proposed development would result in a floor area ratio of 6.23-percent on the 2.35-acre (102.366 square feet) lot. The proposed building would reach a maximum height of 28 feet above surrounding grade and would maintain the following setbacks: 48 feet from the north access easement; over 100 feet from the south property line; 54 feet from the east access easement; and 32 feet from the west property line. Other improvements are proposed with the project including a terrace, and landscaping.

Design Review approval is required because the project involves construction of a new structure in a planned development district, in accordance with Marin County Code Section 22.42.020(A).

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.

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.

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.

**SOROKKO MASTER PLAN CONSISTENCY** (MP 03-12)

On October 21, 2008, the Marin County Board of Supervisors enacted Ordinance No. 3501 approving the Sorokko Master Plan and Land Division (MP 03-12). A total of 5 lots were created with the master plan ranging in size from 2.34 acres to 7.86 acres. The master plan further identified building envelopes for future residential development of the lots as well as the locations of driveway access and utilities. An Environmental Impact Report was prepared and subsequently certified by the Board of Supervisors for the “proposed project” which evaluated an overall, 5-lot development project (4 lots and 1 remainder lot). The Sorokko Property Final Environmental Impact Report is intended to serve as the environmental documentation for all County and other public agency actions subsequent actions (e.g., approvals, permits or other entitlements) granted or issued in connection with the planning, approval, construction, operation and maintenance of the development contemplated by the proposed project evaluated in the environmental impact report.
Ordinance No. 3501 contains Conditions of Project Approval for the Sorokko Master Plan and Land Division that must be satisfied prior to Design Review approval. The proposed project complies with these Conditions of Project Approval as follows:

A. **Master Plan Condition of Project Approval No. 10-Paradise Drive Frontage Improvements.** The previous applicant provided plans as well as an executed Encroachment Permit with Town of Tiburon to widen the Paradise Drive frontage along the property to 11 feet with a 4-foot-wide bike lane, consistent with the condition of approval. As conditioned herein, prior to the issuance of a building permit for the project the applicant would be required to submit evidence that the frontage improvements have been installed (Condition of Approval 2b, below).

B. **Master Plan Condition of Project Approval No. 11-Landscape Plan.** Special Condition 2(a) below requires the submittal and approval of a landscaping plan that demonstrates that over 50-percent of the landscaping proposed within the building envelopes would be native to the Bay Area prior to building permit issuance. (Mitigation Measure (MM) 4.2-F.2)

C. **Master Plan Condition of Project Approval No. 12-Building Footprints and Envelopes Relative to the Coast Live Oak Forest.** The proposed project would be limited to the central portion of the site and completely contained within the building envelope thereby avoiding the coast live oak forest. The master plan condition of approval requires the retention of a minimum of 28 coast live oak trees within the forest; approximately 71 coast live oak tree would be retained with the project (MM 4.3-A.2).

D. **Master Plan Condition of Project Approval No. 13-Maximum Tree Retention.** The previously approved project included authorization to remove a total of 2 coast live oak trees, and the planting of a total of 12 replacement trees was required. The proposed structures have been sited to minimize tree removal, particularly in the coast live oak forest, and maintain setbacks to the Marin western flax, a special status plant species as well as seasonal drainages. Special Condition No. 2(a) below, requires the submittal and approval of a landscape plan that demonstrates compliance with the master plan conditions, and shows the location, number and species of replacement trees associated with the project.

As indicated in the plan review from the Tiburon Fire District dated July 2, 2019, the District approved the vegetation management plan for the project. In addition, in accordance with Master Plan Condition of Project Approval No. 15, below, the previous applicant submitted an "Arboricultural Plan" prepared by WRA and dated June 2019. The plan contains several measures to ensure the long-term health of the coast live oak forest and includes on-going maintenance and reporting requirements (MM4.3-A.8).

E. **Master Plan Condition of Project Approval No. 14-Tree Protection.** Special Condition No. 6, below, would require the installation of temporary construction fencing demarcating established tree protection zones to be shown on plans submitted prior to building permit approval for the project. Implementation of this special condition in concert with those measures prescribed in the Arboricultural Plan would ensure preservation of coast live oak, and other native tree species.

F. **Master Plan Condition of Project Approval No. 15-Arboricultural Plan.** As described above, the previous applicant submitted an Arboricultural Plan for the project. As required by the master plan condition of approval, the plan recommends several measures to be
employed to ensure the interim and long-term health of the coast live oak forest that exists in the project area. Such measures include those that reduce the potential for sudden oak death exposure such as removing California bay trees (vector of the sudden oak death pathogen) that are less than 10 inches in diameter at breast height and applying fungicide as required in the condition of master plan approval (twice the first year and once a year thereafter), as well as removing invasive plant and tree species including french broom, blue gum, silver wattle, Monterey pine and cherry plum. The plan requires monitoring and reporting activities to occur for 20 years following project completion and such activities are the responsibility of current and future lot owners. Condition of Project Approval 2c has been imposed herein that requires submittal of evidence of a deed restriction for the property prior to the issuance of a project building permit. The deed restriction shall refer to the project arboricultural plan and the associated measures and reporting requirements, and state that future implementation of the plan measures and reporting are the responsibility of the current and future lot owners (MM 4.3-A.5 and 4.3-A.8)

G. Master Plan Condition of Project Approval No. 18-Green Building Requirements. Since approval of the master plan, there have been changes to the state’s green building requirements. The more recent changes applicable to building permit applications received after December 31, 2019, would require the project to achieve mandatory Title 24, Part 6 energy requirements which would result in a more energy compliant structure than that required in the master plan conditions of approval (MM 4.6-F.1).

H. Master Plan Condition of Project Approval No. 19-Design Review Requirements. As discussed in detail below, as conditioned the proposed project complies with those findings required to issue Design Review approval for the project (MM 4.8-A.2, 4.8-A.3.)

I. Master Plan Condition of Project Approval No. 20-Design and Construction Standards. As discussed below, the proposed project would be consistent with the mass of residences in the area, would balance the amount of grading with site constraints and would utilize exterior materials that would minimize contrast with the project setting, including the woodland and Bay backdrop. In addition, fencing is not proposed along Paradise Drive, thereby views to site woodlands and the Bay would be maintained. The project retaining walls would be constructed of earthen tone concrete and have been designed and sited to minimize contrast with existing views. Carefully selected and sited roadside landscaping screening is proposed that would aid in screening the project from views from roadways while not screening views to the Bay (MM 4.8-C.3).

J. Master Plan Condition of Project Approval No. 23-Exterior Lighting. The County’s Uniformly Applied Conditions require that all exterior lighting be low-wattage, directed downward and shielded to ensure that lighting effects of the project are minimized (MM 4.8-E.1).

K. Master Plan Condition of Project Approval No. 24-Fencing. With the exception of an entry gate located along the driveway, the project does not propose fencing, thus reducing potential wildlife corridor fragmentation and ensuring the wildlife movement would not be impeded with the project (MM 4.3-E.1).

L. Master Plan Condition of Project Approval No. 25-Cultural Resources Protection. Consistent with Marin County Code Section 22.20.040(D), in the event that cultural resources are discovered during construction, the applicant is required to cease construction activities and notify the Community Development Agency (MM 4.4-A.1).

DEVELOPMENT CODE CONSISTENCY

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

A. The proposed development complies with the Single-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.

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

This design review amendment authorizes modifications to the previously approved design review approval (P2336) including the elimination of the northern portion of the residence, reducing the overall project floor area and the amount of site disturbance associated with the project.

