

**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION**
Lerner Coastal Development Permit

Decision: **Approved, as conditioned**
Date: **February 12, 2025**

Project ID No:	P4476	Applicant(s):	Alex Riley
		Owner(s):	Dimitry and Jenna Lerner
		Assessor's Parcel No(s):	112-330-21
		Property Address:	12905 Sir Francis Drake Blvd., Inverness
		Project Planner:	Joshua Bertain (415) 473-3171 joshua.bertain@marincounty.gov
		Signature:	<i>Joshua Bertain</i>
Countywide Plan Designation:		C-SF3 (Rural/Residential)	
Community Plan Area:		Not applicable	
Zoning District:		C-RSP-0.5 (Coastal, Residential Single-family Planned, 1 to 5 acres)	
Environmental Determination:		Categorically Exempt, CEQA Guidelines Section 15321 and 15333, Classes 21 and 33	

PROJECT SUMMARY

The applicant requests Coastal Development Permit approval to remove and permit portions of an existing fence, an existing gate, and two retaining walls, as well as approval to remove seven previously removed trees from a developed property located in the unincorporated community of Inverness. The existing building area and floor area of 2,016 square feet would remain unchanged, and the existing floor area ratio would remain at five percent on the 43,560-square-foot lot.

A 149-foot portion of the existing 237-foot-long fence, two retaining walls, and a gate built without the benefit of permits are proposed to be removed. The 149-foot portion of the fence proposed for removal would result in an 88-foot-long, solid wood fence that would range in height from a minimum of four feet to a maximum of six feet above the surrounding grade. The run of the proposed 88-foot-long fence would begin in the northern front of the property at the eastern side of the existing driveway, where it would run along Woodhaven Road in an easterly direction and terminate before reaching Sir Francis Drake Boulevard. Lastly, the project proposes the removal of seven trees, as identified in the table below.

#	Common Name	Scientific Name	Characteristics	Observed DBH (in.)	Heritage Size DBH (in.)
1	Coast live oak	<i>Quercus agrifolia</i>	Severe lean	15 in.	18 in.
2	White alder	<i>Alnus rhombifolia</i>	Severe lean	16 in.	N/A
3	White alder	<i>Alnus rhombifolia</i>	Decay	11 in.	N/A
4	White alder	<i>Alnus rhombifolia</i>	Decay	19 in.	N/A
5	White alder	<i>Alnus rhombifolia</i>	Decay	12 in.	N/A
6	California Bay Laurel	<i>Umbellularia californica</i>	No lean, no decay	7.5 in.	30 in.
7	California Bay Laurel	<i>Umbellularia californica</i>	No lean, no decay	5 in.	30 in.

Coastal Development Permit approval is required pursuant to Coastal Zoning Code Section 20.60.030.M (Coastal Development Permit Required) because the development is not explicitly and specifically exempt from coastal development permit requirements by Section 20.68.050 (Coastal Development Permit Not Required: Exempt Development).

COASTAL IMPLEMENTATION PLAN AND DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Coastal Development Permit (Marin County Coastal Code Section 20.70.070)

A. Coastal Access. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code)

The project is consistent with the Land Use Plan (LUP) public coastal access policies (C-PA-1, C-PA-3, C-PA-15, C-PA-16), and this finding because the project site is not located near a coastal bluff or beach access, and therefore would not interfere or impact existing coastal access.

B. Biological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.050 (Biological Resources).

The applicant submitted a Biological Site Assessment prepared by Sean R. Avent, Principal Biologist, dated April 2, 2024. This assessment evaluated the property, identified existing conditions, and determined whether there were any sensitive biological resources, such as wetlands, streams, or habitats for special-status species of plants or animals in proximity to the proposed project.

