

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT ST., STE. 2000  
SAN FRANCISCO, CA 94105  
(415) 904-5260

F3.5a



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**ADMINISTRATIVE PERMIT NUMBER 2-07-023**

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**Applicant.....Rachel Krevans****Project location.....12,700 Sir Francis Drake Blvd., Inverness, Marin County (APN 114-072-10)****Project description ...Demolish and reconstruct a single-family residence on its existing footprint with 9 square feet of additional area and an attached hot tub, exterior staircase and 234-square feet of new decking. The minimum setbacks of the existing residence would not be revised and the maximum height would be reduced from 23.5 feet to 23 feet above existing grade. A photovoltaic array (twenty 32" x 62" panels) would be attached on the southern end of the roof or the southeast facing roof of the garage. Approximately 6,572 square feet of impervious asphalt driveway would be replaced with 3,070 square feet of decomposed granite (see Exhibit 2).**

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**NOTE:** Public Resources Code Section 30624 provides that this administrative coastal development permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

**April 11, 2008, 8 AM  
Santa Barbara County  
Board of Supervisors Chambers  
105 E. Anapamu Street  
Santa Barbara, CA 93101**

**IMPORTANT: Before you may proceed with development, the following must occur:** You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

**PETER DOUGLAS**  
Executive Director

**By: CHARLES LESTER**  
Senior Deputy Director

**EXECUTIVE DIRECTOR’S DETERMINATION:** THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR BELOW.

**ADMINISTRATIVE PERMIT CONTENTS**

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I. Standard Conditions..... 2  
II. Special Conditions ..... 2  
III. Executive Director’s Determination ..... 6  
IV. Findings for Executive Director’s Determination..... 6  
V. Acknowledgment of Permit Receipt/Acceptance of Contents..... 8  
VI. Exhibits  
    Exhibit 1: Location Map  
    Exhibit 2: Project Plans  
    Exhibit 3: Prunuske Chatham resource protection measures

**I. STANDARD CONDITIONS**

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1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**II. SPECIAL CONDITIONS**

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1. **Approved Project.** Subject to these standard and special conditions, the approved project is to demolish and reconstruct a single-family residence on its existing foundation platform with 9 square feet of additional area, modify the design of the residence resulting in new facades and rooflines, keep the minimum setbacks from the exterior walls of the existing residence, reduce the maximum height of the residence from 23.5 feet above existing grade to 23 feet above existing grade, add a

hot tub, exterior staircase and 234 square feet of new decking attached to the residence, remove approximately 6,572 square feet of impervious asphalt driveway and replace it with 3,070 square feet of decomposed granite driveway, and attach a photovoltaic array at the southern end of the roof, or the southeast facing roof of the garage as described in and shown on the architectural drawings by Michael Mitchell Design and Draughting (sheets 0 – 9 dated December 5, 2007 and received in the Commission's North Central Coast District Office January 2, 2008) and structural drawings by Michael Mitchell Design and Draughting (Sheets S1-S10 and SSW2 received in the Commission's North Central Coast District Office January 2, 2008 ( see Exhibit 2 "Project Plans").

- 2. Post-Construction Stormwater Pollution Prevention.** Appropriate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the developed site after completion of construction shall be incorporated into the project. These shall include, at a minimum, the BMPs specified below:

  - A.** A drainage emitter system installed to conduct roof runoff from roof gutter systems and downspouts away from structural foundations and to disperse runoff in lawn or landscaped areas. Emitters shall be sized according to downspout and watershed (roof area) size. Outfall and sheetflow shall be designed to disperse runoff onto vegetated areas or suitable landscaped.
  - B.** Where feasible, runoff from the driveway should be directed to natural drainage systems that allow for filtration.
  - C.** Native or noninvasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
- 3. Construction BMPs.** Appropriate best management practices shall be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. The construction areas shall be delineated with fencing and markers to prevent land-disturbing activities from taking place outside of these areas. These measures shall include:

  - A.** Limiting the extent of land disturbance to the minimum amount necessary to construct the project;
  - B.** Designating areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis;
  - C.** Providing for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in any runoff from construction, staging, and storage/stockpile areas;
  - D.** Incorporating good construction housekeeping measures, including the use of dry cleanup measures whenever possible;
  - E.** Collecting and filtering cleanup water when dry cleanup methods are not feasible;
  - F.** Cleaning and refueling construction equipment at designated offsite maintenance areas, and;
  - G.** The immediate clean-up of any leaks or spills;

**H. Controlling dust**

**4. Avoidance of special-status species and sensitive resources described in the Prunuske Chatham Biological Resources Evaluation.** All resource protection and avoidance measures 1 – 7 described in the Prunuske Chatham, Inc. Biological Resources Evaluation Dated December 2007 page 15 shall be implemented (See Exhibit 3).