A total of 1,920 cubic yards of material would be graded with the project; no off haul of excavated material is proposed with the project. The project has been designed to retain the natural features of the site and the structure has been built into the gradually sloping aspect of the site, allowing it to blend with the site topography. The project has been sited within the approved building envelope which was carefully selected during master plan development to reduce the amount of tree removal associated with site development. The master plan requires the approval of a final detailed geotechnical report prior to the issuance of a project building permit that addresses potential landslide and slope stability concerns raised in the Final Environmental Impact Report for the project as well as other geotechnical considerations. It is likely that such a report will also be required for the amended project. Please see Special Condition 3(a) below.

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

The project has been sited to retain natural vegetation to the maximum extent feasible and existing trees would screen the development from Paradise Drive as well as from the shared driveway. The site is not located on a visually prominent ridgeline. The project would be constructed in compliance with the County’s green building requirements which would require the installation of a solar system.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7
As conditioned below, the structure would not exceed a maximum height of 28 feet, below the maximum height standard for the respective zoning district. Carefully selected exterior materials and colors consisting of a mixture of earthen-tone sandstone or limestone masonry, western red cedar siding, dark gray painted fascia and window trim, and dark gray metal aluminum louvers would be used allowing the structure to harmonize with the surrounding environment.

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

As described above, Master Plan Condition of Approval No. 20 states, “reduce the mass of the buildings to be consistent with the mass of existing residences in the surrounding area....” A query of the County’s Assessor’s records for properties located within the unincorporated area of the County and within 600 feet of the project site indicates that residences range in size from 4,332 square feet to 9,517 square feet, with an average area of 6,919 square feet. At 6,378 square feet, the size of the proposed residence would be consistent with other residences within the vicinity and would be below the 8,000-square-foot floor area maximum required under Master Plan Condition of Approval No. 46. The structure would be comprised of a number of smaller roofing components and includes both horizontal (masonry) and vertical (louvers and siding) elements that help to provide articulation.

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

A variety of exterior lighting is proposed consisting of wall-mounted recessed lights, recessed can spotlights directed downward and step riser lights. Uniformly Applied Conditions would require that all exterior lighting be directed downward and shrouded, thereby minimizing glare to adjacent properties and light emissions into the night sky.

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

The project has been carefully sited within the approved building envelope to minimize tree removal associated with the project as well as potential effects to the coast live oak forest located at the eastern corner of the property. As discussed above, the applicant has prepared an arboricultural plan that would ensure the long-term health and vitality of the coast live oak forest. Implementation of the plan would be the responsibility of the applicant and future property owners. Special Condition No. 2(a) below requires the submittal and approval of a landscape plan that demonstrates compliance with the master plan conditions (at least 50% of replacement vegetation must be native to Marin County) as well as the number, species and location of replacement trees.

ACCESS: Development standard C; Design Guidelines A-1.5

Access to the site would be accomplished via a private shared driveway. The Department of Public Works has reviewed the driveway design and determined that the design meets Title 24 requirements.

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

The project would maintain sufficient setbacks to neighboring properties and existing and proposed landscaping would screen the project from adjacent properties. Due to project siting
and generous setbacks between properties, the proposed decks and window placement would not result in reductions in privacy to adjacent properties.

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

As discussed in detail above, the project has been designed to harmonize with its surrounding through the use of earthen tone materials and variety in design elements. The massing and scale of the project are in keeping with other structures in the vicinity, and existing and proposed vegetative screening would soften views of the project from Paradise Drive and neighboring residences.

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.

The proposed development would maintain generous setbacks from all property lines thereby maintaining existing levels of sun and light exposure levels and privacy enjoyed by adjacent 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 site is located entirely on private property. Therefore the project would not encroach onto adjoining private properties, public lands, public easements, trails and right-of-ways.

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 project site would maintain generous setbacks from neighboring buildings and would retain much of the existing on-site trees and vegetation. Special Condition 2(a) requires the submittal and approval of a landscape plan, prior to the issuance of project building permits.

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

This Design Review amends a previously approved Design Review approval (P2336) and authorizes the following project: construct a new 6,378-square-foot single family residence and attached garage on a vacant lot in Tiburon. The 6,378 square feet of authorized development shall result in a floor area ratio of 6.23-percent on the 2.35-acre (102,366 square feet) lot. The authorized building shall reach a maximum height of 28 feet above surrounding grade and shall maintain the following setbacks: 48 feet from the north access easement; over 100 feet from the south property line; 54 feet from the east access easement; and 32 feet from the west property line. Other improvements are included with the project including a terrace, and landscaping.

1. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "3820 Paradise Drive, Tiburon, Parcel 1," consisting of 25 sheets prepared by Construction Art, received in final form on June 29, 2022, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the applicant shall:

a. Submit and receive approval of a landscape plan that meets the requirements of the master plan specifically that 50% of replacement vegetation must be native to Marin County. In addition, the landscape plan must show the location, number and species of replacement trees. A minimum of 12 replacement trees is required.

b. Master Plan Condition of Approval Nos. 15 and 54. Provide evidence in the form of a deed restriction that the provisions outlined in the "Arboricultural Plan, Paradise Drive Project, Tiburon, Marin County, California", prepared by WRA and dated June 2019 have been recorded against the title of the property. Specifically the deed restriction shall state that the coast live oak forest shall be managed for sudden oak death and invasive French broom for a period of 20 years post construction, and management and reporting activities shall be the responsibility of current and future owners of the property (MM 4.3-A.5).

c. Master Plan Condition of Approval No. 30. As shown on plans submitted for the project building permit, Marin western flix species shall be avoided through the use of temporary plastic fencing that shall include a 25-foot-wide buffer from the plant species and signage that states, "Sensitive Habitat Area" posted on the fencing (MM 4.3-C.1 and 4.3-C.2).

d. Master Plan Condition of Approval No. 27. Limit vegetation trimming and removal to September 1 through January 31 to minimize potential impacts to nesting birds unless preconstruction surveys are conducted (MM 4.3-B.1).

e. Master Plan Condition of Approval No. 40. Implement fire protection measures including clear brush and mow grass around construction areas, maintain and clearly mark the location of on-site fire response equipment, etc. (MM 4.9-B.3)

DURING CONSTRUCTION, the applicant shall:

f. Master Plan Condition of Approval No. 14. Whenever feasible, sapling and seedling coast live oak, California bay laurel, madrone, buckeye and toyon shall be preserved and protected during construction (MM 4.3-A.3)

2. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2022" with respect to all of the standard conditions of approval and the following special conditions: 1
Department of Public Works - Land Development Division

3. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit the following:

a. **Master Plan Condition of Approval No. 60.** Provide and receive approval of a final detailed geotechnical report that shall address land sliding and slope stability concerns.

b. **Master Plan Condition of Approval No. 33.** Provide a construction management plan consistent with the master plan conditions of approval (MM 4.5-E.1).

c. **Master Plan Condition of Approval No. 66.** Project driveways shall be designed consistent with Tiburon Fire Protection District emergency access standards by providing turnarounds or turnouts. (MM4.5-B.1).

d. **Master Plan Condition of Approval No. 73.** Subdrains shall be installed through slide areas as outlined in the Kleinfelder report (MM 4.1-A.4).

e. **Master Plan Condition of Approval No. 77.** Submit a detailed Erosion Control Plan pursuant to master plan condition of approval no. 77 (MM 4.1-B.1)

**DURING CONSTRUCTION, the applicant shall:**

f. **Master Plan Condition of Approval No. 34.** Incorporate dust control measures in the contracts of any contractors or subcontractors whose activities would disturb the ground, consistent with master plan condition of approval no. 34 (MM 4.6-A.1).

g. **Master Plan Condition of Approval No. 35.** Reduce diesel particulate matter and NOx consistent with master plan condition of approval no. 35 (MM 4.6-B.1)

