

MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Luong Design Review

Decision: **Approved, as Conditioned**
Date: **August 11, 2026**

Project ID No:	P6233	Applicant(s):	Angel Morales
		Owner(s):	Vivian Luong and Xuan Dang
		Assessor's Parcel No(s):	157-201-15
		Property Address:	33 Montego Key Novato, California 94949
		Project Planner:	Easton Ehlers Cheang (415) 473-7023 easton.ehlers@marincounty.gov
		Signature:	<i>Easton Ehlers Cheang</i>
Countywide Plan Designation:	SF6 (Single-Family 6, a low-density land use category with a residential density of 4 to 7 units per acre)		
Community Plan Area:	Not Applicable		
Zoning District:	RSP-5.8-F1-BFC (Residential, Single-Family Planned District (RSP) with a residential density of 5.8 units per acre (equivalent to 0.1724 acres per unit) and the Primary Floodway (F1) and Bayfront Conservation (BFC) Combining Districts)		
Environmental Determination:	Categorically exempt, pursuant to CEQA Guidelines section 15301, Class 1		

PROJECT SUMMARY

The applicant requests Design Review approval to authorize the construction of a 378-square foot, single-story addition to an existing single-family residence located on a developed lot in the community of Bel Marin Keys, an unincorporated area of Novato. The proposed 378 square feet of development would result in a floor area ratio (FAR) of 19 percent based on the approximately 8,994-square-foot dry land area of the subject property. The addition would be located along the western (rear) elevation of the residence and would attain a maximum height of 13 feet, 9 inches above grade. The addition would maintain minimum setbacks of 71 feet, 4 inches from the eastern

front property line; 5 feet, 9 inches from the southern side property line; 35 feet, 3 inches from the northern side property line; and 119 feet, 7½ inches from the western rear property line. The addition would also maintain a minimum distance of 51 feet, ½ inch from the edge of the Novato Creek wetland, as identified in the Wetland Boundary Report prepared by Coast Ridge Ecology (dated May 2026).

The proposed development also includes related site improvements, the majority of which would be located along the western rear elevation of the residence. Such improvements include the selective demolition of exterior walls and the removal of an ornamental tree identified as a cherry plum to accommodate the proposed single-story addition, in addition to the construction of an attached deck.

Design Review approval is required pursuant to Marin County Development Code Section 22.42.025(A) because the project involves the construction of new improvements in a planned zoning district, which cannot be exempted from or waived of the requirement to obtain Design Review approval.

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 project would not affect 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 wetland conservation and bayland policies (BIO-3.1 and BIO-5.1) because the proposed development would not encroach into any Wetland Conservation Areas and would respect baylands areas. Coast Ridge Ecology prepared a Wetland Buffer Delineation, dated May 2026, which evaluated the subject property for the presence of sensitive biological resources, with particular emphasis on delineating the extent of wetlands on the property. Biologists from Coast Ridge Ecology conducted a site visit to identify the transition between wetland and upland vegetation and subsequently mapped the wetland boundary using a handheld submeter GPS unit (EOS Arrow 100 GNSS receiver). Based on observed wetland characteristics, including vegetation, hydrology, and soils, as well as site topography and changes in elevation, Coast Ridge Ecology determined that the wetland boundary is located approximately five feet beyond the rear yard fence. They further determined, using the handheld submeter GPS unit, that the proposed project would maintain

