

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Kelinsky Design Review and Tree Removal

Decision: Approve
Date: 9/01/2021

Project ID No: P3223
Application No(s): P1595

Applicant(s): David Kesler
Owner(s): Greg Kelinsky
Assessor's Parcel No(s): 176-260-72
Property Address: 71 West Oak Knoll Drive,
San Anselmo
Project Planner: Immanuel Bereket
(415) 473-2755
ibereket@marincounty.org

Signature:

Countywide Plan Designation: PR (Planned Residential, one unit/1-10 acre)
Community Plan Area: N/A
Zoning District: RMP-0.2 (Res. Multiple Planned, one unit /5 acres)
Environmental Determination: CEQA Guidelines Section 15301 and 15303

PROJECT SUMMARY

The applicant is requesting Design Review and Tree Removal Permit Amendment approval to modify the Kelinsky Design Review and Tree Removal Permit (P1595) originally approved on December 22, 2017, on a lot located in San Anselmo. The approved project involved the following: (1) the demolishing of an existing 1,158-square-foot single-family residence and two detached accessory structures; (2) construction of a 5,913 square foot residence; (3) construction of a 460 square foot Accessory Dwelling Unit (ADU) that would reach 14 feet, 10 inches in height above the surrounding grade; and (4) construction of a 442 square foot, detached guest room that would reach 15 feet above the surrounding grade. The approved plans included a new pool and removal of five "protected" trees and two "heritage" trees.

The approved 5,913 square foot residence would reach a maximum height of 30 feet above surrounding grade, and the exterior walls would have the following distance to corresponding property lines: 25 feet 11 inches from the northern front property line; 80 feet from the eastern side property line; more than 200 feet from the western side property line; and, more than 200 feet from the southern rear property line.

The proposed amendments include the following: (1) conversion of the existing 1,158-square-foot single-family residence to an ADU, previously proposed for demolition; (2) construction of a 4,479 square foot residence on the same building envelop as previously approved; and (3) conversion of an existing accessory structure to office space, previously proposed for demolition, and demolition of the other detached accessory structure, previously proposed for demolition. The proposed development, in combination with existing improvement, would result in 6,479 square feet of total building area and in a floor area ratio of 2.5 percent on the 263,942 square-foot lot (approximately 6-acres). Various site improvements are also entailed in the revised project, including the construction of an inground swimming pool, landscaping, and grading to facilitate the proposed project. Five trees, classified as "protected," and two trees, classified as "heritage," per the Marin County Development Code, will be removed to accommodate the construction of the residence and site improvements.

The proposed principal residence would reach a maximum height of 21 feet above the surrounding grade, and the exterior walls would have the following setbacks: 21 feet, four inches from the northern front property line; 80 feet from the eastern side property line; and more than 100 feet from all other property lines. No other new construction is proposed.

Under Marin Development Code Section 22.70.060, Design Review Amendment is required because the project does not substantially conform with the previously approved plan.

COUNTYWIDE PLAN CONSISTENCY

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

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

- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during the review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the neighborhood context, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

DEVELOPMENT CODE CONSISTENCY

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

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project, and the development would not occur within a tidelands area. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it avoids adversely affecting natural resources or the local community's character. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

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

The Kristen Land Division created the subject property and established an approved building envelope. The proposed buildings would occur entirely within the approved building envelope, which has been graded and is determined to be geotechnically stable area of the site. Additionally, the project is designed to balance the amount of cut and fill on-site as much as possible. The Department of Public Works (DPW) has reviewed the grading and drainage plans and determined that the plans are acceptable. DPW will impose standard requirements that will require the project to incorporate stormwater control plans prior to issuing a Building Permit.

The property is vegetated with over 50 trees including Canyon Live Oaks, California Bay, Eucalyptus, and Buckeye. Thirteen trees with a diameter of 6 inches or greater are located within the building envelope and are proposed to be removed to facilitate the construction of the project. Six of the trees are "exempt" from the Tree Removal Permit requirements because those trees are not classified as "protected" or "heritage" trees.