**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 (October 5, 2022).

cc: {Via email to County departments and Design Review boards}

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
Marin Municipal Water District
Tiburon Fire Protection District

Attachments:

1. Marin County Uniformly Applied Conditions 2022
2. Exhibit 3 - “Conditions of Project Approval”, Ordinance No. 3501
MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2022

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.
"EXHIBIT 3"

CONDITIONS OF PROJECT APPROVAL
SOROKKO MASTER PLAN AND LAND DIVISION

1. Approval of the Sorokko Master Plan and Land Division shall divide the 18.9 acre Sorokko property into four lots and a remainder parcel, as well as establishing approximate building envelopes and access alignments for all five lots. Serge Sorokko has revised the project consistent with the recommendations of the Draft EIR to eliminate the on-site wastewater treatment and disposal facility and to connect to the Sanitary District No. 5 sewer lines. Water shall be provided by the Marin Municipal Water District. The approved project includes the provision of an off-site affordable housing unit as well as the construction of frontage improvements along Paradise Drive. The approximate lot areas and building envelope areas are listed in the table below:

<table>
<thead>
<tr>
<th>Lot size (Acres, including Bay water)</th>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
<th>Remainder Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.35</td>
<td>3.21</td>
<td>3.35</td>
<td>2.70</td>
<td></td>
<td>7.27</td>
</tr>
<tr>
<td>Building Envelope size (square feet)</td>
<td>32,285</td>
<td>44,668</td>
<td>24,033</td>
<td>34,105</td>
<td>63,271</td>
</tr>
</tbody>
</table>

Except as modified by these conditions of approval, future approvals for the development of the property shall be based on plans that substantially conform to "Exhibit A."

The subject property is located at 3820 Paradise Drive, Tiburon, and is further identified as Assessor's Lot 039-302-01.

2. The subdivider must file a Parcel Map with the County Recorder to record the land division approved herein. The required Parcel Map must be in substantial conformance with "Exhibit A," including, but not necessarily limited to, the correct lot lines and existing and required easements. The Parcel Map shall reconcile the differences between the plans comprising "Exhibit A" in a way that is consistent with the conditions of project approval, and the changes to the lot configurations resulting from the elimination of the previously proposed septic systems. "Exhibit A" consists of 15 sheets of plans stamped APPROVED Marin County Planning Dept. October 21, 2008, and includes two 11 inch by 17 inch sheets showing conceptual site plans prepared by Pahana Known Architects and 13 full sized sheets prepared by Pahana Known Architects and Carlile Macy. Prior to recordation of the Parcel Map, the Parcel Map must be submitted to the Marin County Planning Division and the County Surveyor for review and approval, along with the required application fees. These reviews are ministerial in nature and the Parcel Map shall comply with all conditions and modifications contained herein.

3. BEFORE RECORDATION OF A PARCEL MAP, the owner, or the owner's successors in interest, shall submit a revised Master Plan plan set, which clearly shows the approved lot lines, the approved building envelopes the approved access alignments, all easements affecting the property, and the areas where frontage improvements along Paradise Drive
shall be performed. All environmental information necessary for determining condition compliance shall be included on the revised Master Plan plan set based on accurate and precise surveys or maps based on information prepared by qualified experts. The plans are subject to review and approval by the Planning Division and should be submitted simultaneously with the Parcel Map. Fees for the review shall be charged by the Planning Division on an hourly basis.

4. The property owner, or the owner's successors in interest, shall comply with all the mitigation measures imposed in the Final EIR, as revised by these conditions of approval.

5. BEFORE RECORDATION OF THE PARCEL MAP, the applicant shall submit to the Community Development Agency, a park fee in-lieu of land dedication for future park improvements. The fees shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees) which provide the formula for determining the in-lieu fee based upon the fair market value of land which would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements.

6. The owner, or the owner's successors in interest, shall comply with the Marin County Development Code’s requirements for providing affordable housing in effect on January 14, 2006, the date on which the Sorokko Land Division application was deemed complete.

7. BEFORE RECORDATION OF A PARCEL MAP, the owner, or the owner's successors in interest, shall enter into an agreement with Marin County for the provision of an affordable housing unit off of the project site but in the Richardson Bay Planning Area, as defined by the Marin Countywide Plan.

8. BEFORE RECORDATION OF A PARCEL MAP, the owner, or the owner's successor in interest, shall enter into a written agreement with the County that indicates the number, type, location, number of bedrooms, and schedule for the required housing unit to be provided, and the reasonable information that shall be required by the County for the purpose of determining compliance with all Development Code requirements. This agreement shall specify provisions for income certification and screening of potential purchasers and/or renters of the inclusionary unit provided, and shall also specify resale control mechanisms if the inclusionary unit is for sale rather than for lease. Provision of affordable housing shall meet Marin County's income requirements for eligible beneficiaries in perpetuity, unless Marin County reduces the term of the inclusionary requirement to reflect the maximum term that is permitted by any public financing sources, and shall conform to the requirements listed below.

A. If it is agreed that the owner shall construct new or purchase and transfer new off-site affordable housing, the off-site housing will provide an equivalent or better means of serving the County in achieving its affordable housing goals than construction of the on-site inclusionary housing unit. The off-site property shall be located in an area with appropriate zoning, character and density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles. Additionally, the property shall be offered in a condition that is suitable for development, including appropriate access and services, shall be devoid of contaminants and other
hazardous wastes and shall be appropriately sized and zoned for development of a three bedroom unit.

B. If it is agreed that the owner shall dedicate land for the purpose of constructing affordable housing, the off-site property shall be located in an area with appropriate community character, residential density, location, and accessibility to public transportation, and other services, consistent with sound community planning principles. Additionally, the property shall be offered in a condition that is suitable for development, including appropriate access and services, shall be devoid of contaminants and other hazardous wastes and shall be appropriately sized and zoned for development of a three bedroom unit.

C. The inclusionary unit shall contain a minimum of three bedrooms and shall be compatible with the design and use of the remaining units in appearance, materials, amenities, and finished quality. Any affordable rental units on the ground floor that are provided in compliance with this chapter shall be accessible to the disabled.

D. The applicant may have the option of reducing the interior amenity level, as well as the square footage of the inclusionary unit below that of large market-rate units, provided all of the units conform to the requirements of County Building and Housing Codes and the Director finds that the reduction in interior amenity level would still meet the purpose of this chapter and provide a quality and healthy living environment. The County strongly encourages the use of green building principles such as the use of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware, wherever feasible.

E. The inclusionary unit shall be provided, and final inspection of any necessary construction granted, prior to final inspection of the second residence to be developed on the subject property and not later than 3 years from the date of recordation of the Parcel Map.

9. BEFORE PRECISE DEVELOPMENT PLAN OR DESIGN REVIEW APPROVAL, these conditions of approval shall be recorded against titles of each of the approved lots.

10. BEFORE PRECISE DEVELOPMENT PLAN OR DESIGN REVIEW APPROVAL, the owner of each or all of the lots shall submit improvement plans for the frontage of the property along Paradise Drive, which clearly shows the development necessary to provide a minimum of four feet between the fogline and the edge of pavement. The frontage improvements shall be constructed either before or concomitantly with the development of the individual lots.

11. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, native plants shall be used in project landscaping design to decrease reliance on yard care chemicals (pesticide and herbicides). At least 50 percent of the landscaping within building envelopes will consist of species native to the Bay Area. (MM 4.2-F.2)

12. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS,
Building footprints and building envelopes shall be relocated or reduced to minimize tree removal and preserve the largest possible portion of contiguos coast live oak forest. Specifically, the following reductions are required: The building envelope for Lot 2 shall be relocated or reduced at its southeast corner to a size to allow preservation of 28 coast live oaks and other protected trees that are identified as being removed for fire protection due to proximity to the future residence on Lot 2. The Remainder Parcel building envelope shall be reduced to preserve at least half of the 10 coast live oaks along the south side of the building envelope. (MM 4.3-A.1)

13. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, and during final design, applicants shall locate improvements to avoid protected trees within the building envelope wherever possible. The final fire management plan shall preserve as many coast live oak, bay laurel, madrone, and buckeyes as feasible given the requirements of the Tiburon Fire Protection District. (MM 4.3-A.2)

14. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, wherever feasible, sapling and seedling coast live oak, California bay laurel madrone, buckeye, and toyon shall be preserved and protected during construction. (MM 4.3-A.3)

15. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, stands of native trees that will not be removed shall be managed to restore a healthy oak woodland community on the site. In residual stands of native trees that are to be protected, the Project Arborist, in consultation with a qualified wildlife biologist, shall prepare a final arboricultural plan for the site to restore these stands to a healthy condition and to maintain viable habitat for diverse wildlife. Up to half the site can be restored and managed as open canopy oak woodland. Trees slated for removal in the retained core woodland shall be removed only to benefit the health of the woodland. The final arboricultural plan shall be submitted at the time the applicant seeks approval of the Precise Development Plan or Design Review and approved by the County prior to trees being removed. This may include thinning suppressed and diseased trees, removing exotic trees, treating specimen trees for SOD prevention, fertilizing, etc. All elements of the final arboricultural plan pertaining to areas outside the building envelopes shall be completed prior to the completion of infrastructure improvements on the site. The remaining coast live oaks shall be preserved by spraying the lower portion of the trunks of the oaks ideally before infection (twice the first year and once a year thereafter) with a mix of water, phosphorous acid (Agri-Fos), and the surfactant—Pentra Bark. To ward off attack by bark beetles, the trunks of bleeding oaks should be sprayed with a dilution of water and permethrin (Astro) once in February and again in June. If in the future alternate control methods are identified and recommended by UC Extension and the County Agricultural Commissioner, they can be used. This will be the responsibility of the applicant until such time as the lots are sold to individual owners. This condition will be a condition of sale to lot owners who will be responsible for the maintenance regime for 20 years after lot purchase. Every five years, a credentialed botanist or arborist will prepare and submit a report to the County that verifies whether the final arboricultural plan is being implemented. (MM 4.3-A.4) The Project Arborist and the final arboricultural plan shall abide by the techniques for preserving oak trees included in the
16. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, locate the building envelopes on lot 3 and lot 4 so that no more than 50 protected trees on each lot would need to be removed. Lot 3 shall not be used for storing materials or construction staging, except in support of development occurring solely on lot 3. (MM 4.3-A.9)

17. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS FOR THE AFFECTED LOTS, The Marin County Department of Parks and Open Space staff will recommend to its Board of Directors that the Department should accept a private conservation open space easement for over the approximately 0.5-acre archaeological site. The easement will include specific restrictions on construction, grading, excavation, use, or other disturbances of the archeological site. If the Board accepts the easement, the applicant will provide a one-time $10,000 endowment to cover the costs of annual monitoring of the easement. In the instance that an easement is not effected, the Precise Development Plan or Design Review shall be conditioned to preserve the archaeological resource in perpetuity and prohibit any future disturbance, use or development that would impact the resource. (4.4-A.2)

18. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, for each future residence, future houses on the project site shall be required to obtain at least a "gold" rating or better to meet the current adopted standards at that time under the County's New Home Green Building Residential Design Guidelines or meet an equivalent elevated standard under the green building evaluation system adopted at the time of Building Permit Issuance for the future development. To help obtain such a rating, it is recommended that the project be consistent with the County's Energy Incentive Program recommendation that each new residence install an on-site renewable energy system that produces a minimum of 75 percent of the annual energy use for the building and site amenities. (MM 4.6-F.1)

19. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, new residential development on the site should comply with typically imposed County design review requirements, such as those that govern height, bulk, mass, architectural style, facade, color, size of building envelope, size of proposed residence, and neighborhood compatibility consistent with the surrounding home size and development in the vicinity of the project site. (MM 4.8-A.2)

20. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, individual developers shall meet the following standards:

- Reduce the mass of the buildings to be consistent with the mass of existing residences in the surrounding area.
- Prepare a landscaping plan that includes roadside landscaping that screens views of new improvements to the degree possible while not screening existing or new views of the bay.

- Do not include fencing along Paradise Drive that blocks views of the bay or on-site woodlands.

- Reduce the amount of grading needed.

- Design retaining walls to minimize the contrast in form, texture, and color with existing views.

- Construct the driveway to Lot 4 and the remainder parcel using materials with color that blends with the lightness and darkness of surrounding vegetation.

- Minimize the contrast between new structures and the woodland and the bay backdrop.

- Construct roofs using materials with color that blends with the lightness and darkness of surrounding vegetation.

- Screen solar panels or other rooftop structure or mechanisms from view from Paradise Drive to the maximum extent feasible.

(MM 4.8-A.3)

21. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS the residence on the Remainder Parcel should be designed as follows:

- The house should replicate the scale and orientation of the existing shoreline residences to the immediate north and south of the site (i.e., the residences on the Traeger, Snyder, Winslow, and Kilgore properties).

- The color should blend with the lightness and darkness of the surrounding vegetation.

- Large landscaping trees should be planted between the residence and the bay to break up the building mass.

- Landscaping should be planted between the residence on the Remainder Parcel and the Traeger residence to screen views from this existing home.

(MM 4.8-C.2)
22. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS the residence on Lot 1 should be designed as follows:

- The scale of the residence should avoid a massive appearance when seen from the bay.
- The color should blend with the lightness and darkness of the surrounding vegetation.
- Large landscaping trees should be planted below the residence to break up the building mass.

(MM 4.8-C.3)

23. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS individual developers shall develop a lighting plan for each residence that minimizes lighting impacts on off-site vantage points. This plan shall include:

- Exterior lights shall be of a shielded type that prohibit light trespass off the site.
- All security lighting shall be motion-activated lighting.
- Lighting of all outdoor use areas and walkways shall use low-level walkway lights and bollards.
- Floodlighting of walls and rooflines shall be prohibited.
- Building entries shall be lighted with low-level fixtures using concealed lamps.
- Security lighting of new driveway, parking areas, and garages shall use low-level bollards with shielded lights unless this poses a safety hazard (as determined by the Police Department), in which case the area shall be lit using as few as possible, motion-activated shielded lights.

(MM 4.8-E.1)

24. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project should be designed so that fences are minimized and constructed to avoid impeding wildlife movements or fragmenting wildlife corridors. (MM 4.3-E.1)

25. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the
project shall be designed and implemented to not damage known or unknown cultural resources on the site. The project shall implement the following requirements:

A. A qualified archaeologist with documented expertise in the investigation of prehistoric cultural resources in the San Francisco Bay Area shall monitor grading, earthwork, and construction within the building envelope on the Remainder Parcel. Monitoring shall consist of directly watching grading and excavation work. Monitoring shall be done through the workday and shall continue until a depth of excavation at which resources could not occur has been reached. The depth is estimated to be about five feet below the existing grade. Monitoring may be needed for deeper excavations, as determined in the field by the monitoring archaeologist.

B. Site preparation and construction shall not disturb the area defined as "Estimated Limits of Undisturbed Boundary of Archaeological Site" on Figure 1.0-6 (the proposed project Tentative Map). No equipment shall be allowed to cross this exclusion zone. Bright-colored exclusion fencing shall be placed around the site.

