

RESOLUTION NO. 15/2019

PRECISE PLAN AND DESIGN REVIEW

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPROVING A PRECISE PLAN AND DESIGN REVIEW TO CONSTRUCT 16 SINGLE-FAMILY UNITS WITH 8 ACCESSORY DWELLING UNITS AND ASSOCIATED LANDSCAPING, TREE REMOVAL, AND SITE IMPROVEMENTS AT THE BASE OF ROBIN DRIVE (APN 038-011-21)

WHEREAS, On April 21, 2009, the Town Council conducted a public hearing on the Town of Corte Madera 2009 General Plan (the “2009 General Plan”), including the Revised Final Environmental Impact Report (FEIR) and its accompanying Mitigation Monitoring and Reporting Program, and considered all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council certified the FEIR for the General Plan, and considered the FEIR and identified mitigation measures prior to taking action to adopt the 2009 General Plan, including its related goals, policies and programs, by separate Resolution No. 3594; and

WHEREAS, in March of 2014, the Town Council of the Town of Corte Madera directed staff to prepare a draft Housing Element for the 2015-2023 housing cycle to update the existing Housing Element approved in April 2011; and

WHEREAS, on April 28, 2015, following a written statement from the California Department of Housing and Community Development on April 2, 2015 that the draft 2015-2023 Housing Element would comply with State Housing Element law, the Planning Commission passed resolution 15-004 recommending the Town Council of the Town of Corte Madera adopt an amendment to the 2009 General Plan to incorporate the 2015-2023 draft Housing Element; and

WHEREAS, On May 19, 2015, the Town Council passed Resolution 21/2015 authorizing an amendment to the 2009 General Plan to adopt and incorporate the Town of Corte Madera 2015-2023 Housing Element; and

WHEREAS, the Corte Madera 2015-2023 Housing Element includes, among other policies, Policy H-2.6, which names the subject property as a High Potential Housing Opportunity site; and

WHEREAS, ON July 12, 2016, The Corte Madera Planning Commission conducted a duly noticed informational study session with Aimco Robin Drive L.C. on a conceptual plan for a residential rental subdivision project consisting of a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review to subdivide the subject property into 19 lots with a private access road, and construct a 16-unit single-family subdivision with 8 accessory dwelling units, landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21); and

WHEREAS, Aimco Robin Drive L.C. submitted a formal application on May 8, 2017 for a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review to subdivide the property into 19 lots with a private access road, and construct a 16-unit single-family subdivision with 8 accessory dwelling units, landscaping, tree removal, and site improvements at the subject property on Robin Drive; and

WHEREAS, the requested Zoning Amendment includes a rezoning of the project site to remove the existing Hillside Land Capacity Overlay District and add the Planned Development Overlay District to the property to allow for a for a clustered subdivision involving 16 single-family homes with 8 accessory dwelling units and associated site improvements; and

WHEREAS, the Town contracted with GHD, Inc., to conduct an environmental review of the proposed project; and

WHEREAS, after completing an Initial Study, a Mitigated Negative Declaration was prepared for the project. The Initial Study and Mitigated Negative Declaration identifies and analyzes potential environmental impacts and the mitigation measures, which if adopted will reduce any potential impacts to less than significant, and which have been agreed to by the applicant and incorporated by reference into the project conditions of approval; and

WHEREAS, on November 13, 2018 the Notice of Completion and Draft Initial Study/Environmental Checklist for the project was filed with the State Clearinghouse beginning a 30-day public review period; and

WHEREAS, on November 14, 2018 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the project was filed with the Marin County Clerk; and

WHEREAS, on November 14, 2018 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the project were mailed to residents within 500 feet of the subject property; and

WHEREAS, staff conducted meetings with representatives of the California Department of Fish and Wildlife, San Francisco district Regional Water Quality Control Board, Marin Audubon Society, and Marin County Parks staff, who submitted comments into the public record in response to the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the project; and

WHEREAS, GHD, Inc. prepared a comprehensive response to comments and updated Mitigations in the Mitigation, Monitoring, and Reporting Plan for the project addressing all comments received during the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration period, including comments received through staff meetings with commenting agencies; and

WHEREAS, on February 15, 2019 the Town sent a notice to all properties within 500 feet of the project site announcing a February 26, 2019 Planning Commission hearing to review the application; and

WHEREAS, on February 26, 2019, the Corte Madera Planning Commission held a public hearing on the project, heard testimony from the applicant and interested parties, and at the close of the public hearing voted to adopt Resolution No. 19-010, recommending that the Town Council of the Town of Corte Madera approve the Precise Plan and Design Review for the project, as well as Resolution Nos: 19-007 through 19-009 recommending Town Council approval of the requested Zoning Amendment, Preliminary Plan, and Tentative Map for the project.

WHEREAS, on March 22, 2019 the Town sent a notice to all properties within 500 feet of the project site announcing the April 02, 2019 Town Council meeting on the project; and

WHEREAS, on April 02, 2019, the Town Council of the Town of Corte Madera conducted a public hearing on the Project, including the environmental determination, and considered all oral and written testimony submitted to the Town regarding the project prior to taking its actions on the Zoning Amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera hereby finds and resolves as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings (“Record”) upon which the Council makes its determination includes, but is not limited to:

(1) the 2009 General Plan including the 2015-2023 Housing Element, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Initial Study/Mitigated Negative Declaration for the Residences at Preserve Subdivision Project, including the Mitigation, Monitoring, and Reporting Plan, and Response to Comments received on the project; (4) the project plans with the Received stamp date of February 21, 2019, as modified to be consistent with the alternative site plan described in Attachment 19 of the Staff Report dated March 29, 2019, the materials board presented at the April 2, 2019 Town Council meeting and stamped with "Official Exhibit", and the project Conditions of Approval, including modifications to Condition of Approval No. 71, provided in Exhibit A to this Resolution; (5) all staff reports, applications, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Residences at Preserve project, and its request for a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review, (6) all documentary and oral evidence received at public hearings or submitted to the Town relating to the project, and (7) all matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. Compliance with the California Environmental Quality Act (CEQA)

The Town Council of the Town of Corte Madera has reviewed the Mitigated Negative Declaration (MND); the Mitigation, Monitoring, and Reporting Plan; the Response to Comments received on the project, and based on its independent judgement and analysis determines that the MND was prepared in accordance with the CEQA and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment. This determination is provided in the associated Town Council Resolution 13/2019, adopting the Mitigated Negative Declaration; the Mitigation, Monitoring, and Reporting Plan; and the Response to Comments received on the project.