**5. California Red-Legged Frog (CRLF) and Northwestern Pond Turtle (NWPT) Avoidance Measures.** The following avoidance measures shall be implemented:

- A.** No more than two-weeks prior to the commencement of any construction or earthmoving activities on the site, a qualified biologist or biological monitor, approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, shall establish wildlife exclusion fences surrounding the entire building envelope, staging area, and anywhere the ground will be disturbed. A gate may be installed to allow entrance/exit of construction vehicles and staff as needed, however an exclusion fence shall be placed across the gate area/entry way at the end of each work day to prevent frogs or turtles from entering. Fencing shall be a minimum of 36 inches above ground level and buried 4-6 inches into the ground. Fencing should have one-way escape funnels and should remain intact for the entire duration of development activities. Fencing may be made of plywood or erosion mesh but shall not be made of orange construction fencing or anything with larger holes as this may trap listed species. Fencing shall be inspected for any rips or other malfunctions once per week during all phases of construction activity (see Special Condition No. 5(D) and (E) below). Results of this monitoring shall be written in a weekly log and submitted to the Executive Director on a quarterly basis. Upon completion of the proposed project all traces of fencing should be removed and properly disposed of off-site.
- B.** If applicable, after the establishment of fencing but prior to the start of any construction activities, grass and vegetation within this area shall be removed via belt driven weedwacker to a two- to four-inch height.
- C.** Immediately after grass clipping, the approved biologist shall perform preconstruction surveys of the area to determine if the CRLF or NWPT occur in or adjacent to the wildlife exclusion fencing. If any listed species are found, before any construction or earthmoving activities may commence, the permittee shall consult with U.S. Fish & Wildlife Service and California Department of Fish and Game to establish any additional avoidance measures designed to avoid take of these species. Preconstruction surveys shall be performed again immediately prior to the commencement of earthmoving activities commence to ensure the area is clear.
- D.** Once per week throughout the duration of ground disturbance activities, the approved biologist shall conduct a walk-through of the construction site to verify the integrity of the exclusion fence and to check the construction site for the presence of CRLF and NWPT. Results of this monitoring shall be written in a weekly log and submitted to the Executive director on a quarterly basis. Construction may not commence until the biologist has notified construction personnel that the site is free of CRLF and NWPT and that construction activities may proceed;