a minimum 50-foot buffer from the delineated wetland boundary. A minimum 50-foot buffer would be consistent with CWP Policy BIO-3.1 (Protect Wetlands) because the policy provides certain exceptions to the otherwise required 100-foot buffer. In this case, the proposed project would qualify for the first and fourth exceptions, which apply where a parcel is “already developed with an existing use, provided no unauthorized fill or other modifications to wetlands have occurred as part of ongoing use of the property,” and where “wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.” Based on staff’s review of existing site conditions, the parcel is developed with an existing residential use, and no evidence of unauthorized fill or other modifications to wetlands was identified. In addition, the biological consultant concluded, based on its assessment of the property, that wetlands would be avoided and that “no impacts to Novato Creek or the tidal marshlands associated with Novato Creek are expected.” By maintaining a 50-foot buffer from the delineated wetland boundary, the proposed project would also be consistent with CWP Policy BIO-5.1 (Protect the Baylands Corridor). For small parcels of two acres or less, this policy requires that a 10-foot-wide area landward of the Mean High Tide line be reserved as a species refuge area during high-water events. The proposed 50-foot buffer would provide the required refuge area. Therefore, the proposed project would be consistent with CWP Policies BIO-3.1 (Protect Wetlands) and BIO-5.1 (Protect the Baylands Corridor).

- 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.

DEVELOPMENT CODE CONSISTENCY

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

The project is consistent with the mandatory findings for Design Review approval for the reasons discussed below.

- A. The proposed development is consistent with the Single-Family Residential Design Guidelines and Discretionary Development Standards set forth in Marin County Code Chapter 22.16 because its placement, scale, height, massing, materials, and improvements are compatible with the character of the local community, and the project has been designed to respect the natural features of the site.

The project site is located within the Bayfront Conservation Combining District (-BFC) and is therefore subject to the applicable standards set forth in Marin County Code (MCC) Section 22.14.060 (Bayfront Conservation (-BFC) Combining District Standards). The project site is also located within the Primary Floodway (F-1) Combining District and is therefore subject to the requirements of MCC Section 22.14.070 (Primary Floodway (F-1) Combining District). As set forth in the findings below, the proposed project complies with the applicable standards and requirements of the -BFC and F-1 Combining Districts.

The proposed project is consistent with the applicable standards and requirements of the -BFC Combining District, as described below.

- i. The proposed project complies with MCC Section 22.14.060(F)(1)(a) (-BFC Standards, Design Guidelines, Habitats) because Coast Ridge Ecology evaluated the extent of wetlands on the subject property and determined that the proposed development would maintain a minimum 50-foot buffer from the delineated wetland boundary, thereby avoiding encroachment into wetlands and sensitive wildlife habitat. Coast Ridge Ecology further determined that the proposed buffer would adequately protect habitat functions by maintaining normal wildlife range areas and access to food, water, and shelter, while avoiding adverse effects on fisheries and fish habitat. Therefore, the proposed project satisfies the applicable habitat protection standards of MCC Section 22.14.060(F)(1)(a).
- ii. The proposed project complies with MCC Section 22.14.060(F)(1)(b) (-BFC Standards, Design Guidelines, Habitats) because Coast Ridge Ecology evaluated the extent of wetlands on the subject property and determined that a 50-foot buffer between the delineated wetland boundary and the proposed development would be sufficient to protect the wetland habitat from adjacent developed uses. In reaching this determination, Coast Ridge Ecology considered, among other factors, the topography and configuration of the wetland areas; their biological characteristics, including soil types and vegetative cover; and the type and scale of the proposed development. Based on these site-specific conditions, Coast Ridge Ecology concluded that the 50-foot buffer would provide adequate separation between the wetland habitat and developed uses. Therefore, the proposed project satisfies the applicable habitat protection standards of MCC Section 22.14.060(F)(1)(b).
- iii. The proposed project complies with MCC Section 22.14.060(F)(1)(c) (-BFC Standards, Design Guidelines, Habitats) because it has been designed to minimize vegetation

removal. Specifically, vegetation removal would be limited to approximately 378 square feet, corresponding to the building footprint of the proposed addition, and would consist primarily of existing ornamental vegetation, including sod and one cherry plum tree. In context of the site, approximately 80 percent (8,795 square feet) of the 10,980-square-foot property would remain pervious. By retaining the substantial majority of the site in a pervious condition and minimizing vegetation removal, the project would preserve vegetation that contributes to soil stabilization, groundwater recharge, and wildlife habitat, where such habitat occurs, as identified in the Wetland Delineation Assessment prepared by Coast Ridge Ecology. Therefore, the proposed project satisfies the applicable habitat protection standards of MCC Section 22.14.060(F)(1)(c).