The biologist identified a “total of 25 special-status wildlife species and 19 plant species” likely to occur within “a 2-mile buffer distance from the study area.” Regarding special-status wildlife species, the biologist determined that of the 25 species within the study area, 20 of the “wildlife species are unlikely to occur, and three special-status bats and two amphibians have moderate potential to occur in the study area.” Regarding the special-status plants that are

likely to occur in the study area, the biologist determined that all “19 plant species are unlikely to occur in the study area because of the historical occurrence range and unsuitable habitats due to land development and urbanization.” The biologist concluded that “no special-status animal or plant species were observed during the site assessment in the study area” and that other wildlife species are unlikely to occur “due to habitat degradation” and proximity to human development, including proximity to Sir Francis Drake Boulevard.

The assessment considered the removal of seven trees and a 56-foot portion of an existing 237-foot-long fence built without the benefit of permits from wetland, stream, and riparian environmentally sensitive habitat areas (ESHA) and respective buffers, as verified by the consulting biologist. Although “a portion of the fence and five metal fence posts are within the riparian ESHA...they do not significantly affect ESHA habitat values and likely did not impact special-status plants or animals.” While the biologist determined the construction of the fence did not affect ESHA habitat, trees previously removed from the ESHA without the benefit of permits “may have resulted in a loss of riparian vegetation and habitat.” Nevertheless, out of an abundance of caution, the applicant has chosen independently to adopt certain methods during construction, as described in the Biological Site Assessment, that provide even more assurance that the habitat nearby and on the project site will be protected and restored following the removal of improvements from the ESHA and ESHA buffer in accordance with the biologist’s recommended measures. To ensure consistency with LUP policies C-BIO-18, C-BIO-23, C-BIO-24, and C-BIO-25, a condition of approval will require the removal of the two retaining walls, the gate, and portions of the fence built without the benefit of permits from the ESHA and ESHA buffer of the stream, a distance that shall not be less than 50 feet in width from the edge of the stream/riparian ESHA. Further, consistent with the project’s landscape restoration monitoring and landscape plan, the applicant will remove non-native vegetation and plant native bay and alder trees as well as plant native understory species suitable for riparian habitat overseen by a professional and in conjunction with the recommendations of the consulting biologist.

Therefore, the project is consistent with the LUP biological resources policies for the protection of natural transition and connection associated with streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-10, C-BIO-11, C-BIO-14, C-BIO-18, C-BIO-19, C-BIO-20, C-BIO-23, C-BIO-24, C-BIO-25) and this finding because the project would return a previously improved area to dune habitat and would not substantially alter the margins along environmentally sensitive habitat areas. Further, the project would not entail the irreplaceable removal of groves of trees that provide wildlife nesting and roosting areas.

C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.060 (Environmental Hazards).

The subject property is developed with a single-family residence and related improvements in a residential area of Inverness near the western shore of Tomales Bay.

1. Dune Protection (Marin County Coastal Zoning Code Section 20.64.060.A)

There are no natural dunes in the development area or in the immediate surrounding area. Additionally, this project is not located in Stinson Beach; therefore, this finding does not apply.

2. Shoreline Protection (Marin County Coastal Zoning Code Section 20.64.060.B)

The project does not include shoreline protective works, such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls; therefore, Marin County Coastal Zoning Code section 20.064.060.b.2 and 20.064.060.b.3 are not applicable.

3. Geologic Hazards (Marin County Coastal Code Section 20.64.060.C)

According to data on file with the County of Marin, the property has an average slope of 13 percent and is located in an area where few landslides would be likely to occur, where the least amount of ground shaking would be expected to occur during a geologic event, where the probability of liquefaction is high on the northern and northeastern portion of the property, and where no known faults cross the subject property.

D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 20.32.

The subject property is zoned C-RSP-0.5 (Coastal, Residential Single-family Planned, 1 to 5 acres). The C-RSP is intended to allow for site planning with careful consideration of sensitive site characteristics. The project proposes after-the-fact approval to remove and permit portions of an existing fence, an existing gate, two retaining walls, as well as seven previously removed trees from a developed residential property in Inverness in a zoning district where single-family development is principally permitted. Therefore, this finding does not apply because the project proposes residential use and does not entail agricultural or maricultural use.

E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.080 (Water Resources).

Grading and drainage improvements for the project would comply with the Marin County standards and best management practices required by the Department of Public Works. Additionally, water service to the subject property would remain unchanged. Therefore, the project is consistent with the LUP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, and C-WR-6).