In particular, the Town Council has reviewed the Mandatory Findings of Significance (Section XVII of the Initial Study/Mitigated Negative Declaration) and concurs with the findings that the Project will have a less than significant impact on the environment for the reasons specified.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council approves the Precise Plan and Design Review, including the project plans with the Received stamp date of February 21, 2019, as modified to be consistent with the alternative site plan described in Attachment 19 of the Staff Report dated March 29, 2019, the materials board presented at the April 2, 2019 Town Council public hearing and stamped with "Official Exhibit", and the project Conditions of Approval, including modifications to Condition of Approval No. 71, provided in Exhibit A to this Resolution, and concurrently incorporated into Town Council Resolution 14/2019 approving the Planned Development Preliminary Plan and Tentative Map for the project, to subdivide the property into 19 lots with a private access road and to construct 16 single-family units with 8 accessory dwelling units and associated landscaping, tree removal, and site improvements at the base of Robin Drive, based on the following findings:

Required Precise Plan and Design Review Findings

Pursuant to CMMC §18.18.050, the Town Council may approve a Precise Plan provided the Precise Plan conforms to an approved Preliminary Plan and applicable findings for Design Review required by CMMC Chapter 18.30, Design Review.

The Precise Plan for the *Residences at Preserve* project has been submitted concurrently with the Preliminary Plan for the project; thus, the Precise Plan is wholly consistent with and identical to the Preliminary Plan for the project that was analyzed by the Town Council on April 02, 2019. The Town Council findings for the Preliminary Plan established in Resolution 14/2019 apply to the Precise Plan and are incorporated herein by reference.

Pursuant to CMMC §18.18.340, the Town Council may approve a Precise Plan and Design Review for the project subject to the following Design Review findings:

1. The Project conforms with the General Plan and all provisions of the Zoning Ordinance.

As detailed in the Town of Corte Madera Planning Commission staff report for the project, dated February 22, 2019, the project is consistent with the General Plan because:

- it successfully implements the Housing Element development program for the site (addressing Housing Element Program H-2.6.b, and Policies H-2.15 and H-2.16);
- it is designed and conditioned to ensure that affordable housing goals are achieved (addressing General Plan Program LU-2.2.b, and Policies Policy LU-2.2, and LU-2.11);
- it improves circulation options and safety for vehicles, cyclists, and pedestrians (addressing General Plan Programs CIR-1.1.c, CIR-2.1.a, CIR-3.1.b, CIR-3.1.d, CIR-3.3.b, CIR-5.1.b, RCS-6.5.b, and PR-3.1.a);
- it is well designed and is compatible with the neighborhood and context (addressing General Plan Policies LU-2.4, CD-1.2, CD-1.3, CD-1.5, CD-2.4, CD-2.5, CD-3.1, CD-3.3, H-3.2, and H-3.3);
- it protects natural resources (addressing General Plan Programs RCS-2.6.d, RCS-7.1.a, RCS-9.2a, and Policy RCS-7.3); and
- it incorporates safety and fire resistance measures to reduce overall risk of harm (addressing General Plan Programs PSH-1.1.c, PSH-8.2.a, and PSH-8.2.d).

The project includes a Planned Development with modifications to development standards applicable to the R-1 Zoning District consistent with the intent of the Planned Development Overlay District as provided in the associated Town Council Resolution 14/2019, approving Ordinance No. 985 for the project to rezone the property from Hillside Land Capacity Overlay Zoning to Planned Development Overlay Zoning; and associated Town Council Resolution 14/2019, approving a Planned Development, Preliminary Plan, and Tentative Map for a clustered subdivision with modified R-1 Zoning District development standards, and waivers to the owner-occupancy standards for accessory dwelling units and inclusionary housing requirements for accessory dwelling units and associated primary units.

- 2. The Project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and, whenever possible, avoid development within fifty vertical feet of ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the town.**

Tree loss associated with developing 16 structures on the site is less than significant due to the proposed replanting program and habitat restoration, which provide replacement in excess of the loss, and expand oak woodland habitat by a net gain of approximately 1.04 acres at the site. This habitat will be maintained as open space in perpetuity. This approach to tree loss ensures that the tree removal remains at a less-than-significant level and that sensitive habitats on the site are enhanced and remediated as a result of the Project.

No structures are proposed within 50 feet of a ridgeline and structures are located on existing graded areas of the site to minimize unsightly grading and hillside degradation. The Project will preserve 10.75 acres of the site as private open space in perpetuity and the site plan and landscaping plan ensure that Paradise Drive will remain a scenic corridor. Thus, proposed design will not unnecessarily remove trees and habitat, will preserve natural landforms, will not intrude into ridgelines, and will not otherwise adversely affect the natural beauty of the town.

- 3. The Project will not significantly and adversely affect the views, sunlight or privacy of any nearby residences, will provide adequate buffering between residential and nonresidential uses, and otherwise is in the best interest of the public health, safety and general welfare.**

The project provides all units with views and access to sunlight, while maintaining privacy. The primary view for future residents of the site will be toward the Bay as the subdivision is concentrated in a valley: hillsides block views to the east and south, and the Preserve at Marin apartments shield views to the west. View corridors are established in the building design by incorporating second level outdoor spaces, fenestration and offset buildings. The topography of the site places downhill properties northerly, thereby ensuring that downhill properties enjoy Bay views. Low and medium-height landscaping is placed along side yards to minimize view obstruction from residences. The orientation of the lots and buildings in the subdivision ensure access to sunlight by maintaining separation between structures and providing all units, including the accessory units, with ample fenestration. The sloping nature of the site also provides northerly exposure, and southern light is captured through cantilevered roof lines that allow for larger windows. Offset structures ensure that private outdoor spaces allow views to the Bay.

Adjoining single-family residences are located well uphill of the proposed development such that views will not be impacted by the development. Views from the upper stories of the adjacent apartments at the Preserve at Marin complex are similarly unaffected by the Project.

Privacy is managed by varying the size and location of fenestration on the structures. Where lots face public spaces or view corridors, fenestration is larger and more prominent as compared with fenestration on elevations near other structures or that are not oriented toward prominent views (west and south). With lots 8 through 12, where there is the most proximity between units, wood slat screening is appended to windows to further ensure privacy from uphill structures. Privacy with respect to the adjacent Tiburon neighborhood and Preserve at Marin complex is unaffected by the Project due to the wide separation and elevation change between the Project and these properties. The closest property in Tiburon is 15 Cibrian Drive, whose rear elevation is approximately 105 feet from the rear elevation of lot 12. The rear yard of 15 Cibrian is uphill of the roofline of lot 12, and due to the limited rear yard space for occupants of lot 11 and 12, there is limited opportunity for privacy intrusion through rear yard open spaces. Outdoor spaces for lots 11 and 12 are focused on the patios provided on the eastern elevation facing toward Robin Drive and the Bay.

The project will not significantly and adversely affect the views, sunlight or privacy

4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site, and in the vicinity, and with the landforms and vegetation in the vicinity of the site, and landscaping shall be based on water conservation designs.

The Project is harmonious with adjacent development in that it continues the single-family residential character established in Tiburon to the west, and its clustered design serves as an appropriate transition to the dense Preserve at Marin apartment complex to the east. The proposed units, apart from lot 16, are smaller than the median-sized home in the adjacent Tiburon neighborhood, and are nestled in a valley to shelter the established neighborhood from the new development. The clustered subdivision design with ample setbacks from adjacent properties also ensures that future tenants will enjoy access to light, air, and views despite the adjacent apartment structures.