- iv. The proposed project complies with MCC Section 22.14.060(F)(1)(d) (-BFC Standards, Design Guidelines, Habitats) because, by maintaining a 50-foot buffer from the delineated wetland boundary and retaining approximately 80 percent of the property as pervious area, the project would not impede the circulation, distribution, or flow of freshwater to tideland areas. In addition, the Wetland Delineation Assessment prepared by Coast Ridge Ecology did not identify any freshwater habitats on the subject property. Therefore, the proposed project satisfies the applicable habitat protection standards of MCC Section 22.14.060(F)(1)(d).
- v. MCC Section 22.14.060(F)(2)(a) (-BFC Standards, Design Guidelines, Access and Recreation) does not apply to the proposed project because it involves improvements to an existing residential property within a planned community where adequate public access to bayfront lands is already available to facilitate their public use and enjoyment.
- vi. MCC Section 22.14.060(F)(2)(b) (-BFC Standards, Design Guidelines, Access and Recreation) does not apply to the proposed project because, as previously stated, it involves improvements to an existing residential property within a planned community where adequate public access to bayfront lands is already available to facilitate their public use and enjoyment. Existing public access provides opportunities for recreational use of the shoreline and marsh areas, including fishing, boating, hunting, picnicking, hiking, and nature study.
- vii. The proposed project complies with MCC Section 22.14.060(F)(3)(a) (-BFC Standards, Design Guidelines, Buildings) because the proposed addition would maintain a 5-foot, 8½-inch setback from the southern side property line and reach a maximum height of 13 feet, 9 inches above grade, thereby maintaining the dimensional characteristics of the existing single-family residence in a manner that preserves visual access to shoreline areas. In addition, by maintaining a 50-foot buffer from the delineated wetland boundary, the proposed project would avoid interference with wildlife movement corridors between upland and marsh habitats. Therefore, the proposed project satisfies the applicable building design standards of MCC Section 22.14.060(F)(3)(a).
- viii. MCC Section 22.14.060(F)(3)(b) (-BFC Standards, Design Guidelines, Buildings) does not apply to the proposed project because, as previously stated, it involves improvements to

an existing residential property within a planned community and does not involve the development of public activity centers, such as theaters, restaurants, schools, commercial establishments, or offices.

- ix. MCC Section 22.14.060(F)(3)(b) (-BFC Standards, Design Guidelines, Buildings) does not apply to the proposed project because, although a portion of the subject property is located within the Federal Emergency Management Agency (FEMA) Flood Hazard Zone AE, the proposed development is located entirely outside that zone and any other identified flood hazard area, as determined by the Department of Public Works and depicted on the Proposed Site Plan (Sheet A1.1). Therefore, the project is not subject to the minimum development standards for identified floodplain areas established in Marin County Code Chapter 23.09 (Floodplain Management).
- x. MCC Section 22.14.060(F)(4) (-BFC Standards, Design Guidelines, Utilities) does not apply to the proposed project because the proposed development does not require the installation of new utility distribution lines and, therefore, does not trigger the requirement that such lines be placed underground.
- xi. MCC Section 22.14.060(F)(5)(a) (-BFC Standards, Design Guidelines, Environmental Quality) does not apply to the proposed project. The project has been determined to be categorically exempt from the requirement to prepare an environmental review document pursuant to Section 15301, Class 1, of the CEQA Guidelines since it entails the minor alteration of an existing private structure and the topographical features thereon. Therefore, no mitigation measures are required to eliminate or reduce potentially significant adverse environmental effects because the project is of a class type that does not have a significant effect on the environment by the State Secretary of Resources.
- xii. The proposed project complies with MCC Section 22.14.060(F)(5)(b) (-BFC Standards, Design Guidelines, Environmental Quality). The proposed development would be confined to a portion of the site previously disturbed during development of the Bel Marin Keys subdivision and would maintain a 50-foot buffer from the delineated wetland boundary. In addition, the project would create only 378 square feet of new impervious surface, while approximately 80 percent (8,795 square feet) of the subject property would remain pervious. Collectively, these site and design characteristics would minimize earth disturbance, erosion, water pollution, and disruption of wildlife habitat. Construction activities would also be subject to applicable Department of Public Works requirements intended to minimize erosion, sedimentation, and other construction-related impacts. Therefore, the proposed project satisfies the environmental quality standards of MCC Section 22.14.060(F)(5)(b).
- xiii. MCC Section 22.14.060(F)(5)(c) (-BFC Standards, Design Guidelines, Environmental Quality) does not apply to the proposed project because it does not involve the construction or development of jetties, piers, or outfalls.