- E.** Prior to the start of any construction or earth-moving activities on the site, the approved biologist shall conduct a worker education program. All workers, including, but not limited to earth moving heavy equipment operators, shall be informed of the potential presence of the CRLF and NWPT, their protected status, work boundaries, and measures to be implemented to avoid the incidental take of CRLF and NWPT. The approved biologist shall specifically train a designated “fence monitor” on construction crew how to inspect the wildlife exclusion fence for the time period after earth-moving activities have concluded and the approved biologist is no longer required to inspect the site on a weekly basis. The trained fence monitor shall inspect the fence on a weekly basis from the conclusion of earthmoving activities throughout the duration of the project, and the fence shall be repaired as necessary construction may not recommence until the designated monitor has notified construction personnel that the integrity of the fence is not compromised. Results of this monitoring shall be written in a weekly log and submitted to the Executive director on a quarterly basis.
  - F.** If CRLFs and NWPTs are observed before or during construction activities, all development activities shall cease until the applicant has consulted with the U.S. Fish & Wildlife Service and California Department of Fish and Game to establish any additional avoidance measures designed to avoid take of these species. Under no circumstances will anyone else but a CDFG or U.S. FWS-approved-biologist be allowed to handle these species.
  - G.** Heavy equipment operators and construction workers shall be informed of the location of wetland habitats, riparian habitats, and ephemeral drainages on the parcel and instructed to avoid entry into any wetland or riparian habitat areas on the parcel;
  - H.** During construction, all holes shall be covered at the end of each day to prevent CRLF from taking cover in holes on the construction site;
  - I.** Food and food-related trash items associated with construction works shall be enclosed in sealed containers and regularly removed from the project site to deter potential predators of CRLF;
  - J.** Pets shall not be permitted on the construction site;
  - K.** All staging areas and all fueling and maintenance of vehicles and other equipment shall take place at least 100 feet from any wetland and ephemeral drainage areas;
  - L.** Parking areas shall be clearly delineated and enforced;
  - M.** A sign shall be posted on the driveway directing construction personnel to the designated parking area and warning them to drive slowly to avoid frogs, turtles, and other wildlife.
- 6. Northern Spotted Owl (*Strix occidentalis caurina*) Avoidance Measures.** All construction work shall occur outside the Northern spotted owl nesting season (February – July) to the maximum extent feasible. If construction must commence or extend into the nesting season, pre-construction surveys shall be conducted by a U.S. Fish and Wildlife Service approved biologist, utilizing accepted U.S. Fish and Wildlife Service survey protocols. If any Northern Spotted Owls are detected within 500-feet of the construction site, the Executive Director shall be notified, and work may not commence or continue until the young have fledged and the owls have moved out of the area.

7. **Construction Materials Disposal.** All material and debris generated as a result of project construction shall be disposed of at an authorized disposal location.
8. **Exterior Lighting.** There shall be no exterior night lighting around the residence, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting fixtures shall be shielded so that neither the lamp nor the related reflectors are visible from public viewing areas.
9. **Building Materials.** Non-reflective, earth tone materials shall be used on all surfaces (siding, roofing, chimney, gutters, etc.) except for the window and door frames, which is to be white, to prevent the detection of glare or light reflection to ensure that the development blends well into the surrounding rural environment.

### **III. EXECUTIVE DIRECTOR'S DETERMINATION**

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The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

### **IV. FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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#### **1. Project Location**

The proposed development is located on the western shore of Tomales Bay just south of the town of Inverness in western Marin County. The property borders coastal salt marsh habitat along the eastern property line, a perennial stream along the south, an ephemeral swale to the north, and Sir Francis Drake Blvd. to the west. The site is developed with an existing 1,800 square foot single family residence. The proposed building envelope and existing structures are set back 100-feet from the edge of the wetland.

#### **3. Project Description**

The applicant proposes to demolish and reconstruct a single-family residence on its existing foundation platform with 9 square feet of additional area. Modifications would be made to the design of the residence resulting in new facades and rooflines. The minimum setbacks from the exterior walls of the existing residence would not be revised and the maximum height of the residence would be reduced from 23.5 feet above existing grade to 23 feet above existing grade. A hot tub, exterior staircase and 234 square feet of new decking would be constructed attached to the residence. A photovoltaic array would be attached on the southern end of the roof. Approximately 6,572 square feet of impervious asphalt driveway would be removed and replaced with 3,070 square feet of decomposed granite driveway (see project plans in Exhibit 2).

#### **4. Coastal Act Consistency**

The main issues raised by this application are consistency with the wetlands, watershed/character, environmentally sensitive habitat area (ESHA), and water quality policies of the Coastal Act (Sections 30233, 30251, 30240, and 30231). As proposed, all development would be located 100-feet away from the edge of the wetland and other riparian areas. No development would occur within the wetland or riparian areas. As proposed and conditioned, during and post construction Best Management Practices (BMPs) will prevent impacts to the water quality of Tomales Bay. In addition, approximately 6,572 square feet of impervious asphalt driveway would be removed and replaced with 3,070 square feet of decomposed granite driveway, adding further benefit to the water quality. The existing residence is visible from Sir Francis Drake Blvd, but there is a large open yard area affording tremendous views to Tomales Bay. The new residence, would be located in the exact footprint of the existing residence and would be the same height, resulting in no impacts to the watershed. The photovoltaic array on the southern end of the new roof would be screened by a raised parapet on the southern half of the building. The alternate location for the solar array would be on the south facing roof of the garage. This location would have no view impacts from across the Bay or from the road. The garage would be screened from view across the Bay by the new proposed home, and is barely visible from Sir Francis Drake Boulevard due to the existing thick stand of vegetation. Furthermore, the southeast facing garage roof faces away from the road. The wires would run underground from the garage to the main house for both solar panel alternatives. As conditioned and proposed in the biological resources evaluation, impacts to existing and potential sensitive wildlife species, such as Northwestern Pond Turtle, California Red Legged Frog, and Northern Spotted Owl, would be avoided. All proposed landscaping and re-seeded areas would consist of native plants local to the area.