C. In the event that additional archaeological artifacts are encountered, work in the area shall halt until the monitoring archaeologist evaluates the nature and significance of the find. If the remains are deemed significant, the project shall be modified to allow the artifacts or features to remain in place, or the archaeological consultant shall undertake the recovery of the deposit or feature. The archaeologist shall prepare a summary outlining the methods followed and summarizing the results of the mitigation program. The report shall outline the methods followed, list and describe the resources recovered, map their exact locations and depths, and include other pertinent information. The County shall submit the report to the Northwest Information Center and the California State Historic Preservation Officer. If the suspected remains prove to be non-significant or non-cultural in origin, work will recommence immediately.

D. In the event that human skeletal remains are discovered, work shall be discontinued in the area of the discovery and the County Coroner shall be contacted. If skeletal remains are found to be prehistoric Native American remains, the Coroner shall call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

(MM 4.4-A.1)

26. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, final landscaping plans for each future residence shall be designed in accordance with TFPD's requirements and recommendations to provide defensible space and avoid planting pyrophytic species near residences. (MM 4.9-B.2)
27. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed and phased to not cause nesting birds to abandon their nests prior to young birds leaving the nest. Vegetation in the construction zone(s) shall be trimmed or removed between September 1 and January 31 to minimize potential impacts on nesting birds, or if vegetation must be removed between February 1 and August 31, a qualified wildlife biologist shall conduct pre-construction surveys for nesting birds. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. If active nests are closer than those distances to the nearest work site and there is the potential for destruction of a nest or substantial disturbance to nesting birds due to construction activities, a plan to monitor nesting birds during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. (MM 4.3-B.1)

28. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, and during construction on the Remainder Parcel, human and vehicle traffic on the beach and in the coastal strand plant community shall be avoided below the boundary of the Bay Conservation and Development Commission (BCDC) jurisdiction. (MM 4.3-B.2)

29. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall not cause nesting birds on the coastal strand to abandon their nests prior to young birds leaving the nest. Pre-construction nesting surveys shall be conducted in the coastal strand if construction activities are expected to impact this area during nesting season (February 1 through August 31). Nesting areas for aquatic birds shall be protected by appropriate barriers, and monitored during construction activity. (MM 4.3-B.3)

30. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, project construction in the two small areas (each approximately 50 feet in diameter – see Figure 4.3-1 of the FEIR) occupied by Marin western flax shall be avoided. The areas shall be protected with temporary plastic fencing installed outside the population perimeter and "Sensitive Habitat Area" signs posted on the outside of the fence. Periodic monitoring shall occur during construction to ensure compliance with plant protection. The protective perimeter should include a buffer zone of at least 25 feet to protect the plant population, unless a minor reduction of this buffer is found by a qualified biologist not to adversely effect the flax. (MM 4.3-C.1)

31. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed and implemented so that in the event that additional populations or individuals of sensitive plant species are found in the project area, these plants shall also be protected by installing temporary fencing and 25-foot buffer zones in order to avoid unintentional impacts and traffic during construction. (MM 4.3-C.2)

32. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed and implemented so that project construction and operation shall not result in the loss of any flax plants. The final design of the proposed driveway for lot 3, lot 4 and the remainder parcel shall be developed with the input of a qualified biologist to avoid disturbing the flax population and to avoid altering the hydrologic conditions.
necessary for that flax population. The areas containing flax will be permanently posted with small signs warning of the presence of the plant and stating that no disturbance is allowed in the area. (MM 4.3-C.3)

33. BEFORE ISSUANCE OF BUILDING, GRAADING OR OTHER CONSTRUCTION PERMITS, and during construction the project shall be implemented in conformance with the following measures:

- Construction schedules (deliveries, worker hours) shall be set to avoid the weekday commute peak hours.

- Delivery of construction materials shall be consolidated to the extent possible, with trips confined to non-peak hours.

- Construction worker parking and construction staging areas shall be located within the project site (as indicated by the applicant), subject to the approved project mitigations to avoid impacts to vegetation and habitat and protect natural resources.

- Heavy truck trips shall be restricted to weekdays between the hours of 9:30 AM and 4:00 PM.

- The applicant shall repair any pavement damage caused by project construction and shall pay a roadway impact fee pursuant to County requirements.

(MM 4.5-E.1)

34. BEFORE ISSUANCE OF BUILDING, GRAADING OR OTHER CONSTRUCTION PERMITS, the applicant shall incorporate the following dust control measures in the contracts of any contractors or subcontractors whose activities would disturb the ground:

- Prevent visible dust clouds from extending beyond construction sites.

- Water all active construction areas at least twice daily and more often during windy periods. Keep active areas adjacent to residences damp at all times.

- Cover all haul trucks or maintain two feet of freeboard.

- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved roads, parking, and staging areas.

- Sweep daily (with water sweepers) all paved access roads, parking areas, staging areas, and nearby streets where soil material deposits are visible.

- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously disturbed areas that are inactive for more than ten days).
• Enclose, cover, water twice daily, or apply non-toxic soil binders to all exposed stockpiles.

• Limit traffic speeds on unpaved parts of the site to 15 miles per hour (mph).

• Prevent visible tracking of mud or dirt on to public roadways.

• Replant vegetation in disturbed areas as quickly as possible.

• Suspend any grading or excavation activities during strong winds that cause dust plumes visible to nearby sensitive (residential) land uses and that cannot be controlled by watering.

(MM 4.6-A.1)

35. During construction the applicant shall carry out the following measures to reduce diesel particulate matter and NOx emissions from on-site construction equipment:

• Construction contracts shall require use of off-road construction equipment that was manufactured during or after 1996 meeting the California Tier I emissions standard or is equipped with diesel particulate filters or uses alternative fuels (e.g., biodiesel) that result in lower particulate matter emissions that are at least 25 percent lower than the statewide fleet average reported by the California Air Resources Board.

• Construction contracts shall prohibit the use of "dirty" equipment. Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The project shall ensure that emissions from all construction diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40-percent opacity (or Ringelmann 2.0) shall be repaired immediately.

• All construction equipment shall be properly tuned and maintained for low emissions.

(MM 4.6-B.1)

36. During construction hours for construction-related activities shall be maintained as follows:

• Construction activities shall be restricted to the hours of 7:00 AM to 5:00 PM, Monday through Friday, and 9:00 AM to 4:00 PM on Saturdays. No construction activities shall occur Sundays or holidays.

• Heavy equipment may be maintained, operated, or serviced from 8:00 AM to 5:00 PM Monday through Friday only. On-site warm-up may begin at 7:30 AM.

(MM 4.7-C.1)
37. During construction the project shall comply with standard quiet construction methods, including the following:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.

- Locate stationary noise generating equipment as far as possible from sensitive receptors.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Radios shall be controlled as to not be audible outside of the project site.

- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.

- The allowable hours of construction and a telephone number for the disturbance coordinator shall be conspicuously posted on a sign at the intersection of the proposed access road to Paradise Drive.

(MM 4.7-C.2)

38. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the proposed hydrant on the remainder parcel shall be supplied by a private fire line, subject to approval by MMWD when MMWD approves the pipeline extension or waiver required in Mitigation Measure 4.10-A.1. (MM 4.9-A.5)

39. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed to comply with all TFPD standards, including requirements for installation of spark arrestors for chimneys, fire-resistant roofs, and automatic sprinkler systems. (MM 4.9-B.1)

40. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, and during project construction, the applicant and/or lot owners shall require their contractors to implement fire prevention measures. Prevention measures shall include at least the following, which may be expanded by the TFPD:

- Clear brush and mow grass around construction areas.

- Maintain and clearly mark the location of on-site fire response equipment (such as fire extinguishers, shovels, buckets, etc.).
• Ensure that all workers know the location of on-site fire equipment and how to operate it.