F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.100 (Community Design).

The neighborhood surrounding the project site primarily consists of single-family residences and vacant parcels, with single-family residences in the immediate vicinity consisting of one- and two-story structures and residential accessory structures. The project proposes after-the-fact approval to remove and permit portions of an existing fence, an existing gate, two retaining walls, and seven previously removed trees. The proposed fence, as conditioned, would conform to the fencing and screening standards contained in Section 20.645.045.B of

the Coastal Zoning Code. While the project entails permitting the removal of seven trees after-the-fact, the site would retain mature vegetation, which is part of the surrounding visual resource. Further, the applicant has chosen independently to adopt certain methods during construction, as described in the Biological Site Assessment and as shown in the landscape restoration and tree protection plan, including the removal of non-native vegetation and planting of native bay and alder trees at a 2:1 ratio, as well as planting native understory species suitable for riparian habitat in conjunction with a professional and the recommendations of the consulting biologist. The project would be consistent in scale, design, and materials with the surrounding community. Therefore, the project is consistent with the LUP community design policies to protect visual resources and compatible design (C-DES-1, C-DES-2, C-DES-3, and C-DES-4).

G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Chapter 20.66 (Community Development).

As discussed above, the project requests after-the-fact approval to remove and permit portions of an existing fence, an existing gate, two retaining walls, and seven previously removed trees. The project does not entail work along the immediate shoreline of Tomales Bay, and the proposed improvements would not exceed a height of 15 feet above grade. While the project entails the removal of seven trees, mature vegetation would remain onsite and on surrounding properties. Therefore, the project is consistent with the LUP community development policies (C-CD-1, C-CD-2, C-CD-5, C-CD-20), the Inverness Community Standards (C-INV-1 and C-INV-4), and this finding because the development would be located in close proximity to existing developed areas with adequate resources where development, as conditioned, would not have significant adverse impacts on environmental and natural resources and existing residential streets and pathways would remain unchanged.

H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.120 (Energy).

If applicable, the project would be required to satisfy all energy-saving standards required by the County's Building and Safety Division before the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (C-EN-1, C-EN-2, and C-EN-3), and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during the review of the Building Permit application.

I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.130 (Housing).

The proposed project would not result in the removal or demolition of low—and/or moderate-income housing. Therefore, it is consistent with the LUP housing policies to address low—and moderate- income housing needs in the Coastal Zone (LUP Policies C-HS-1) because it does not entail the demolition of existing deed-restricted affordable housing and would not affect the available housing stock in the surrounding community.

J. Public Facilities and Services. The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the

Marin County Land Use Plan and the applicable standards contained in Section 20.64.140 (Public Facilities and Services).

The subject property is provided with water service by the Inverness Public Utility District, and sanitary service is processed onsite by a wastewater treatment system (septic system and leach field). The proposed project entails after-the-fact permitting of a portion of an existing fence as well as after-the-fact permitting of tree removal from the subject site that would not increase the use of water provided by the utility district or add additional usage to the onsite wastewater treatment system. Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1, C-PFS-7, C-PFS-9, C-PFS-10), and this finding because the project would not impact existing public facilities and services.

K. Transportation. The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.150 (Transportation).

The property would continue to be accessed from Sir Francis Drake Boulevard, and the project does not entail alterations or impacts to existing roadway facilities or public parking facilities. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2), and this finding because the project would not entail substantial alterations to existing roadway facilities or adversely impact the scenic quality of Highway One.

L. Historical and Archaeological Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.160 (Historical and Archaeological Resources).

A review of the Marin County Archeological Sites Inventory indicates that the subject property is not located in an area of archeological sensitivity. As required by the Marin County Code, in the event archeological or paleontological resources are uncovered during construction, all work shall immediately cease, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8), and this finding because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources.