The Vegetation Management Plan indicates that two "heritage" trees (Canyon Live Oaks identified as Trees 86 and 87) would be removed because they could potentially interfere with the proposed swimming pool. However, it would be possible to retain both of these trees slated for removal by redesigning the stairs by simply moving the stairs six feet or more away from the current proposed location. To protect these two trees, a condition of approval will require

these trees to be protected and not be removed, unless protection is infeasible. Additionally, a condition of approval will require tree protection zones to be established around the remaining trees, and any stairs or retaining walls be constructed outside of the tree protection zones. A tree protection plan shall be submitted with the building permit plans indicating the established tree protection zones and tree protection measures. In addition, Special Condition 6 would ensure that construction fencing demarcate the established tree protection zones for all protected trees in the vicinity of any area of grading, construction, or other construction activity, which are not being removed.

The project also includes a comprehensive drainage system that includes multiple dissipaters. A stormwater control plan has been prepared in compliance with Bay Area Stormwater Management Agencies Association Manual Appendix C for small-scale project and demonstrates that the project complies with the National Pollutant Discharge Elimination System. The Department of Public Works will review the project for compliance during the building permit review process.

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

The project is located within a Ridge and Upland Greenbelt area. However, the proposed residence would be well below the 300-foot horizontal ridgeline setback area and the 100-foot vertical setback area from the primary ridge in the vicinity, which generally runs along the uphill side of West Oak Knoll west of the subject property. The Kristen Land Division allows the main structure on the subject property to reach a maximum height of 30 feet above natural grade. At 21 feet above the surrounding grade, the new residence would not exceed the 30-foot height limit, and all proposed development would be located in the approved building envelope, consistent with the Kristen Land Division.

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

The project is designed to conform to the requirements of the Kristen Land Division, the Single-Family Design Guidelines, and the County Code, including regulations related to height, setbacks, and open landscaped areas. Improvements to existing structures would not change the height, placement, or exterior of the existing buildings.

The proposed primary residence employs a simple vernacular style of architecture, which complements the existing one-story residence and the area's rural character. The proposed residence would include horizontal and vertical red western cedar siding, beige stucco siding accented with white stucco siding, and concrete retaining walls. A varying roof profile is also proposed, which would consist of an aluminum/zinc roof in a bronze finish.

The beige stucco siding and concrete retaining walls are not consistent with the Single-Family Residential Design Guidelines D-1.7, which encourages darker, earth-toned colors on hillside sites. To address this inconsistency, staff has included a condition of approval requiring the applicant to submit a color palette incorporating darker colors with the building permit for review and approval. Further, it is unclear whether the roofing materials are reflective. A condition of approval will require the applicant to submit a sample of the roof material with the building permit to ensure the material consists of a matte, non-reflective finish. These modifications bring the project into greater compliance with this policy.

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

The proposed building incorporates articulated building forms, varied levels roof profile, large window openings, and contrasting colors that effectively break up the visual bulk and mass. Further, given the area of the lot, the building is moderate in size. The only sizeable expansive wall (north elevation) is minimized by incorporating floor-to-ceiling window openings and a varied roof profile that steps down with grade, further breaking down building mass.

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

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

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

The approximately 6-acre site contains more than 50 trees interspersed throughout the property. As conditioned, five "protected" trees are proposed to be removed to facilitate the construction of the project. No landscaping is necessary or required except for replacement trees for those mature, native trees proposed for removal. All protected and heritage trees removed shall be replaced at a 2 to 1 ratio with native trees with a minimum box size of five gallons. As discussed above, a condition of approval modifies the project to protect two mature Canyon Oak trees.