- xiv. MCC Section 22.14.060(F)(6) (-BFC Standards, Design Guidelines, Diking, Filling, and Dredging) does not apply to the proposed project because it does not involve diking, filling, or dredging in areas subject to tidal action.
- xv. The proposed project complies with MCC Section 22.14.060(F)(7)(a) ((-BFC Standards, Design Guidelines, Aesthetic and Scenic Quality). The proposed addition has been designed to maintain the dimensional characteristics of the existing single-family residence that preserve visual access to the bayfront and scenic vistas of the water and distinctive shoreline. Specifically, the addition would maintain a 5-foot, 8½-inch setback from the southern side property line, comparable to the existing side yard setback, and would reach a maximum height of 13 feet, 9 inches above grade, comparable with the existing height of the residence. These dimensions would maintain the existing scale and mass of the residence, thereby preserving visual access to the bayfront and surrounding scenic vistas. Therefore, the proposed project satisfies the applicable aesthetic and scenic quality standards of MCC Section 22.14.060(F)(7)(a).
- xvi. The proposed project complies with MCC Section 22.14.060(F)(7)(b) ((-BFC Standards, Design Guidelines, Aesthetic and Scenic Quality). As previously stated, the proposed addition has been designed to maintain the dimensional characteristics of the existing single-family residence that preserve visual access to the bayfront and scenic vistas of the water and distinctive shoreline. In the development of the Bel Marin Keys subdivision, these dimensional characteristics were established to preserve open views from optimal locations for the public enjoyment of bayfront lands. By maintaining similar dimensional characteristics, as described above, the proposed project would not diminish these existing open views. Therefore, the proposed project satisfies the applicable aesthetic and scenic quality standards of MCC Section 22.14.060(F)(7)(b).
- xvii. The proposed project complies with MCC Section 22.14.060(F)(8)(a) (-BFC Standards, Design Guidelines, Protection from Geologic, Flooding, and Other Hazards) because it would be consistent with the applicable policies of the Environmental Hazards Element of the Countywide Plan. The proposed project would be consistent with Environmental Hazards Element policies for geologic and seismic hazards, including EH-2.1 (Avoid Geologic Hazard Areas), EH-2.2 (Comply with the Alquist-Priolo Act), and EH-2.3 (Ensure Seismic Safety of New and Existing Structures). The Department of Public Works evaluated the geologic and seismic conditions affecting the subject property and determined that the site is suitable for the proposed development, subject to compliance with applicable requirements. The proposed development can be designed to avoid or minimize potential hazards associated with earthquakes and unstable ground conditions, would be located outside an Alquist-Priolo Earthquake Fault Zone, and would be required to comply with applicable seismic safety provisions of the State and Marin County codes. Similarly, the proposed project would be consistent with the Environmental Hazards Element policies addressing flooding, including Policies EH-3.2 (Retain Natural Conditions) and EH-3.5 (Encourage Modifications or Relocations of Existing Development), because the project would not alter existing stream channels or floodplains

and would be subject to applicable Department of Public Works regulations and requirements governing development within or near flood-prone areas. Therefore, the proposed project satisfies the applicable geologic, flooding, and public safety standards of MCC Section 22.14.060(F)(8)(a).