Condition #27 requires that the Project complies with graywater provisions in Title 13 of the Marin Municipal Water District (MMWD) Code (Ordinance 429) and the Model Water Efficient Landscape Ordinance (Condition #23) to the extent that graywater is feasible and desirable on-site considering the challenges of managing effluent discharge in a rental complex, as well as the site's topography and proximity to the Bay. The Project includes three bioretention swales and six tree boxes that are designed to retain stormwater flows which will reduce the need for watering. The landscaping proposed for the site, and the Vegetation Management Plan (VMP) included as Attachment C in the CEQA IS/MND for the project, outline a planting program of native varieties that are suited to local hydrological conditions. The Project will also comply with Marin Municipal Water District (MMWD) water conservation standards.

The structure, site plan and landscaping are in scale and harmonious with existing and future development, with the landforms and vegetation in the vicinity, and the landscaping shall be based on water conservation designs.

5. Development materials and techniques will result in durable high-quality structures and landscaping.

The proposed construction materials include high-quality durable products. The materials use an earth-tone color palette that blends into the environment and wood accents throughout add texture and soften the building mass. Materials are alternated throughout each lot and on each structure to add detail and visual interest. The proposed landscaping uses local varieties that are resilient to site conditions. The Vegetation Management Plan for the property shall be reviewed and approved by the Fire Marshal, and it includes several measures to ensure proper irrigation and landscape maintenance to remove pyrophytic and invasives that generate fire fuels. The project is also required to provide on-site property management to ensure landscape resilience in the long term. The proposed development materials and techniques will result in durable high-quality structures and landscaping.

6. The structures, site plan and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

The Project is designed as a contained residential subdivision with open space areas and architecture that provides visual appeal and an internal sense of order. Condition #60 ensures that the clustered design is more effectively carried through lots 6 and 7 by framing the street more effectively with the structures on these lots. Condition #58 requires greater articulation on garages for lots 1-3 and 8-12 to reduce the prominence of solid garage-dominated facades. The CEQA MND mitigation TR-1 requires the applicant to modify the Paradise Drive/Robin Drive

intersection to provide enhanced sight distance by reconfiguring the intersection's curbs, moving Robin Drive's stop bar northerly, pruning trees within the public right-of-way; and enhanced pedestrian safety by installing a new east-west crosswalk across Robin Drive, with associated ADA improvements and sidewalk extensions. Condition #60 requires that the applicant provide a fair-share contribution to extend the Paradise Drive Multi-Use Pathway from the planned terminus at Upupanda Way westerly to the improved Robin Drive intersection. The Paradise Drive Multi-Use Pathway extension condition ensures the Project will comply with General Plan Policy CIR-1.5, as well as Programs CIR-1.1.c, CIR-2.1.a, and CIR-3.1.b. Therefore the project, as conditions and with CEQA mitigations incorporated, creates an internal sense of order, in a visually pleasing setting, and provides safe and convenient access to the property for pedestrians, cyclists and vehicles.

7. **To the maximum extent feasible, the Project includes the maintenance, rehabilitation and improvement of existing sites, structures and landscaping, and will correct any violations of the Zoning Ordinance, Building Code or other Municipal Codes that exist on the site.**

The Project site is undeveloped, thus non-conforming structures are not present. The Project includes thorough remediation of existing landscaping and the site's natural condition by removing pyrophytic landscaping, invasive species, and trees that have succumbed to pathogens such as Sudden Oak Death. The project results in a net gain of oak woodland habitat of 1.04 acres and will expand protected needlegrass grassland habitat by removing areas that have succumb to invasive species. The Project memorializes an existing informal public pathway to Ring Mountain establishing an option for a formal public access easement. Furthermore, the Project will enhance the existing ephemeral stream in the "lower" area by installing rock weirs in the channel to better retain and manage hydrological flows. Landscape improvements will widen the channel and improve the watercourse for residents' enjoyment and to the benefit of local biota. The Project is consistent with this finding.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 2nd day of April 2019, by the following vote, to wit:

AYES: Councilmembers: Ravasio, Andrews, Beckman, Kunhardt

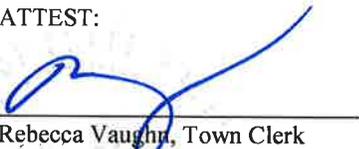
NOES: Councilmembers: NONE

ABSENT: Councilmembers: Bailey

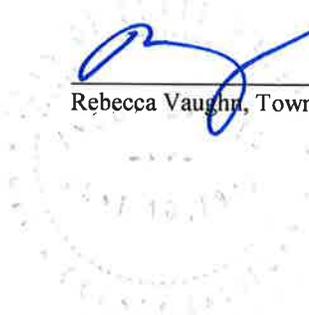


Bob Ravasio, Mayor

ATTEST:



Rebecca Vaughn, Town Clerk



CONDITIONS OF APPROVAL

UNIQUE TO
The Residences at Preserve (APN 038-011-21), File #PL-2017-055 through PL-2017-0061
and Town Council Resolutions 14/2019 and 15/2019

PLANNING DIVISION

PLANS

1. Consistency with Approved Plans. Except as otherwise noted in these conditions of approval, plans submitted to the Building Department for plan check shall include identical information as the plans and the color and materials board titled Residences at Preserve, stamped “Official Exhibit” with a received stamp of February 21, 2019, approved by the Corte Madera Town Council on April 2, 2019. If any changes are made to the approved plans, the applicant is responsible for clearly identifying all such changes and reviewing them with the Planning Department prior to submitting for a Grading or Building Permit. All changes made between the drawings and specifications approved by the Town Council and the Building Permit submittal must be clearly highlighted with a “bubble” or “cloud” on plans and marked with a “Delta ‘P’” at the time of initial Building Permit submittal. A written list describing in detail all such changes shall be submitted and attached to these plans.
2. Plan Changes. No changes shall be made to the approved plans without written approval from the Corte Madera Planning Department. If the applicant proposes changes that require Planning Department review to determine conformance with the approved plans, the Planning Director may require a \$500 deposit for a Permit Amendment. The Planning Director may also refer proposed changes of the approved plans to the Planning Commission and/or Town Council for review. Any changes that have not been clouded and noted and explicitly approved in writing by the Planning Director are not approved. Construction or demolition that does not conform to the Design Review approval is not valid and shall be subject to stop work orders and may require removal. Per Municipal Code §18.18.050, if an amendment to the approved Precise Plan is requested by the applicant, the Planning Commission and Town Council may review and amend all previous Conditions of Approval.
3. Conditions of Approval. Prior to the issuance of any construction permits, these conditions of approval, the conditions of approval of the Project Tentative Map, and the MMRP of the Initial Study/Mitigated Negative Declaration shall be included with the plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
4. Conditions and MMRP. All applicable Conditions of Approval of the Residences at Preserve and the mitigation measures of Resolution No. 19-007 N.C.S. adopting the Residences at Preserve Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) are incorporated by reference and made Conditions of Approval.