As conditioned and proposed by the applicant, the proposed project would result in no impacts to wetlands, ESHAs, visual resources, or water quality, consistent with the Coastal Act.

## **5. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding administrative coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

**V. ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

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I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Signature of Applicant (Rachel Krevans)

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Date of signing





Address **12700 Sir Francis Drake Blvd  
Inverness, CA 94937**

Get Google Maps on your phone  
Text the word "GMAPS" to 466453


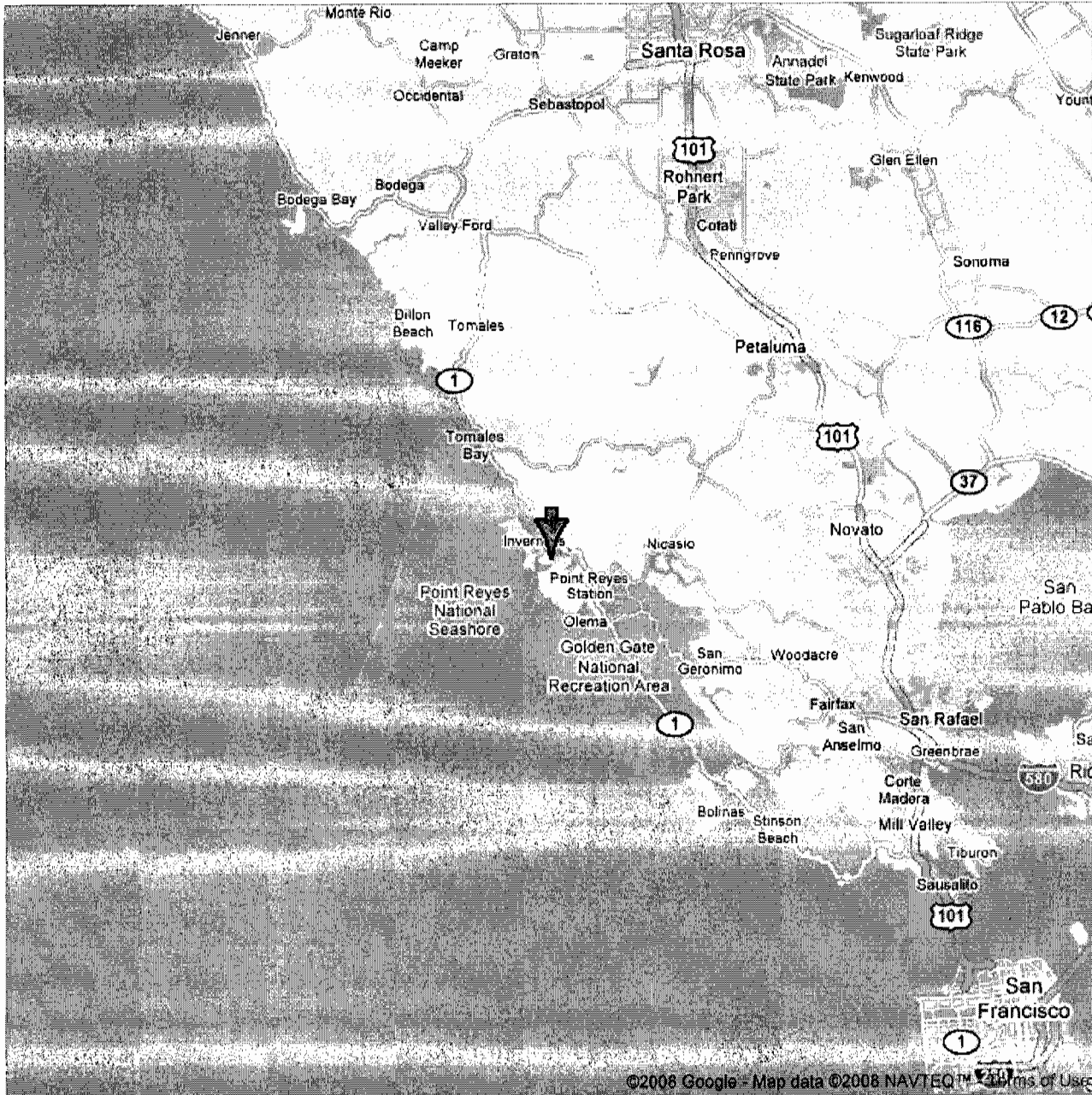



Exhibit No. 1  
Application No. 2-07-023 (KREVANS)

Location Map