- xviii. MCC Section 22.14.060(F)(8)(b) (-BFC Standards, Design Guidelines, Protection from Geologic, Flooding, and Other Hazards) does not apply to the proposed project because the project site is not underlain by undisturbed deposits of “young muds,” as shown on the map entitled *Map Showing Thickness of Young Bay Mud, Southern San Francisco Bay, California*, prepared by the United States Geological Survey (USGS) in 1978.
- xix. The proposed project complies with MCC Section 22.14.060(F)(8)(c) (-BFC Standards, Design Guidelines, Protection from Geologic, Flooding, and Other Hazards). The Department of Public Works evaluated the soil conditions within the proposed development area and considered the known seismic and geologic hazards affecting the subject property. Based on this review, the Department of Public Works determined that the site is suitable for the proposed development. In addition, subsequent construction permits associated with the project will be subject to applicable Department of Public Works regulations and standards addressing earth disturbance, erosion, flooding, water pollution, and other potential hazards to public safety. Therefore, the proposed project satisfies the applicable geologic, flooding, and public safety standards of MCC Section 22.14.060(F)(8)(c).
- xx. MCC Section 22.14.060(F)(9)(a) (-BFC Standards, Design Guidelines, Agricultural Uses) does not apply to the proposed project because the proposed project does not entail agricultural activities that require the removal of natural vegetation.
- xxi. MCC Section 22.14.060(F)(9)(b) (-BFC Standards, Design Guidelines, Agricultural Uses) does not apply to the proposed project because the proposed project does not involve agricultural activities that require the use of pesticides or insecticides.
- xxii. The proposed project complies with MCC Section 22.14.060(F)(9)(c) (-BFC Standards, Design Guidelines, Agricultural Uses) because it would be sited and designed in a manner that preserves and protects existing agricultural lands within the -BFC Combining District.
- xxiii. MCC Section 22.14.060(F)(10)(a) does not apply to the proposed project because the proposed project does not involve the construction of a new building within the 3.3-foot sea level rise inundation area depicted on CWP Safety Element Map 2-19 or the construction of new hardscape shoreline protection improvements.

The proposed project is consistent with the applicable standards and requirements of the F-1 Combining District, as described below.

- i. The proposed project complies with MCC Section 22.14.070(C) (F-1 Standards, Prohibited Uses). The F-1 Combining District applies to lands within a primary floodway, consisting of the channel of a watercourse and that portion of the adjoining floodplain reasonably required for the passage of floodwaters, pursuant to MCC Section 22.14.070 (F-1 Standards, Application of Combining District). Although the subject property includes portions of Novato Creek and adjacent lands, the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map does not identify any portion of the property as a regulatory floodway; rather, portions of the property are designated as Flood Zone AE. Moreover, as depicted on the Proposed Site Plan (Sheet A1.1), the proposed development would be located entirely outside AE Flood Zone and would not involve dredging, filling, or the construction of levees or dikes. For that reason, the proposed development would not encroach into a mapped floodway or floodplain. Therefore, the proposed project satisfies the applicable prohibited use standards of MCC Section 22.14.070(C).
 - ii. The proposed project complies with MCC Section 22.14.070(D) (F-1 Standards, Permitted Uses) because, for the reasons stated above, the proposed development would be located entirely outside the floodway and floodplain areas identified on the most current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map on record with the Community Development Agency. Because neither the area occupied by the existing single-family residence nor the area proposed for the addition is located within these areas, the existing residential use would not be rendered nonconforming on the basis of use, and the proposed addition would not be rendered nonconforming on the basis of its location. In view of these circumstances, the provisions of MCC Chapter 22.112 (Nonconforming Structures, Uses, and Parcels) would not apply as a result of the F-1 Combining District. Therefore, the proposed project satisfies the applicable permitted use standards of MCC Section 22.14.070(D).
- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
 - C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
 - D. The proposed development would not encroach into any streets or pathways and would not detract from the appeal of the streetscape.
 - E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