5. Owner and Contractor Statement. The applicant shall provide with the Building Permit application a signed "Owner and Contractor Statement" (attached). This signed document acknowledges that the owner and contractor have read, understand and accept the responsibility to implement the conditions of approval.
6. Electronic Plans. At Building Permit issuance, the applicant shall provide the Town with an electronic copy of final/approved construction documents in portable document (PDF) format.
7. Solar-Readiness. Prior to the issuance of a Building Permit, the applicant shall verify on the building plans that all residential units shall be solar-ready, to support General Plan Policy RCS-2.4 and RCS-2.6.
8. Solar Panel Installation. Any installed solar photovoltaic panels in the Project shall be non-reflective to the maximum extent feasible and practical to minimize glare on uphill properties.
9. Precise Plan Expiration Prior to Construction Commencement. Per Municipal Code § 18.18.050, approval or conditional approval of the Residences at Preserve Precise Plan shall lapse and become null and void two years following the date the approval or conditional approval was given unless, prior to the expiration date, construction of improvements has commenced. The approval or conditional approval may be extended by the Planning Director for an additional period of one year upon application filed prior to the expiration date and provided that no change in conditions or requirements has occurred; but an application involving any change shall be treated as a new application.
10. Design Review Permit Expiration. Per Municipal Code §18.30.090, and per the request of the applicant, the approved or conditionally approved Residences at Preserve Design Review permit shall lapse and become null and void three years following the date on which the approval became effective unless, prior to the expiration of one year, a Building Permit is issued and is active per Building Department requirements. Per Municipal Code §18.30.080, the Design Review Permit shall become effective upon the expiration of ten days following the Town Council's action.

CONSTRUCTION

11. Regulatory Compliance. The project shall comply with all performance standards of the Town of Corte Madera Municipal Code, including Title 6 (Health and Sanitation) and Title 18 (Zoning).
12. Preconstruction Meeting. Prior to submission of a Building Permit, a preconstruction meeting shall take place with all appropriate representatives of the project construction team, Town representatives and any other agencies, in preparation for developing the Construction Management Plan. The meeting shall address items such as the construction management and parking plan, required permits, traffic and parking management, work schedule, delivery schedule, contact person(s), neighborhood notification, insurance, damage deposits, etc. A second preconstruction meeting may be required by the Director of the Planning and Building Department prior to the initiation of actual construction.
13. Construction Management Plan. A Construction Management Plan and Parking Plan shall be prepared by the applicant and submitted at or before the time of Building Permit application submittal to the satisfaction of the Planning, Building, and Public Works Departments to minimize impacts on the neighborhood during the construction period. The plan shall show in detail how the work will progress. This shall include, but not be limited to a detailed schedule of the work, the designation of stockpile areas for grading and construction materials, the size and type of trucks and equipment to be used for the work, and an indication of how construction deliveries and workers will park and access the site.

The Plan should include a Construction Parking Plan to propose a system to minimize the effect of construction worker parking in the neighborhood. An estimate of the number of workers and vehicles that will be present on the site during various phases of construction shall be provided, and the Plan shall indicate where sufficient off-street parking will be provided. The construction Management Plan shall include provisions for eliminating deliveries and truck activity during peak pick-up and drop-off hours at the Marin Montessori and Marin Country Day schools adjacent to the project site. The morning peak period covers the arrival of staff and students at the start of the school day, between 7:30 a.m. and 8:30 a.m., while the afternoon school peak period covers the departure of school traffic between 2:30 p.m. and 4:00 p.m.

14. Hours of Construction. The Applicant shall implement the following to reduce construction noise levels from the site, limit construction hours, and minimize disruption and annoyance:
- a. All construction activities shall be limited to the hours between 7:00 a.m. and 5:00 p.m. Monday through Friday, 10:00 a.m. and 4:00 p.m. on Saturdays, and no construction shall be permitted on Sundays and holidays defined as
 - i. New Year's Day (January 1)
 - ii. Martin Luther King Day
 - iii. Presidents Day
 - iv. Memorial Day
 - v. Independence Day (July 4)
 - vi. Labor Day
 - vii. Veterans Day
 - viii. Thanksgiving Day and Thanksgiving Friday
 - ix. Christmas Day (December 25)

Work outside of these times may only be permitted at the sole discretion of the Planning Director if it is determined in writing that such work is either: 1) emergency work necessary to resolve public health and safety issues, or 2) work that is of such a nature (such as interior painting) that it will not exceed permitted noise levels.

- b. All internal combustion engines used in conjunction with construction shall be muffled according to the equipment manufacturer's requirements.
- c. Unnecessary idling of internal combustion engines should be strictly prohibited.
- d. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- e. If stationary noise equipment is located within 100 feet from sensitive receptors, temporary noise barriers should be constructed to screen stationary noise-generating equipment. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- f. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- g. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- h. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- i. Construction Noise Complaints. If any work-related complaints are received by the Town about construction on a weekend, Town reserves the right to determine that no further work shall be conducted on a Saturday; and provided further, if any complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. To mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and

renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.

15. Disturbance Monitor and Coordinator. The Town shall contract for a "Disturbance Monitor and Coordinator" at the applicant's expense, for an amount agreed to by Town and applicant in advance, who will be responsible for responding to any complaints about construction noise, ensuring that construction-related nuisances are properly managed on a daily basis in accordance with all applicable project conditions and the MMRP. The Disturbance Monitor and Coordinator will determine the cause of any nuisances (e.g., noisy mufflers, operations outside of approved construction hours, improper implementation of dust control measures, etc.) and will report to the Town regarding compliance and reasonable measures to correct the problem. A report shall be provided on a not-less-than weekly basis. If violations are identified, they shall be documented. At the Planning Director's discretion, measures shall be imposed to ensure compliance, including but not limited to a stop-work order as well as any necessary corrective actions that are needed to address impacts caused by the nuisance. Stop work orders shall be issued on an escalating basis: the first infraction shall result in a stop work order of not less than 1 day, the second infraction shall result in a stop work order of not less than 3 days, and the third or subsequent stop work orders shall extend up to one week. A telephone number for the Disturbance Monitor and Coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.
16. Construction Notice. Prior to commencing construction activities, a sign shall be posted on the site regarding the allowable hours of construction and contact information for complaints. Proof of sign installation shall be provided to the Planning Manager prior to construction commencing.
17. Debris. The site shall be kept clear at all times of garbage and debris. No outdoor storage shall be permitted other than typical bulk materials, i.e., lumber, appliances, window systems, etc., temporarily stored through the normal course of construction.
18. Construction Phasing. This approval is granted for and contingent upon construction of the project, in a single phase, with the construction and/or installation of all features approved and required herein. Modifications to the project, including but not limited to a change in construction phasing, shall require review by the Planning Department.
19. Staging. All construction staging shall occur on-site, unless expressly permitted by the Construction Management Plan.
20. Emissions during Construction. Greenhouse Gas (GHG) reduction best management practices as defined by the Bay Area Air Quality Management District (BAAQMD), shall be followed during construction.
21. Dust Control. Demolition and construction activities may result in the generation of fugitive dust, which must be controlled in accordance with the Municipal Code §15.20.190 and the Bay Area Air Quality Management District's (BAAQMD) Best Management Practices (BMP). To ensure that fugitive dust generated during construction is minimized, the responsible party shall implement basic and additional air quality construction measures set forth by the Town and the BAAQMD, including the following:

- a. Water all active construction areas (staging, parking, soil piles, graded areas, unpaved driveways, etc.) at least twice daily with the first watering occurring before 10 a.m. and the second watering occurring after 4 p.m.
- b. Cover all haul trucks transporting soil, sand, or other loose materials offsite.
- c. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas. Sweep streets daily (with water sweepers) if visible soil material is deposited onto adjacent roads.
- d. Limit traffic speeds on any unpaved roads to 15 mph.
- e. Suspend construction activities that cause visible dust plumes beyond the construction site.
- f. A certified mechanic shall verify that equipment is properly tuned and maintained in accordance with manufacturer specifications.
- g. Idling times shall be limited to 5 minutes or less pursuant to the "no idling" rule for in-use off-road diesel-fueled vehicles. Signage shall be posted at the construction site indicating the idle time limitation.
- h. All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engine or the equivalent.
- i. Diesel-powered generators or air compressors shall not be used on-site for more than two days continuously, unless under emergency conditions.
- j. Post a publicly visible sign with the telephone number of designated person and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

LANDSCAPE PLANS

22. Unpermitted Tree Removal. No trees requiring a permit for their removal shall be removed during project construction unless the removal has been identified in the Landscape Plan, dated March 7, 2018, and available at the Planning Department, or amendments thereto required as a condition of approval for the project that may be determined by Town Council. All tree removal shall be subject to Municipal Code §15.050.080.
23. MWELQ. Per California Code of Regulations Title 23 Waters Division 2 Department of Water Resources Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELQ) §492.3, the applicant shall submit a landscape package compliant with §490 through §495 and submit a including a soil management report, irrigation design plan, and applicant signature and date, with the statement, "I agree to comply with the requirements of the water efficiency landscape ordinance and submit a complete Landscape Document Package" on the Landscape Plan.
24. Installation. Prior to the issuance of an Occupancy Permit, the project Landscape Architect shall certify in writing in a manner acceptable to the Town of Corte Madera, that the landscaping plan has been installed in accordance with all aspects of the approved, final Landscape and Irrigation Plans prepared by BAR Architects, dated March 7, 2018, as well as the approved Vegetation Management Plan and all applicable conditions, including but not limited to the removal of invasive species. If all the required landscaping is not completed prior to the Certificate of Occupancy, the applicant shall post a cash deposit or letter of credit for 125 percent of the total cost of the landscaping, based on a written estimate of such cost. All landscaping shall be completed within six months of the Certificate of Occupancy.
25. Herbicides and Pesticides. Herbicides and pesticides shall not be used until all plant material has been

planted a minimum of 20 days. All planting areas shall be kept weed-free by non-herbicide methods prior to the expiration of the 20-day period. Herbicide shall not be applied to any areas which have been seeded. The project contractor shall be licensed by the State and Marin County for fertilizer application and must have current registration filed with the County.

26. Maintenance. Any landscaped area shall be compliant with Corte Madera Zoning Ordinance §18.24.110. All landscaped areas shall feature water-conserving landscape designs and shall be permanently maintained by the property owner, including automatic watering, weeding, pruning, fertilizing, spraying, or other form of insect control, replacement of plant materials as needed, and any other operations needed to ensure proper maintenance. Failure to meet these requirements shall be cause for the issuance of a citation, an order of compliance, nuisance abatement action, and/or the revocation of any land use approval for which the landscape requirements were made a condition of approval. If the respondent refuses to comply with the provisions of the citation and order, legal proceedings may be initiated by the town attorney to obtain compliance when such proceedings are authorized by the town council.
27. Graywater Requirements. Prior to applying for a Building Permit with the Town of Corte Madera, the applicant shall provide written documentation that the project complies with the graywater provisions of Title 13 of the Marin Municipal Water District (MMWD) Code (Ordinance 429) to the extent that gray-water provision is suitable on the site due to topography and proximity to the Bay. MMWD Graywater information is available at marinwater.org/155/Graywater or 415-945-1530.
28. Erosion Control. Prior to the issuance of a building permit, the landscaping plans shall be revised to note that to protect the stream from any erosion while vegetation is being removed, and prior to the planting and establishment of new, native vegetation as proposed and amended pursuant to the project conditions of approval, erosion control measures shall be installed to protect the bare soil and prevent further fill or soil material from entering into the stream system.
29. Hydroseeding. Prior to the issuance of a building permit, the landscaping plans shall note that plantings shall be hydroseeded.
30. Native Plantings. Prior to the issuance of a building permit, the Landscaping and Vegetation Management Plans shall be revised such that any proposed grasses and forbs shall be native varieties as shown on Landscape Plan sheet LA17 – Biome Imagery: rain garden and remediation. Landscaping plan sheet LA17 shall be revised to remove the proposed Cape Rush (*Chondrapetalum tectorum*) plant species from the plantings menu as this is not a native species.

LIGHTING

31. Exterior Lighting Dark Sky Compliant. All exterior lighting fixtures shall be submitted to the Town for review and approval. All exterior lighting must be dark sky compliant and not create a glare or hazard on adjoining streets, properties or residential areas. Lighting must be designed with full cutoff and/or fully shielded fixtures, and installed so that the filaments, light sources or lenses are shielded with opaque material so they will not be visible at property lines. Exterior lights shall have a color temperature of 3000-3500 Kelvin or lower (warm not cool). Any changes to approved lighting must be approved by the Planning Department.