• Locate and clearly mark the location of a cellular phone or other communication device that will be on-site during all construction phases.

(MM 4.9-B.3)

41. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, and at the time future lot owners apply for building permits, they shall pay any fees required by the Tiburon Fire Protection District. (MM 4.9-C.1)

42. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall abide by all MMWD requirements, including:

To provide water for the Remainder Parcel, the applicant shall either (a) enter into a pipeline extension agreement (subject to approval by the MMWD Board of Directors) for the installation of the necessary facilities, or (b) apply for a variance to these requirements (subject to review and approval by the MMWD Board of Directors). The applicant shall bear the costs of the pipeline extension, if required. Upon MMWD Board of Directors approval of the pipeline extension agreement or variance request, the applicant shall comply with all other MMWD requirements, including completion of a Standard Water Service Application, submittal of a copy of the building permit, payment of appropriate fees, completion of structure’s foundation within 120 days of the date of application, and compliance with all MMWD rules and regulations in effect at the time service is requested. The applicant shall purchase a water entitlement of 2.45 acre-feet per year, plus any additional necessary water (e.g., for irrigation of landscaped areas), from MMWD. All landscape and irrigation plans shall be designed in accordance with the most current MMWD landscape requirements (currently from Ordinance 385). Before providing water service for landscape areas, MMWD must review and approve the project’s working drawings for planting and irrigation systems.

(MM 4.10-A.1)

43. Development on the approved lots shall not commence before approval of a Precise Development Plan or Design Reviews for the individual lots.

44. A minimum of one of the approved lots must be developed with second a unit concomitantly with the development of the primary residence on that lot. Lot 2 shall be developed with a second unit, unless the second unit is developed on a different lot within the Master Plan prior to the development of Lot 2.

45. As a design goal, development on approved lots 1, 2, 4 and the Remainder Parcel should not exceed the elevation of Paradise Drive along the frontage for that particular lot, to the extent feasible. The maximum height allowed for the residence on lot 3 shall be 25 feet. This height is not guaranteed, and may be decreased to comply with the mandatory findings for Design Review approval. Minor modifications allowing an increase in height above this standard may be permitted with Design Review approval, provided the development on lot 3 meets the following criteria:
• The residence shall exhibit qualities of exceptional design, which reduce the visual effects of the development on views from Paradise Drive, the Bay and the surrounding properties.

• The mass and bulk of the residence apparent from the surrounding area would be substantially screened by existing topography and healthy native trees.

• The effects of night time lighting would be minimized by avoiding large expanses of windows that face public viewpoints and excessive exterior lighting.

46. Development on each of the lots shall not exceed a maximum floor area of 8,000 square feet. This is considered a maximum floor area, and is not guaranteed. Future development on each lot shall be subject to Precise Development Plan or Design Review, which may determine that this maximum floor area is too large and for an individual lot and reduce it to ensure that the development is consistent with the mandatory findings for Design Review approval.

47. Lots, easements or rights-of-way shall be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision. Easements for public utilities shall be limited to those needed to provide service to present and future development.

48. The designated remainder parcel shall not be sold unless a Certificate or Conditional Certificate of Compliance or its functional equivalent, such as a building permit foundation inspection, is obtained.

49. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this project, for which action is brought within the applicable statute of limitations.

50. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, the applicant shall construct the proposed sections of 8-inch pipeline on Paradise Drive between the project site and Trestle Glen Boulevard, if required to be consistent with the MMWD design requirements. The applicant will be responsible for the cost of the design and the construction. (MM 4.9-A.1)

51. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, future houses on the project site shall comply with Tiburon Fire Protection District restrictions on house size given available fire flow, and proposed building construction type and materials, access, fire hydrants, and sprinkler systems. (MM 4.9-A.2)

52. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, the applicant shall install new fire hydrants in accordance with final conditions established by the Tiburon Fire Protection District. (MM 4.9-A.3)
53. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, the applicant shall comply with all other requirements governing building construction (e.g., roof materials, wall construction techniques, and wall materials) and access (e.g., turnouts, turnarounds, and maximum grades) established by the Tiburon Fire Protection District. (MM 4.9-A.4)

54. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, broom populations on the lot shall be eliminated. The broom removal and control plan shall be a part of the final arboricultural plan. Broom populations shall be treated annually for at least 20 years to eliminate the populations on the site. The applicant shall be responsible until the lots are sold, and then the condition shall be included in the sale contract and the lot owners shall be responsible for subsequent treatment. Every five years a credentialed arborist/botanist report will be submitted to CDA for verification of broom treatment. (MM 4.3-A.5)

55. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, native replacement trees shall be planted on the site. The final arboricultural plan required in Mitigation Measure 4.3-A.4 shall identify locations on the site where replacement trees can be planted. The species of tree to be planted shall be identified. Trees shall be planted and maintained at these locations consistent with the requirements of County Code Chapter 22.27. The trees should be species that are not usually killed by SOD. Planting within building envelopes called for in the final arboricultural plan shall be completed by the end of the residence construction on each parcel. (MM 4.3-A.6)

56. BEFORE FINAL INSPECTION OF THE DEVELOPMENT ON ANY OF THE LOTS, future lot owners shall replace protected trees that are removed for development of each lot by replanting trees on the site and/or contributing fees to the Marin County Open Space District as per the options described below. Future lot owners shall pay the County-adopted fee to the Tree Replacement Fund, managed by the Marin County Open Space District for all protected trees that are removed during construction, unless they are mitigated by on-site replacement. The number of trees that will be removed or die shall be identified by a qualified arborist. For trees where ground disturbance has occurred within one foot of radial distance for each one inch of trunk diameter, an arborist shall determine whether such trees can be expected to survive or die given the construction near the tree. The fee shall also be paid for trees the arborist determines would likely not survive. On-site replacement per Mitigation Measure 4.3-A.6 will be at a 1:1 replacement planting. County requirements are for a 3:1 replacement ratio, but there is insufficient space on the site to allow this level of replacement. The other two trees to be replaced per this required ratio will be replaced by paying the required in lieu fee. (MM 4.3-A.8)

57. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

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

58. PRIOR TO RECORDATION OF PARCEL MAP:
A. Provide copy of recent title report.
B. Clearly show and label all existing easements and if already recorded, provide document reference number and legal description.
C. Clearly show dimension and label all new easements proposed for access and utilities.
D. Applicant shall submit a maintenance agreement that provides for the ability of the drainage and roadway improvements to be maintained by the associated lots. Such agreement shall be provided to the Department of Public Works for review and approval. The agreement shall be recorded concurrent with the Parcel Map.
E. Provide a conceptual grading, drainage and improvement plan complying with Marin County Code Title 24, and conforming tentative map incorporating the approved lots and other applicable conditions of approval to DPW for review and approval.

59. BEFORE RECORDATION OF A PARCEL MAP, drainage easements on the site shall be identified for the project and recorded on the final Parcel Map to allow future maintenance. (MM 4.2-B.3)

60. PRIOR TO PRECISE DEVELOPMENT PLAN, DESIGN REVIEW, OR ENCROACHMENT PERMIT APPROVALS:

A. Provide plans showing roadway improvements along the frontage on Paradise Drive, and a cross-section from the centerline to include an 11-foot wide lane, a 4-foot paved shoulder, and a 2-foot wide dirt shoulder. Include any structures needed for the roadway. The review of requests for exceptions to this requirement should consider the preservation of protected trees, avoiding extending culverts with substantial retaining walls, and avoiding the necessity of relocating utility poles.
B. Provide a detail geotechnical investigation, prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer, addressing the landsliding and slope stability concerns raised in the Final Environmental Assessment dated February 2005. The report must attest to the suitability and geological feasibility of placing a building on the site, the suitability of excavating for the retaining walls, and identify any drainage or soils problems that the design of the project must accommodate, identify landslide mitigation, and associated site impacts from remedial work, e.g. aerial extent of excavation for a soil buttress.
C. Provide site plans showing adequate turnarounds for lot 2 and the remainder parcel. The driveway turnarounds shall comply with MCC Title 24 requirements.
D. Provide documentation that the roadway and turnaround designs have been reviewed and approved by the Fire Department.
E. Provide plans on how drainage will be modified at driveway entrances and along Paradise Drive.
F. Provide a more complete hydrology and hydraulic calculations for the existing and post construction drainage to verify the capacity of the existing storm drain improvements and downstream drainage structures. The report shall analyze the flow path all the way down to San Francisco Bay.

61. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the Erosion Control Plan, as outlined in Mitigation Measure 4.1-B.1, shall include an analysis and investigation of all channel work required for maintenance and/or creation of stable
drainageways. Drainageways shall be stabilized using Best Management Practices and appropriate bioengineering techniques. If the proposed development includes channel and bank greeding, this work shall be approved by the County DPW, the San Francisco Bay RWQCB, the California Department of Fish and Game and the U.S. Army Corps of Engineers. On the steep local slopes, it is highly likely that any surface channel receiving concentrated runoff would need to be either armored (e.g., rock-lined) or constructed as a geomorphically-appropriate natural channel. For this site, such a natural channel form would likely be a step-pool channel with significant riparian plantings to assist in overall stabilization. (MM 4.2-C.1)

62. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall complete a hydraulic analysis of each rock-protected storm drain outlet to ensure that the erosive potential of design peak flows do not compromise the stability of the outlets. Consultants performing such computations shall pay particular attention to low C values cited in Rantz for natural watershed areas (0.1 to 0.3) and to increases in C values appropriate for higher-intensity, higher-recurrence-interval rainstorms. Energy dissipators shall be constructed at all areas where stormwater runoff is concentrated. The project applicant shall ensure that a hydraulic analysis of all proposed storm drainage alterations is conducted and submitted to the County of Marin Department of Public Works during Precise Development Plan review. (MM 4.2-C.2)

63. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, residential construction shall protect existing drainages and/or re-position portions of the storm drainage system, while ensuring overall connectivity and integrity. (MM 4.2-C.3)

64. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall construct the project to avoid flooding properties between the project site and the bay and to the adjacent properties to the south. The applicant shall prepare a final project drainage plan that will 1) calculate runoff from the final project design; 2) evaluate whether off-site drainage conveyances can transport this increased runoff without causing or aggravating off-site flooding; and, if the project would cause such flooding, either a) detain peak storm flows on-site, with detained flows released once the peak runoff has terminated, and/or b) upgrade the affected downstream conveyances so that they are capable of transporting flows without increasing flooding. The plan will calculate post-project peak flow rates, which shall be applied to a hydraulic assessment of the existing on-site storm drains and culvert inlets. The combined stormwater drainage network, including surface drainageway segments, shall be evaluated and upgraded where necessary to ensure that all portions of the network meet the County of Marin’s drainage criteria. The plan shall address the anticipated full build-out condition of the watershed. The drainage plan will be submitted to the County of Marin Department of Public Works during Precise Development Plan review. On-site detention will be used, if warranted, only if the owners of the affected downstream lots will not allow improvement of an affected drainage conveyance on their property. Due to geologic site constraints (e.g., landslide potential), an acceptable storage basin design would consist of a closed vessel such as a cistern, which would be designed to regulate the release of stormwater into the on-site natural channels or storm drain segments. The designed cistern shall be either a submerged or an aboveground storage
vessel. Alternatively, with the approval of the neighboring landowner through whose property the off-site drainage courses or culverts pass, the applicant can enlarge or improve those culverts and pipes to the level needed to transport project-generated increases in peak runoff. (MM 4.2-B.1)

65. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project architects, landscape architects, and engineers in the residential, landscape, roadway, and drainage design shall incorporate the Start at the Source – Design Guidance Manual for Stormwater Quality Protection and the most recent follow-up publication Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document, both of which apply to new development, to the extent practicable. Best Management Practices shall be integrated into the stormwater drainage design, the Grading Plan, the Erosion Control Plan, and the Stormwater Pollution Prevention Plan (SWPPP) before the plans are submitted to the County. For example, vegetated swales or buffer strips can be constructed to filter contaminants from residential stormwater runoff. (MM 4.2-F.1)

66. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, project driveways shall be designed to be consistent with Tiburon Fire Protection District (TFPD) emergency access standards, specifically by providing turnarounds or turnouts that meet TFPD standards on Lot 2 and the remainder parcel. In addition, signing for “no on-street parking” shall be provided on the driveway turnout for the remainder parcel. The applicant shall obtain a letter from the TFPD confirming that the project has been designed to comply with TFPD standards and that the TFPD can serve the project. (MM 4.5-B.1)

67. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed and implemented to comply with Marin County Development Code requirements concerning visibility obstructions. It shall not install or maintain any sign, fence, hedge, shrubs, natural growth or any other view obstructions that extend more than two feet six inches above the street level of any adjacent intersection, within the area between the property line and a diagonal line joining points on the property lines that are 35 feet from their intersection, as extended. (MM 4.5-B.2)

68. BEFORE PRECISE DEVELOPMENT PLAN APPROVAL, DESIGN REVIEW APPROVAL OR ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS the project shall be designed and implemented to provide six on-site parking stalls on each lot through use of parking areas within building envelopes and on-lot driveway space. (MM 4.5-C.1)

69. Prior to issuance of grading permit, building permit or other improvement approval:

A. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.

B. Clearly show and label all existing easements boundaries on site plan and if already recorded, provide document reference number and legal description.
C. The plans shall be reviewed and approved by Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer’s stamp and signature on the plans, or by stamp and signed letter.

D. All driveway approaches shall meet the criteria outlines in Title 13.18, Visibility Obstruction at Intersections.

E. The driveway profiles shall start at centerline of Paradise Drive. Show edge of pavement and edge of road right of way on driveway profiles. As required by MCC 24.04.285, the driveway vertical transition shall start at least four feet back from the edge of the adjoining road.

F. An Encroachment Permit shall be required for work within road right of way. The Road Commissioner/Director of Public Works retains the right to issue or impose conditions upon issuance of an encroachment permit. In addition, the vesting and permit duration of the Master Plan and Tentative Map approval shall not be deemed to restrict the rights of the Road Commissioner/Director of Public Works to require, at the applicant’s expense, the protection, support, relocation or removal of any facility owned, operated or maintained by the applicant approved pursuant to the Department of Public Works authority.

G. A recorded encroachment permit will be required for structures such as retaining walls the county right-of-way. Submit an Exhibit of improvements and site plan on 8½” x 11” paper with a ½” border. Site plan shall be to scale and clearly show and label improvements within the right-of-way, edge of pavement, right-of-way boundaries, and street name.

H. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer’s signature and stamp.

I. Submit Erosion and Siltation Control plans.

J. Turning structures shall be provided at edge of right of way for all storm drain culverts extending on to property.

K. Submit a conceptual Stormwater Runoff Pollution Control Plan that addresses both interim (during construction) and final (post construction) stormwater pollution control measures, referred to as Best Management Practices (BMP). Permanent BMPs may include, but are not limited to, artificial wetlands and ponds, sediment basins, infiltration trenches, grassed swales, filter strips and buffers, oil/water separators, and site and landscaping management procedures. The plan should follow guidelines as established in “Start at the Source”, published by the Bay Area Stormwater Management Agencies Association. The Marin count Department of Public Works must approve the Stormwater Runoff Pollution Prevention Plan prior to issuance of a grading permit or improvement plan approval.