**Best Management Practices**

1. **Site Preparation**

2. **Site Stabilization**

3. **Site Erosion Control**

4. **Site Sedimentation Control**

5. **Site Pollution Control**

6. **Site Maintenance**

7. **Site Decommissioning**

8. **Site Rehabilitation**

9. **Site Monitoring**

10. **Site Reporting**

11. **Site Record Keeping**

12. **Site Training**

13. **Site Safety**

14. **Site Security**

15. **Site Access**

16. **Site Egress**

17. **Site Evacuation**

18. **Site Emergency Response**

19. **Site Incident Investigation**

20. **Site Corrective Action**

21. **Site Closure**

22. **Site Final Inspection**

23. **Site Final Report**

24. **Site Final Review**

25. **Site Final Approval**

**Best Management Practices**

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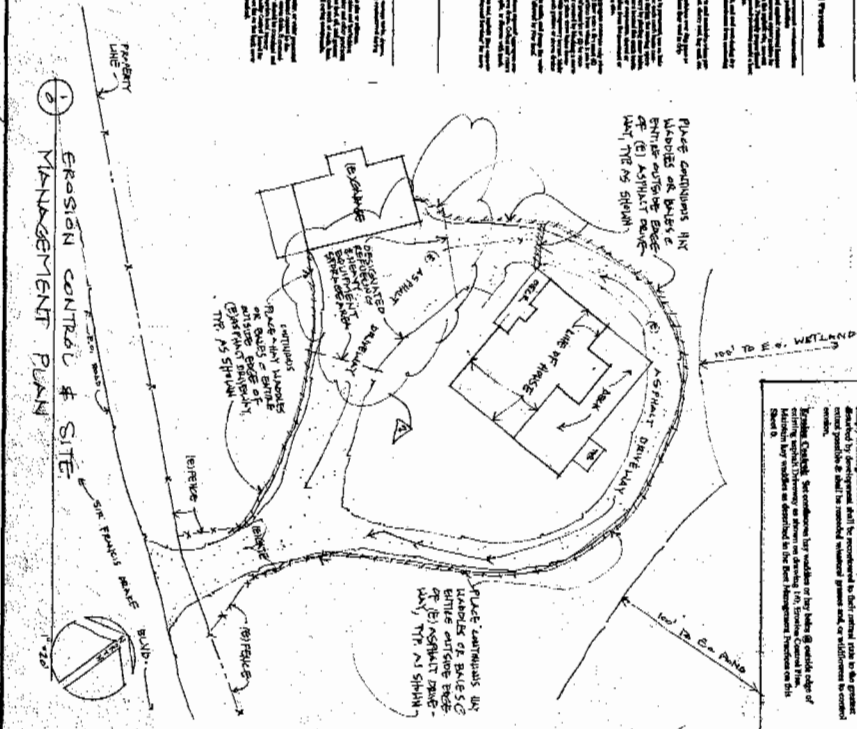
21. **Site Closure**