IMPACT AND OTHER FEES

32. Fee Payment. Prior to the Certificate of Occupancy being issued for any residence, the property owner shall remit all development impact fees to the Town of Corte Madera, unless otherwise indicated in these Conditions of Approval.
33. Inclusionary Housing In-Lieu Fee. Prior to the issuance of a Building Permit the applicant shall pay an in-lieu fee, paid to the Affordable Housing Fund, for housing to be provided elsewhere in the Town. The amount of the in-lieu fee shall be based on the formula found in CMMC §18.24.120 (a) for a development consisting of 8 dwelling units.
34. School District Mitigation Fees. Applicant is responsible for ascertaining whether School District mitigation fees will be required by the Larkspur-Corte Madera School District for this project. If fees are required, the District will require that these fees be paid prior to the applicant receiving a Building.
35. Park Dedication or In Lieu Fee. The applicant shall provide an in-lieu payment, or dedicate suitable land, for park and recreational purposes pursuant to Municipal Code Chapter 17.30 prior to the issuance of a Certificate of Occupancy.
36. Street Impact Fee. Per Town Resolution No. 3314, a project with a valuation over \$10,000.00 or more is subject to the Street Impact Fee equal to 1% of the project valuation. Applicability of this fee will be determined by the Public Works/Engineering Department prior to the issuance of a Building Permit.
37. Sewer Fees. Prior to Building Permit approval all sewer connection charges and fees will be paid to the District. These charges and fees are based on the number of units approved for the project and the number of bathrooms. A fee schedule can be obtained from the Public Works office.
38. Traffic Mitigation Fee. The applicant shall remit the required traffic impact mitigation fee consistent with CMMC § 3.32.040.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

39. Mitigation Measures. All mitigations measures listed in the Residences at Preserve Mitigation Monitoring and Reporting Plan (MMRP) shall be implemented along with these conditions of approval. The MMRP is attached to Town Council Resolution 13/2019 and made a part of these conditions as if fully set forth.
40. Work Offsite. Approval from adjacent property owners shall be secured prior to completing any activities or improvements on adjacent properties, including any landscaping and vegetation management, as well as improvements to the adjacent Preserve at Marin property at APNs 038-011-23 and 038-011-38.

INSPECTIONS AND VERIFICATIONS

41. Height Verification. No structure shall exceed the maximum heights identified on the plans. Height certification is required prior to the issuance of an Occupancy Permit. After installation of the first roof truss or following initial roof framing on each structure, confirmation in writing shall be submitted to the Town from a licensed surveyor or engineer that the height of the structure(s) is consistent with the approved Building Permit plans.

42. Property Line and Setback Verification. Upon issuance of a Building Permit, the property line and setback location(s) at areas of construction must be identified on site by a licensed land surveyor or registered civil engineer. The licensed land surveyor or registered civil engineer shall submit a written confirmation to the Building Department that the staking of the property lines has been properly completed.
43. Final Planning Inspection. Prior to a final Building Division inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all the required Conditions of Approval per the Resolution approving the project.
44. Access for Inspections. The applicant shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.

INDEMNIFICATION AGREEMENT

45. Indemnity. The applicant shall defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul this approval, which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
46. Costs Incurred. The applicant shall defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
47. Legal Proceedings. If a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

APPEAL PERIOD

48. Appeal Period. No Building Permit shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision. Unless a shorter statute of limitations

period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure §1094.6.

SPECIAL REQUIREMENTS

49. Permits from Other Agencies. As part of the application for a Building Permit, the applicant shall provide in writing approved permits from appropriate agencies, or written agencies' statements that a permit is not required, from the local, state or federal agencies with jurisdiction over the project site, unless a separate parallel processing agreement is entered into with the Town. It shall be the responsibility of the applicant to determine whether approvals and/or permits are required. It is anticipated that these permits shall include but are not limited to San Francisco Bay Regional Water Quality Control Board (NCRWQCB) - 401 Water Quality Certification, and California Department of Fish and Wildlife (CDFW) - Streambed Alteration Agreement.
50. Affirmative Marketing Strategy. An Affirmative Marketing Strategy shall be developed and approved by the Planning Director prior to the issuance of Building Permit to raise awareness and encourage ADU rental applications from moderate-income households or lower-income households for the Project's ADUs. The Strategy shall: require marketing materials to include prominent use of Equal Housing Opportunity logos; include materials written in English and Spanish; include a marketing distribution plan that—in addition to the locations and events identified in the Marketing Strategy submitted for the Project in the entitlement application package—identifies specific destinations for advertising available ADU units with the intention of attracting applicants who work in local retail centers, schools, government, and the like for the purposes of reaching moderate and lower-income households. The strategy will ensure that moderate-income households, or other lower-income households (as defined by HUD for Marin County), shall be notified of the opportunity to lease the project's ADUs, and that moderate or lower-income households will be prioritized in the selection process for leasing accessory dwelling units to the maximum extent feasible. The strategy shall be implemented during the pre-leasing period, the initial leasing period, and on an ongoing basis if units are vacated and new leases are available. The strategy shall include maintaining a referral list of interested moderate-income and lower-income households to notify these households of unit availability on an ongoing basis. The Affirmative Marketing Strategy shall be submitted to the Planning Director for review and approval prior to implementation. The approved marketing strategy for the dwelling units shall be implemented and documentation shall be provided to the Planning Department for recordation in the property file.
51. Prohibition on Single Users for Primary Units and ADUs. On each lot, there shall be a distinct user or group of users for the primary residential unit and the accessory dwelling unit so that both units are occupied by different households in the structure (i.e. a single tenant may not reside in both the primary unit and the ADU). The purpose of the condition is to ensure that accessory units are made available to separate households and are not utilized as an extension of space for use by the users of the primary single-family unit.
52. Owner Occupancy Waiver. Prior to the issuance of an Occupancy Permit for any residence within the Preserve – Phase II, the property owner shall record a deed restriction such that if any of the subject lots are individually transferred or sold, or transferred or sold as a group of lots, the Town of Corte Madera owner-occupancy requirement for any Accessory Dwelling Units associated with the transferred or sold properties shall comply with owner occupancy requirements established in Municipal Code §18.31.050(2) (owner occupancy for primary unit or ADU) for those properties, unless the new property owner is able to provide equivalent or improved property management on-site in the same rental structure and in the same manner that upholds the conditions and mitigations

associated with the project.