M. Parks, Recreation, and Visitor-Serving Uses. The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project would be on private property and would not encroach into any public park or open space. The project does not entail any development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3), and this finding because the project is proposed entirely on an existing property that is not located within a mixed-use coastal village commercial/residential zone and does not entail any development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

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 Coastal Development Permit approval authorizes the removal of seven trees, a 149-foot portion of an existing 237-foot-long fence, two retaining walls, and a gate built without the benefit of permits and the legalization of an 88-foot-long, solid wood fence that shall range in height from a minimum of four feet to a maximum of six feet above the surrounding grade, where the top two feet of the fence shall remain 50 percent open. This approval also authorizes the planting of native riparian trees and vegetation.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Improvements to 12905 Sir Francis Drake Blvd.," consisting of three sheets prepared by Alex Riley Associates, received in final form on November 19, 2024, 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. To ensure consistency with LUP policies C-BIO-18, C-BIO-23, C-BIO-24, and C-BIO-25, the removal of the two retaining walls, the gate, and portions of the fence built without the benefit of permits from the ESHA and ESHA buffer of the stream, a distance that shall not be less than 50 feet in width from the edge of the stream/riparian ESHA. The removal of improvements shall occur in conjunction with a professional, the recommendations of the consulting biologist, and in accordance with the project's constraints map, as well as the landscape restoration and tree protection plan.
 - b. The fence shall be redesigned to conform to the fencing standards provided in Section 20.64.045 of the Coastal Zoning Code. Specifically, the entire section or portion of the fence above four feet in height above grade shall have a surface area that is at least 50 percent open and unobstructed by structural elements
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2024" with respect to all of the standard conditions of approval and Code Enforcement conditions 1-3.

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.

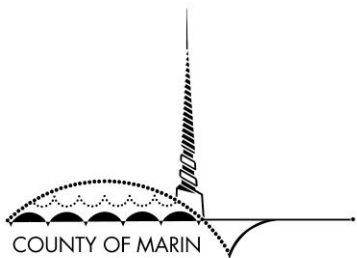
RIGHT TO APPEAL

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 10 business days from the date of this decision (February 27, 2025).

cc: *{Via email to County departments}*
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2024
2. Agency responses



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

2024

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. If the project is subject to the affordable housing requirements of Development Code Chapter 22.22, the applicant shall provide a copy of the affordable housing plan required by Development Code section 22.22.110 to the CDA Planning Division following its approval by the CDA Housing Division.
3. 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.
4. 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.
5. 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.

Joshua Bertain

From: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Sent: Friday, August 30, 2024 12:08 PM
To: EarthLink
Cc: Joshua Bertain
Subject: Re: Lerner Coastal Permit 12905 Sir Francis Drake Blvd. Inverness

Hi Alex,

As stated in our previous comments, development isn't allowed in buffers unless it meets criteria per Local Coastal Program policy C-BIO-25. The fence being removed from the project would eliminate one aspect of development in the buffer, but any other development within the ESHA buffer would still need to meet the policy.

Best,
Leslie

From: EarthLink <alex.riley@earthlink.net>
Sent: Monday, August 26, 2024 2:01 PM
To: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Subject: Lerner Coastal Permit 12905 Sir Francis Drake Blvd. Inverness

Leslie,
If we were to remove the fence could you tell us what you would require?
We have shown the restoration plan with monitoring according to the Biologist report.
Thank you, Alex Riley
707 2255692

Sent from my iPhone

Joshua Bertain

From: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Sent: Tuesday, July 30, 2024 2:17 PM
To: Joshua Bertain
Cc: Rexing, Stephanie@Coastal; Ringuette, Oceane@Coastal
Subject: Re: Marin County Planning Division Transmittal (2nd) - Lerner Coastal Permit (P4476)

Hi Joshua,

Thank you for sharing this proposal to construct a fence, gate, and retaining wall, and the removal of seven trees after the fact. We have the following comments:

Development within ESHA buffers: According to the Local Coastal Plan, development is not permitted within these buffers unless the following criteria is met:

- "a. It is proposed on a legal lot of record located entirely within the buffer; or*
- b. It is demonstrated that permitted development cannot be feasibly accommodated entirely outside the required buffer; or*
- c. It is demonstrated that the permitted development outside the buffer would have greater impact on the wetland and the continuance of its habitat than development within the buffer; or*
- d. The wetland was constructed out of dry land for the treatment, conveyance or storage of water, its construction was authorized by a coastal permit (or pre-dated coastal permit requirements), it has no habitat value, and it does not affect natural wetlands."*

Therefore, the County should analyze the project to ensure that any development inside the buffers conforms with this policy.