ACCESS: Development standard C; Design Guidelines A-1.5

Access to the property will be provided via a private driveway from West Oak Knoll Drive, a privately maintained roadway. West Oak Knoll Drive is a 40-foot wide right-of-way easement, and only a width of approximately 15 feet is paved for access. The project includes widening the paved portion of the road from 15-feet to 21 feet along the northern property line. The driveway and proposed parking will meet Marin County standards with regard to permitted driveway slope, minimum parking dimensions, and number of parking spaces.

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

Sleepy Hollow is comprised of a varied mix of architectural styles. The building placement, bulk, massing, and height of residences vary widely, ranging between single and two-story residences. As conditioned herein, the proposed project is consistent with the key design principles of the Single-family Residential Design Guidelines in that the project maintains adequate separation, light, and a sense of openness from surrounding residences in the neighborhood. The proposed primary residence on the property would provide larger setbacks from properties than other residences in the surrounding area, particularly concerning the front property line, thereby creating a greater sense of openness.

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

The proposed project involves the construction of a primary residence, conversion of the existing residence to an ADU, converting a detached accessory structure to office space, and site improvements. At 21 feet above the surrounding grade, the proposed residence would comply with zoning district height limitations. Additionally, the project design provides relief to the massing through articulation, pitched roof forms, and window fenestration that are appropriate for the neighborhood and provide sufficient visual interest from the street.

The proposed concrete retaining walls and light beige stucco are not consistent with the surrounding natural and built environment. A condition of approval will require the applicant to provide darker, earth-toned colors and materials samples to bring the project into greater compliance with this policy.

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 project would not eliminate significant sun and lighting exposure, or privacy enjoyed by surrounding properties because the nearest neighboring residence is located more than 300 feet to the north of the project site. All exterior lighting is shielded and pointed downward, so light is not cast upward to limit light pollution. In conclusion, the project will not interfere or otherwise eliminate the adjacent properties' view, light, and privacy.

Although the project will be visible from offsite locations, the project would not block views of Mount Tamalpais, San Francisco Bay, San Francisco, and the valley below. The visual prominence of the structure will be further minimized by conditions of approval that require dark colors and materials.

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 is accessed via West Oak Knoll Drive, a private road. With regard to access and site improvements, the project includes widening the existing 15-foot road up to 21 feet along the northern portion of the property line. This would improve the right-of-way for local traffic and improve access for emergency response vehicles. The streetscape would also be improved by the addition of new trees. Per the project plans, the driveway will meet Marin County standards with regard to permitted driveway slope and minimum parking dimensions.

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.

Appropriate separations between neighboring structures will be maintained upon the construction of the project. The area immediately surrounding the project site is characterized by large lots with residences set far apart. The nearest neighboring residence is located more than 300 feet to the north of the project site; adequate separation from the neighboring residences will be provided. The proposed project is occurring within the established building

envelope and will preserve many of the trees on the property. The project includes new landscaping that would stabilize soils and provide partial screening of the development. Finally, all aspects of the project will be reviewed during the Building Permit stage to ensure that all project components meet current fire and building code requirements.

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

In considering a Tree Removal Permit application, the Director may only grant approval or conditional approval based on a finding that removal of the tree(s) is necessary for the reasonable use and enjoyment of land under current zoning regulations and Countywide Plan and Community Plan (if applicable) policies and programs, taking into consideration the following criteria:

A. Whether the preservation of the tree would unreasonably interfere with the development of land.

The approximately 6-acre site contains more than 50 trees interspersed throughout the property. Five "protected" trees, would need to be removed to accommodate the construction of the development project. The five protected trees proposed to be removed are Canyon Live Oaks. While it is not possible to design a project and avoid tree removal altogether, the majority of the trees at the site are being retained and preserved because development is limited to within the approved building envelope.

B. The number, species, size, and location of trees remaining in the immediate area of the subject property.

A large portion of the project site would be maintained in its natural state, which includes numerous mature trees throughout the project site.