53. Accessory Unit Rent Reporting. The property owner shall submit an annual report to the Planning Director identifying the rent levels for each accessory dwelling unit and that shows compliance with Condition 51, *Prohibition on Single Users for Primary Units and ADUs*.
54. Anti-Discrimination. The applicant shall not discriminate against prospective tenants' sources of income pursuant to Housing Element Policy H-1.2 and the Town of Corte Madera Anti-Discrimination Ordinance.
55. Short-Term Vacation Rental. A covenant shall be recorded with the County stating that the ADUs shall not be rented for less than 30 days.
56. ADU Interiors. Prior to the issuance of a Building Permit, construction drawings and plans for interior finishes must be provided that demonstrate accessory dwelling units are built to a similar interior design quality as the associated primary units.
57. ADU Facilities and Amenities Access. Occupants in ADUs shall have equivalent access to amenities, services, and facilities as the associated primary dwelling units.
58. Garage Articulation. Consistent with General Plan Policy CD-3.1 and Housing Element Policy H-3.2, greater articulation is needed for the proposed front facades of the residences in the Residences at Preserve subdivision to reinforce an active block frontage. The project plans shall be revised to include additional articulation on the garage doors for lots 1-3 and 8 through 12, including consideration of additional fenestration and detailing, for review and approval by the Planning Director.
59. Garages for Parking. Garage space in the any unit in the project shall be maintained in a condition to accommodate a vehicle for parking. Garages shall not be used exclusively for storage or other purposes, including but not limited to hobby space or home work spaces, such that the storage or other activities prevent a vehicle from utilizing the garage parking space. The applicant shall record a deed restriction for each unit that requires each resident in the subdivision to maintain their assigned garage in a manner which permits the parking of the number of cars for which the garage was designed. In addition, the deed restriction shall provide that, from 10:00 p.m. to 6:00 a.m. the following morning, each resident in the subdivision must park their vehicle in the garage built for their rental unit. For units that are served by assigned, uncovered parking spaces, residents of those units must park their vehicles in assigned spaces over the same overnight period.
60. Lot 6 and 7 Site Design. Prior to the issuance of a Building Permit, the structures on lot 6 and 7 shall be relocated to be placed closer to the private roadway with greater setback from Paradise Drive and additional landscaped screening shall be planted along Paradise Drive to the extent feasible considering wildfire risks at the site. The revised site and landscaping plan for these lots shall be submitted to the Planning Director for review and approval.
61. Utility Services. All utility services for the Project shall be connected and operational prior to the issuance of an Occupancy Permit.
62. Contribution to Paradise Drive Multi-Use Pathway. Prior to the issuance of a Certificate of Occupancy for any units in the Project, the applicant shall remit a fair-share monetary contribution to the Town to be used for the completion of the Paradise Drive Multi-Use Pathway along the south side of Paradise Drive from Upland Way to Robin Drive connecting to the Robin Drive intersection improvements identified in the Project MMRP. The fair share contribution shall be \$250,000.

63. Property Management. Property management shall be provided by an on-site property manager and facility that may include the existing property management office and operations at the adjacent Preserve at Marin apartment complex.
64. Screening Behind Lots 11-12. Provide vegetated privacy screening consistent with the Project's CEQA MMRP with respect to sensitive habitat restoration and preservation behind lots 11 and 12 to preserve privacy for the property at 15 Cibrian Drive. The property owner shall be required to regularly maintain the screening to ensure that the vegetation does not substantially impair primary views of Mount Tam and the Bay from the 15 Cibrian Drive rear yard swimming pool and patio, and west-facing windows in the residence. A view impairment shall be evaluated by the Planning Director and will consider evidence provided by the 15 Cibrian Drive and Project site property owners, and may be contingent upon a site visit to the Cibrian Drive property. The determination as to whether vegetation is substantially impairing primary views of Mount Tam and the Bay from the rear yard swimming pool and patio shall be determined at the sole discretion of the Corte Madera Planning Director.

PUBLIC WORKS

65. Maintenance Agreement. At the time of Building Permit submittal, the applicant shall enter into a maintenance agreement with the Town of Corte Madera Public Works Department regarding all work done between the property line and the edge of the pavement of the subject property.

TENTATIVE MAP, EASEMENTS, AND DEDICATIONS

66. Tentative Map. The tentative map shall comply with the requirements under Title 17 of the Corte Madera Municipal Code and all applicable Town policies, standards, codes, resolutions and ordinances. Final Parcel Map fees and technical review deposits shall be required at the time of the application submittal.
67. Easements Delineated. All easements shall be clearly defined on the Final Map, including those associated with private open space areas, public trails, rights-of-way, utilities, and other services. The necessary crossover access, parking, utility and drainage easements shall be identified for dedication on the Final Parcel Map.
68. Open Space. All property identified as "private open space" shall be clearly designated on the Tentative Map and Final Map as such. Prior to issuance of any Building Permit, a restriction shall be recorded with the County of Marin for all identified private open spaces to ensure that the property is exclusively used as private open space, is restricted from any non-open space use, and said restriction shall run with the land and be binding on successor property owners in perpetuity.
69. Trail Easement. Prior to the issuance of an Occupancy Permit, and if accepted by the County of Marin following its review of recreational, open space, and trails assets for Region 6—the Ring Mountain Preserve area—the property owner shall record a 10-foot wide public access trail easement on the upper portion of the lot to Ring Mountain Preserve on the location of the existing informal trail. The easement shall include an expanded landing area in which interpretive and educational materials for Ring Mountain Preserve may be established in partnership with the County of Marin in the future.
70. Dedications. The applicant shall satisfy the applicable requirements for any dedications of property or provisions of easements for street, storm drain, sanitary sewer, drainage, or access purposes as defined and approved by the Town or other agencies.

71. CC&Rs. In the event the applicant desires to convert any of the units in the project from rental units to for sale units, the applicant shall provide 90 days advance notice to the Town prior to the sale of any unit, and within said time period the applicant shall submit Conditions, Covenants, and Restrictions (CC&Rs). The CC&Rs shall include:
 - a. Requirements to ensure the appropriate management of parking, including guest parking.
 - b. Easements for all private open space areas identified in the Tentative Map and Final Map.
 - c. Defined rights of access rights to all common areas and shared facilities identified in the Tentative and Final Map.
 - d. Waste management standards, including the location of and access to waste receptacles, on lots with two units.
 - e. Maintenance declarations for all shared facilities (access, parking, water lines, storm drains, sewer lines, private roads, open space, and vegetation management plan, etc.).
 - f. An owner occupancy requirement consistent with Municipal Code §18.31.050(2), unless the waiver may continue to be applied to the property consistent with Condition 52.
72. Final Map. A Final Map shall be prepared, approved by Town for compliance with the approved Tentative Map and all conditions contained herein, and recorded.
73. Final Map Format. A copy of the recorded Final Parcel Map shall be submitted in a format compatible with the Town of Corte Madera Graphic Information System.

GRADING AND DRAINAGE

74. Grading and Drainage Permit. In accordance with §15.20.030 of the Municipal Code, the applicant shall obtain a Grading and Drainage Permit from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
75. Supervised Grading. Grading within this area will be subject to the requirements of §15.20.220 "Supervised Grading" of the Municipal Code if the construction schedule and scope requires a full time, or near-full time inspector for a period of a week or longer. A determination will be made by the Public Works Department at the time of the Grading and Drainage Permit.
76. Rainy Season Earthwork. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works.
77. Erosion and Sediment Control Permit. Earthwork operations will require an Erosion and Sediment Control Permit from the Public Works Department per Municipal Code §15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
78. Erosion Control Installation. Per Municipal Code §15.20.285, the applicant shall be required to post a security (cash deposit) to guarantee the timely installation of erosion control measures whenever the contractor fails to perform the required erosion control work or to perform it in a timely manner. Applicability of the security, which is based on the square footage of earthwork, will be determined at the time of Erosion and Sediment Control Permit.