Restoration and monitoring plan: Please provide a detailed restoration and monitoring plan which outlines where the required mitigation would occur.

Thank you!

Best,
Leslie

From: Joshua Bertain <Joshua.Bertain@MarinCounty.gov>
Sent: Tuesday, July 9, 2024 11:26 AM
To: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Subject: Marin County Planning Division Transmittal (2nd) - Lerner Coastal Permit (P4476)

Good morning,

The Lerner Coastal Permit (P4476) application was resubmitted to the Planning Division on July 2, 2024. I have attached the second transmittal and the revised plan set to this email for review. Please let me know if you have any comments or questions. Lastly, I kindly request comments by July 30, 2024, at the latest.

Thank you,

Joshua Bertain

PLANNER

County of Marin
Community Development Agency, Planning Division
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903
415 473 3171 T
415 473 7880 F
joshua.bertain@marincounty.gov

From: Joshua Bertain

Sent: Friday, April 12, 2024 11:03 AM

To: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>; Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>

Subject: Planning Division Transmittal - Lerner Coastal Permit (P4476)

Good morning,

The Lerner Coastal Permit (P4476) application is a Code Enforcement case and was submitted to the Marin County Planning Division on April 8, 2024. I have attached the initial transmittal and plan set to this email for review. Also attached is the Biological Site Assessment provided by the applicant. The webpage associated with this application should be published by the end of next week. Lastly, I kindly request comments by May 2, 2024, at the latest.

Please let me know if you have any questions or comments.

Thank you,

Joshua Bertain

PLANNER

County of Marin
Community Development Agency, Planning Division
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903
415 473 3171 T
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Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: 5/3/24

DUE: 5/2/24

TO: Joshua Bertain

FROM: Maurice Armstrong

APPROVED: 

RE: Lerner Costal Permit P4476

APN: 112-330-21

ADDRESS: 12905 Sir Francis Drake Blvd,
Inverness

TYPE OF DOCUMENT

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

ENVIRONMENTAL REV.

OTHER:

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

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

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

- Traffic
- Flood Control
- Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

1. **Visibility Obstructions:** Per Marin County Code § 13.18.00, it is unlawful to install or maintain any sign, fence, hedge, shrubs, natural growth or any other view obstructions which 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 which are thirty-five feet from their intersection, as extended. Demonstrate compliance.
2. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plans:
 - a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
 - b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion.
 - c. The plan shall also incorporate any recommendations from the Geotechnical Engineer, if such a professional is involved in the project.
 - d. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.

- e. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
- f. Indicate means of restoring all disturbed areas.

3. **Site Retaining Walls:**

- a. Clarify the proposed heights for all site retaining walls. You will need to apply for a separate Building Permit for each site/driveway retaining wall greater than 4ft in height, or for any wall that is subject to a surcharge such as a sloped backfill or vehicular load. The total height shall be measured from the bottom of the footing to the top of the wall. If any walls are structurally tied to the dwelling, indicate this on the plans, as these walls will not require a separate permit.
- b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
- c. Submit design calculations for the retaining walls which are greater than 4ft in height, measured as described above in item a, or which are subject to a surcharge behind wall. Calculations shall be prepared, signed and stamped by the design engineer.
- d. Add a note on the plans indicating that the Design Engineer shall inspect and certify in writing to DPW that each retaining wall was constructed per approved plan and field direction. Certification letters shall reference building permit number or numbers for specific work being certified, the address and the Assessor's Parcel Number (APN) for the project, and shall be signed and stamped by the certifying professional.

Best Management Practices:

- 4. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website,
https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosion_sediment-control-measures-for-small-construction-projects-2015.pdf?la=en

-END-