22. **Site Final Inspection**

23. **Site Final Report**

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**Practices Checklist**

1. **Site Preparation**

2. **Site Stabilization**

3. **Site Erosion Control**

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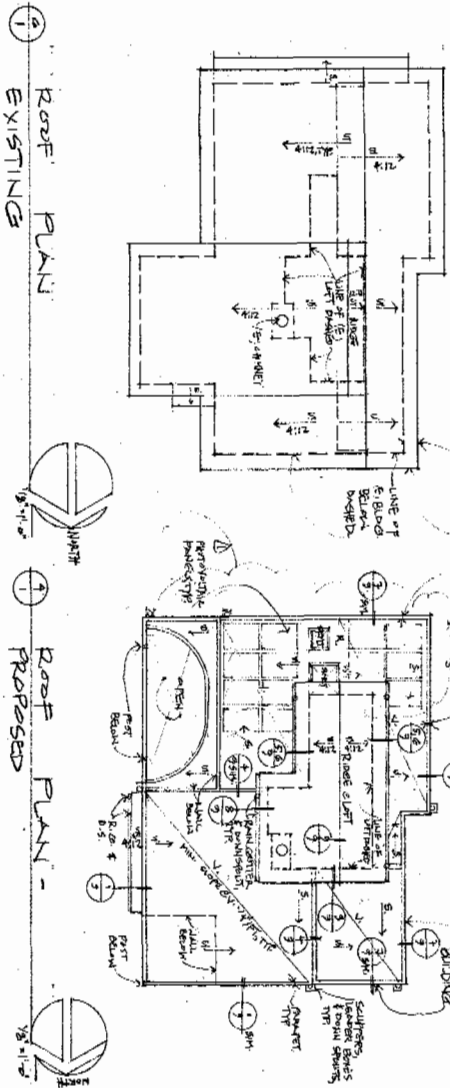
23. **Site Final Report**

24. **Site Final Review**

25. **Site Final Approval**

REMODEL EXISTING HOME FOR MICHEL KREYANS FOR FRANCIS DRAE BLD 12345 ZYZZNESS CALIFORNIA

3/14/08



**TITLE SHEET**

Project Name: [Illegible]

Client: [Illegible]

Architect: [Illegible]

Scale: [Illegible]

Sheet No: [Illegible]

Project Location: [Illegible]

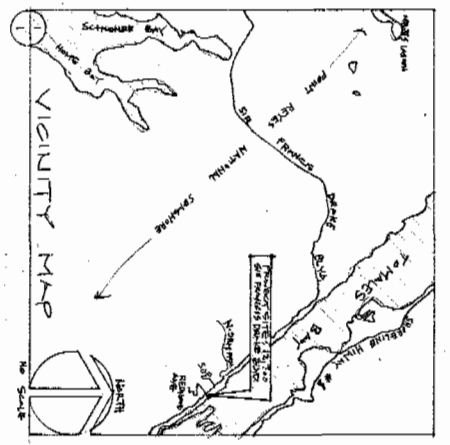
Project Description: [Illegible]

Site Plan: [Illegible]

Foundation Plan: [Illegible]

Structural Details: [Illegible]

Notes: [Illegible]