79. Watercourse Alteration/Relocation Permit. Prior to issuance of a Building Permit, the permittee shall obtain a watercourse alteration/relocation permit from the Public Works/Engineering Department. The construction of any improvement within a watercourse will require a **Watercourse Alteration/Relocation Permit** from the Public Works Department per Municipal Code §9.32.060. All requirements for the watercourse permit shall be met, including notably Requirement 7: The Permittee shall submit written certification by an engineer duly licensed by the state that the proposed work will function properly, has not and will not impact any other properties, increase surface or subsurface drainage entering any other properties, deprive adjacent land of lateral support, cause slippage or excessive washing of earth or rock onto adjacent land and further that the design minimizes discharge of drainage from the property to the street/right-of-way to the minimum necessary. Further, at completion of the work and prior to acceptance, the applicant shall submit written certification by the same engineer that the completed work satisfies these and all other requirements of the permit.
80. Drainage Facilities. Where possible, drainage facilities shall be installed to collect roof drainage and surface water runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained storm drain system, natural drainageway, or approved on-site dispersal structure. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system (foundation, retaining wall, etc.) shall remain separate from the surface drainage system.
81. Storm Drainage Plans. Prior to issuance of a building permit, the applicant shall submit storm drainage plans, profiles and drainage calculations that follow all Town standards. The plans shall comply with storm water mitigation requirements under the current NPDES Phase II Permit for post-construction storm water discharge.
82. General Permit for Discharges. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit) from the California State Water Resources Control Board. This permit will require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project.
83. NPDES. Prior to issuance of a Building Permit the applicant shall provide a copy of the Notice of Intent to obtain coverage under and to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Phase II for Post-Construction Storm Water Discharges.

TRAFFIC

84. Traffic Detour Plans. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The detour plan shall comply with the State of California Manual of Traffic Controls for Construction and Maintenance Work Zones, and with standard construction practices.

WORK IN PUBLIC RIGHT-OF-WAY

85. Encroachment Permit. The applicant shall obtain an Encroachment Permit from Department of Public Works for all activities within, or use of, the public right-of-way per Municipal Code §12.04.040. Encroachments include but are not limited to all work in the right-of-way, placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications and the latest Town of Corte Madera Encroachment Permit Provisions. The permit shall be obtained prior to any work being performed within the Town right-of-way.
86. License Agreement. The private use of public property, public easements, or right-of-ways, and/or the construction of private improvements thereon, may be subject to review by the Town Council, and a License Agreement. To permit permanent encroachments on Town Property a License agreement will be required by the applicant and recorded with the County.
87. Compliance Verification. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Department of Public Works Director prior to final acceptance of the project.
88. The Robin Drive roadway between Paradise Drive and the terminus of Robin Drive, is in like-new condition, therefore, any damage or cuts to the roadway resulting from construction activities related to the project, shall be restored to similar like-new condition. Where excavations occur in the roadway, the pavement restoration patching will be reviewed by the Department of Public Works and will be required to extend either the full width of the road or centerline depending on the extents of the damage or severity.

SANITARY SEWER

89. Sanitary Sewer Plan. Prior to issuance of a building permit, the applicant shall submit a sanitary sewer drawing showing a plan and profile of the existing and proposed sewer mains and laterals. All work shall comply with Sanitary District No. 2 Standard Specifications and Drawings, latest edition, and any other special requirements, including additional sewer main replacement. The entire sanitary sewer system lying on private property, including but not limited to; private sewer laterals, mains, and manholes shall be the ownership and maintenance of the permittee
90. Sewer Design Calculations. Provide design calculations based on project build out for the existing sanitary sewer system. Show any pipe sizing changes and structure modifications required to accommodate the calculated increase in effluent flow.
91. Sewer Capacity. Provide capacity calculations on Paradise Drive Sanitary Sewer Pump Station. Show any modifications to the sewer pumps and /or changes to the structure required to accommodate the calculated increase in effluent.
92. Sanitary Sewer Permit. Prior to the issuance of a Building Permit, the applicant shall obtain a Sanitary Sewer Permit to be issued by Sanitary District No. 2 for all work associated with the sanitary sewer mains or laterals serving this property, including the installation of a backflow preventer device.

CONSTRUCTION OPERATIONS

93. Video Inspection. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
94. Damage Repair. Any damage to the street caused by heavy equipment or because of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
95. Bonding. Prior to the issuance of a Building Permit, a cash deposit of \$10,000 shall be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not be released until the project, including all landscaping, is completed and all required repairs have been made.
96. Stormwater Best Management Practices. Per Municipal Code §9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.
97. Utility Services Connected. All utility services for the dwelling units shall be connected prior to the issuance of any Occupancy Permits.

BUILDING DIVISION

98. Building Code Compliance. The project shall be designed to comply with the 2016 California Building Standards Codes. Note: The 2016 Buildings Standards Code Cycle will end on 12-13-2019 and the 2019 Building Standards Code Cycle will begin. The date of submittal for Building Permit will dictate the code cycle this project will fall under.
99. Green Building Code. Project plans submitted after December 31, 2018 shall be subject to the 2019 Building Code and all submittal requirements contained therein.
100. Alarm Systems. Smoke Detectors and Carbon Monoxide alarms shall be installed in the structure, as required by the 2016 California Residential Code.

FIRE DEPARTMENT

101. Address. Address numbers at least four (4) inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. Address numbers may only

be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched on by a breaker, so it will remain illuminated all night.

102. Fire Service Access. The fire apparatus road shall be in service prior to the delivery of combustible building material to the site.
103. Access and Roadway Requirements. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
104. Bridge Construction. Where a bridge or elevated service is part of the fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the live loads of fire apparatus. Vehicle load limits shall be posted at both entrances to the bridge.
105. Fire Hydrant Requirement. A fire hydrant or fire hydrants capable of flowing a minimum of 1,000 gallons per minute at a minimum pressure of 20 psi for the duration of at least 1-hour shall be installed and made serviceable prior to the delivery of combustible building material to the site. The fire hydrant or hydrants shall be able to reach every proposed residence within 350 feet.
106. Fire Sprinkler Requirement. A fire sprinkler system shall be installed throughout all the buildings, which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems.
107. Smoke Alarms. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
108. Carbon Monoxide Alarms. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.
109. Compliance with WUI Requirements. The project is in the Wildland Urban Interface Zone and shall comply with the fire-resistant provisions set forth in the California Residential Code (CRC) §R337.
110. Vegetation Management Plan Requirement. Projects located within a designated Wildland Urban Interface Zone "WUI" shall have a Vegetation Management Plan submitted to the Central Marin Fire Department for approval prior to the installation/planting of any landscaping. This shall be noted on the plans as a deferred submittal. The Vegetation Management Plan shall be approved and in place prior to Final Inspection.
111. Defensible Space Requirement. Prior to the commencement of construction, all dead and fire prone vegetation shall be removed from the site.
112. Undesirable Plants. Prior to the issuance of a Building Permit, all plant species that are listed on the Town's "Do Not Use Plant List" are to be removed from the proposed Landscape and Vegetation

Management Plans (VMP), including the Manzanita species identified in the VMP. Manzanita species are on the “Do Not Use Plant List” within any designated Wildland Urban Interface Zones. This plant species is not permitted and shall not be shown on the Landscaping Plans.