C. The number of healthy trees that the subject property can support.

There are a number of trees located on the property. These remaining trees would be maintained over the long term in a manner consistent with the vegetation management plan to avoid fire hazards.

D. The topography of the surrounding land and the effects of tree removal on soil stability, erosion, and increased runoff.

The new residence and site improvements would be constructed in the location of the removed trees. The residence, site improvements, and drainage plan have been designed to address soil stability, avoid erosion, and manage runoff adequately.

E. The value of the tree to the surrounding area with respect to visual resources, maintenance of privacy between adjoining properties, and wind screening.

As conditioned herein, the installation of the proposed landscape plan would minimize the adverse effects of the tree removals with regard to visual resources and wind screening. In addition, ample existing vegetation and landscape screening will be retained and maintained as part of the project.

F. The potential for removal of a protected or heritage tree to cause a significant adverse effect on wildlife species listed as threatened or endangered by State or Federal resource agencies in compliance with the California Environmental Quality Act (CEQA).

Removal of the five "protected" trees would not result in impacts to special-status plants or wildlife species.

G. Whether there are alternatives that would allow for the preservation of the tree(s), such as relocating proposed improvements, use of retaining walls, use of pier and grade beam foundations, paving with a permeable substance, the use of tree care practices, etc.

The proposed project entails removing a total of five "protected" sized trees, all of which are Canyon Live Oaks. More than 30 trees would be preserved on the project site. A condition of approval will require project modifications to preserve two existing "heritage" trees. Finally, a vegetation management plan that meets the Fire Protection District's standards has been provided to ensure that the brush removal, tree removal, and landscaping meets fire safety requirements.

ACTION

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

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review and Tree Removal Amendment approval authorizes the following: (1) conversion of the existing 1,158-square-foot single-family residence to an ADU, previously proposed for demolition; (2) construction of a 4,479 square foot residence on the same building envelop as previously approved; and (3) conversion of an existing accessory structure to office space, previously proposed for demolition, and demolition of the other detached accessory structure, previously proposed for demolition. The proposed development, in combination with existing improvement, shall result in 6,479 square feet of total building area and in a floor area ratio of 2.5 percent on the 263,942 square-foot lot (approximately 6-acres). Various site improvements are also entailed in the revised project, including the construction of an inground swimming pool, landscaping, and grading to facilitate the proposed project. Five trees, classified as "protected," per the Marin County Development Code, shall be removed to accommodate the construction of the residence and site improvements.

The proposed principal residence shall reach a maximum height of 21 feet above the surrounding grade, and the exterior walls shall have the following setbacks: 21 feet, four inches from the northern front property line; 80 feet from the eastern side property line; and more than 100 feet from all other property lines. No other new construction is proposed.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "71 West Oak Knoll Residence," consisting of 28 sheets prepared by David Kesler Architect, received in final form on July 7, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. A revised color and material pallet shall be submitted with the building permit plan set. The revised color and material pallet shall incorporate earth-toned colors for the residence for review and approval by the Planning Department.
 - b. A sample of the metal roofing material shall be submitted with the building permit plan set. Roofing material shall be in a matte and non-reflective finish.
 - c. Revised plans shall be submitted with the building permit plan set that are modified to ensure the retention of two "heritage" Canyon Live Oaks (Trees 86 and 86) and the tree protection zone.
 - d. A Tree Protection Plan shall be submitted to be implemented during construction. The plan shall show adequate tree protection fencing for protected trees to be retained and other tree protection measures.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval.

VESTING

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

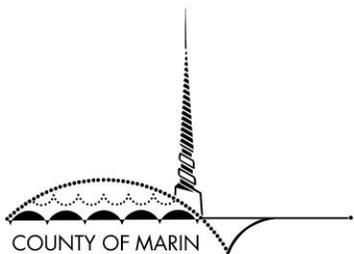
RIGHT TO APPEAL

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

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

Attachments:

1. Marin County Uniformly Applied Conditions 2021



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

2021

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.