ACTION

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

This 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 approval authorizes the construction of a 378-square foot, single-story addition to an existing single-family residence located on a developed lot in the community of Bel Marin Keys, an unincorporated area of Novato. The approved 378 square feet of development would result in a floor area ratio (FAR) of 19 percent based on the approximately 8,994-square-foot dry land area of the subject property. The addition shall attain a maximum height of 13 feet, 9 inches above grade and shall maintain minimum setbacks of 71 feet, 4 inches from the eastern front property line; 5 feet, 9 inches from the southern side property line; 35 feet, 3 inches from the northern side property line; and 119 feet, 7½ inches from the western rear property line.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "REAR ADDITION," consisting of 18 sheets prepared by Angel Morales, received in final form on June 18, 2026, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2026" with respect to all of the standard conditions of approval and the following special conditions: 8 (Wetland Conservation Area Fencing) and 9 (Wetland Conservation Area Encroachments).

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.

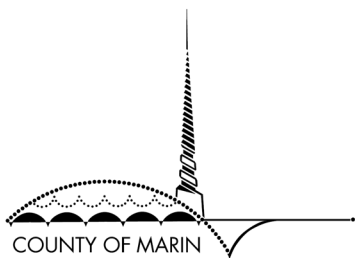
RIGHT TO APPEAL

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 (August 21, 2026).

cc: *{Via email to County departments and Design Review Board}*
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2026
2. Department of Public Works Inter-Office Memorandum – Second Transmittal, dated July 17, 2026



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

2026

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 Wildlife, 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 60 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 120 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 180 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: <u>July 17, 2026</u>	DUE: <u>July 17, 2026</u>
	<u>TYPE OF DOCUMENT</u>
TO: <u>Easton Ehlers</u>	☒ DESIGN REVIEW
FROM: <u>Maria Padilla</u>	☐ COASTAL PERMIT
APPROVED: _____	☐ LAND DIVISION
RE: <u>Luong Design Review</u>	☐ VARIANCE
<u>P6233</u>	☐ USE PERMIT
APN: <u>157-201-05</u>	☐ ADU PERMIT
ADDRESS: <u>33 Montego Key</u>	☐ ENVIRONMENTAL REV.
<u>Novato, CA 94949</u>	☐ 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. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plan:
 - a. Add a note on the plans indicating that the plan preparer shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.

Best Management Practices:

2. 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

3. **Utilities:** Plan shall show the location of all the existing utility laterals and indicate which, if any, will be upgraded or relocated with this project. Be certain to include water, sanitary sewer, gas, electric and telecommunications.
4. **Encroachment Permit:** **Montego Key** is a County maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. **Any excavations into the road surface will require extensive pavement restoration.** The plans shall clearly identify all proposed work in the right of way. If any work is proposed in the right of way, complete and submit an Encroachment Permit Application prior to construction.
5. **Flood Zone Requirements:** The property is located within the Special Flood Hazard Area Zone **AE**, as mapped by FEMA on their current Flood Insurance Rate Map (FIRM) panel number **06041C0284E**, which became effective on **March 16, 2016**. Zone **AE** is an area subject to flooding by the 1% annual chance flood, where FEMA has determined the base flood elevation (BFE) to be at **10** feet using the North American Vertical Datum (NAVD) of 1988. **Add a note to the plans which indicates that the parcel is located in Special Flood Hazard Area Zone **AE** and that the BFE = **10** feet NAVD 1988.**

-END-