L. Applicant shall pay Public Transportation Facilities fees in accordance with Marin County Code Chapter 15.07.

70. BEFORE ISSUANCE OF BUILDING, GrADING OR OTHER CONSTRUCTION PERMITS, where building envelopes overlap onto mapped landslides (on Lots 1 and 4), and grading does not eliminate the entire slide mass, compacted fill buttresses and subdrains shall be constructed per Kleinfelder (2005) recommendations at the toes of the slides to stabilize the remaining slide mass and prevent damage to other structures on the project site or on adjacent properties. (MM 4.1-A.1)

71. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, foundations shall be embedded into firm bedrock per Kleinfelder (2002) recommendations.
This must be achieved by either use of drilled pier foundation systems or deepened spread/strip footings. (MM 4.1-A.2)

72. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, recommended by Kleinfelder (2002), engineered cuts shall be inclined no steeper than 2:1 (horizontal:vertical) or will require engineered retaining walls with adequate drainage systems for long-term stabilization. Foundation design and depth shall be determined by the project Geotechnical Engineer and/or Civil Engineer. (MM 4.1-A.3)

73. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS FOR BUILDINGS, subdrains shall be installed through slide areas as outlined in the Kleinfelder report (2005). (MM 4.1-A.4)

74. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the building envelope on the remainder parcel shall be established away from the mouths of ravines to avoid damage from debris flows or sudden reactivation of mapped landslides. If development is to occur near mouths of ravines, properly designed debris flow barriers shall be built per the recommendations of a qualified geotechnical engineer to prevent potential damage to the development. (MM 4.1-A.5)

75. In order to prevent activation of slope failures during or following construction, soil stockpiles shall not be stored on mapped slides or other slope failures. (MM 4.1-A.6)

76. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project geotechnical engineer/geologist shall review project plans as they are nearing completion to check that the intent of his/her recommendations has been understood and appropriately incorporated. In addition, the project geotechnical engineer/geologist or his/her designated representative must observe and test geotechnical portions of the work during construction to verify that conditions encountered are as anticipated and to check that work is performed in accordance or with the intent of his/her recommendations. This should be in a Plan note. (MM 4.1-A.7)

77. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall construct the project in a manner that avoids erosion on the project site and prevents accumulation of silt in drainageways. In accordance with Marin County Code Chapter 24.08 and 24.04, the applicant shall submit a detailed Erosion Control Plan to the County Engineer prior to issuance of a grading permit and building permits. The Erosion Control Plan shall include the following restrictions, guidelines, and measures: (1) per Marin County Code Section 24.04.625, grading and earthwork shall be prohibited during the wet season (typically October 15 through April 15) unless such work has been pre-approved by the County per Marin County Code Title 24, and such work shall be stopped before pending storm events; (2) erosion control/soil stabilization techniques such as straw or wood mulching, erosion control matting, and hydroseeding, shall be used, in accordance with the regulations outlined in the Association of Bay Area Governments "Erosion & Sediment Control Measures" manual; (3) silt fences shall be installed downslope of all graded slopes, in accordance with the installation guidelines presented in the San Francisco Bay Regional Water Quality Control Board’s "Erosion Control Field Handbook"; and (4) disturbed areas of the site will be revegetated per recommendations developed by a revegetation specialist using grasses and forbs native to the project vicinity to the maximum extent feasible. These
erosion control best management practices shall be monitored for effectiveness and shall be subject to inspection by the County Engineer. After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment. Silt fences shall be left in place until the vegetation has become established. (MM 4.1-B.1)

78. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, erosion shall be limited by minimizing large cuts and fills, particularly ones requiring the removal of large trees, and following guidelines and recommendations in the Kleinfelder (2002) report. (MM 4.1-B.2)

79. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, all new residential structures and walls shall be founded into site bedrock. Roadways shall be built upon properly constructed structural fill. Project improvements shall comply with all recommendations set forth in the Kleinfelder (2002) report. (MM 4.1-C.1)

80. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, project construction shall be designed to follow guidelines and recommendations for drilled pier and spread footing foundations into bedrock as described in the Kleinfelder (2002) report. (MM 4.1-D.1)

81. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the project shall be designed so that potentially expansive materials in deeper fill areas shall be compacted with thorough moisture conditioning as recommended in the Kleinfelder (2002) report. Alternatively, potentially expansive clay soils shall be removed during site grading and replaced with non-expansive soils to build structural fills. (MM 4.1-D.2)

82. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, all construction on the project site shall, at a minimum, comply with the most recent County-adopted California Building Code criteria for structures in Seismic Zone 4. Project improvements shall comply with all recommendations set forth in the Kleinfelder (2002) report. (MM 4.1-E.1)

83. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, and during construction the project applicant shall ensure that project engineers, planners, architects, and construction managers implement proper site controls for erosion during and after construction to limit downstream sedimentation. Any subsequent maintenance of hydraulic structures and related erosion control or stabilization measures shall also be the responsibility of the applicant, the designated property owners, and/or a homeowners association. (MM 4.2-A.1)

84. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall prepare and submit an application package to the San Francisco Bay RWQCB for a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. The submittal shall include a Stormwater Pollution Protection Plan (SWPPP) prepared by the applicant in conjunction with the submittal of a Notice of Intent (NOI) to comply with the SWPPP, 404 Permit and 401 Water Quality Certification requirements, and Waste Discharge Requirements. (MM 4.2-A.2)
85. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, redundant storm drain drop inlets shall be installed at any proposed on-site roadway/driveway culverts (excluding those under Paradise Drive) to minimize the potential impacts associated with inlet obstructions. Twin drop inlets at either end of the roadway culvert would ensure capture of all stormwater that would cross the roadway due to drop inlet obstruction. In addition, during the rainy season, all storm drain inlets and culverts shall be inspected, cleaned, and maintained to prevent flooding. (MM 4.2-B.2)

86. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the lowest constructed floor of all residential structures shall be constructed at an elevation of at least 13 feet above sea level to minimize the impacts of a possible 500-year seiche. The building will be extended to this elevation using structural means and not filling. This provision shall be indicated on the Precise Development Plan submitted by the applicant to the County of Marin for review. (MM 4.2-D.2)

87. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, since mudflows originate in the upper portions of the watershed and follow the natural drainages/channels, all development shall occur outside of stream channels that extend to the upper portions of the watershed. (MM 4.2-D.3)

88. BEFORE ISSUANCE OF BUILDING, GRADING OR OTHER CONSTRUCTION PERMITS, the applicant shall pay the project’s prorated share of lane extension improvements at the Trestle Glen Boulevard/Tiburon Boulevard intersection, consistent with traffic mitigation fees to be determined by the Town of Tiburon. (MM 4.5-F.1)

Tiburon Fire Protection District

89. BEFORE ISSUANCE OF BUILDING OR GRADING PERMITS AND FINAL INSPECTION OF ANY OF THE FUTURE RESIDENCES, the owner or the owner’s successors in interest shall comply with the requirements of the Tiburon Fire Protection District.

Sanitary District Number 5

90. BEFORE ISSUANCE OF BUILDING OR GRADING PERMITS AND FINAL INSPECTION OF ANY OF THE FUTURE RESIDENCES, the owner or the owner’s successors in interest shall comply with the requirements of the Sanitary District.

Marin Municipal Water District

91. BEFORE ISSUANCE OF BUILDING OR GRADING PERMITS AND FINAL INSPECTION OF ANY OF THE FUTURE RESIDENCES, the owner or the owner’s successors in interest shall comply with the requirements of the Marin Municipal Water District.