**PROJECT INFO**

1. Site

2. Building & Construction

3. Foundation

4. Structural

5. Mechanical

6. Electrical

7. Plumbing

8. Fire Protection

9. Other

10. Total

11. Total

12. Total

13. Total

14. Total

15. Total

16. Total

17. Total

18. Total

19. Total

20. Total

EXISTING DOUBLE COVERED DECK, & STAIRS

TOTAL FLOORING MATERIALS, STAIRS & TIE TUBS... 1993

EXISTING DOUBLE COVERED DECK, & STAIRS

TOTAL FLOORING MATERIALS, STAIRS & TIE TUBS... 1993

EXISTING DOUBLE COVERED DECK, & STAIRS

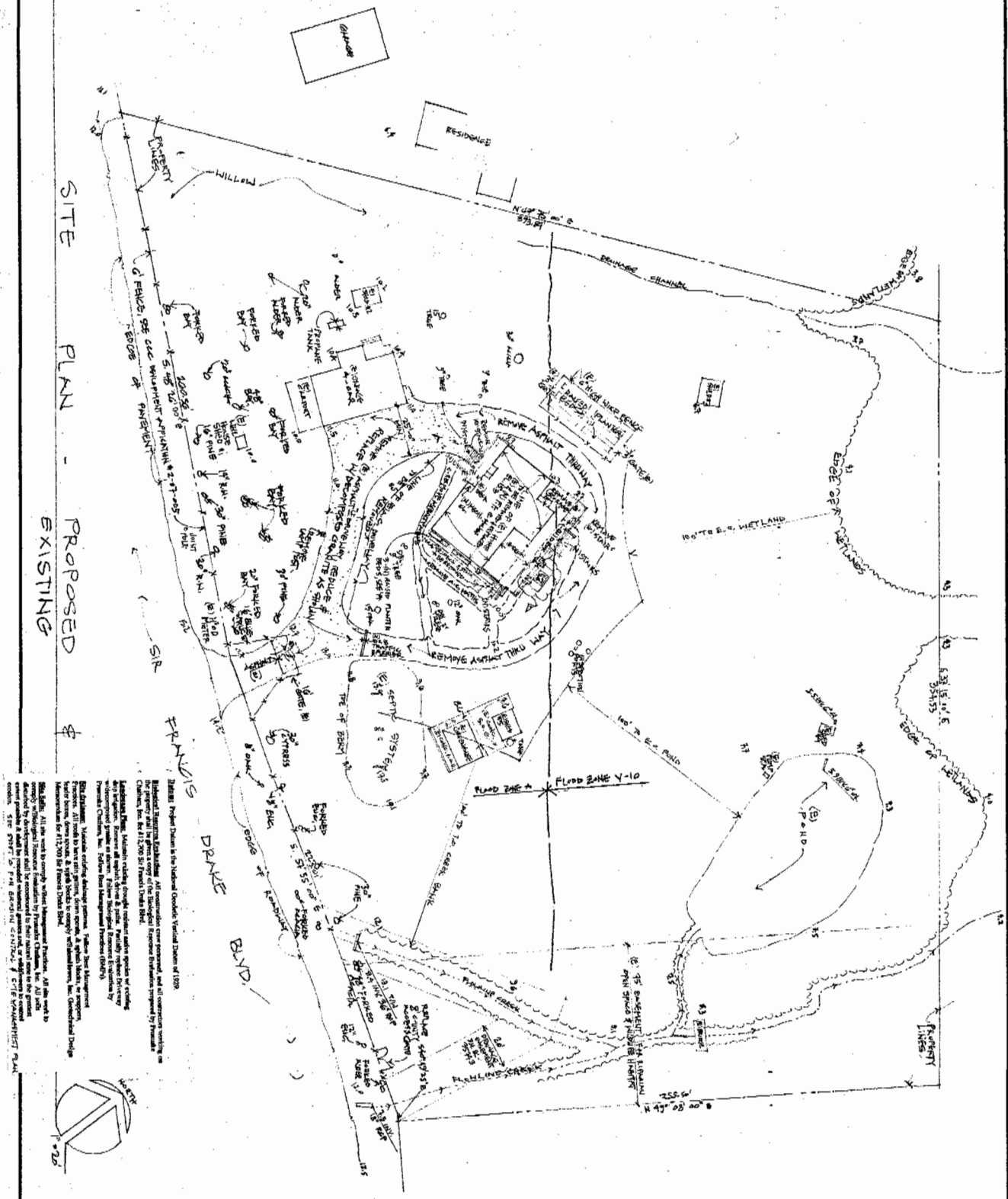
TOTAL FLOORING MATERIALS, STAIRS & TIE TUBS... 1993

REMODEL EXISTING HOTEL FOR  
2300 STRAVER DRIVE BLDG 2010  
SPRINT CENTER

MICHAEL MITCHELL DESIGN & ARCHITECTURE  
FOR THE PROJECT  
DATE: 03/28/08

2

SITE PLAN - PROPOSED & EXISTING



**NOTES:**

1. All site work to comply with the National Flood Insurance Act of 1968.
2. All site work to comply with the National Flood Insurance Act of 1968.
3. All site work to comply with the National Flood Insurance Act of 1968.
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9. All site work to comply with the National Flood Insurance Act of 1968.
10. All site work to comply with the National Flood Insurance Act of 1968.

Exhibit No. 2  
Application No. 2-07-023 (KREVANS)

Project Plans

REMODEL EXISTING HOME FOR:  
MICHELLE KREVANS  
1278 SIR FRANCIS DRAKE BVD., #1010  
ZVORNICH, CALIFORNIA

MICHAEL MITCHELL  
DESIGN &  
CONSTRUCTION  
1515 15th St  
San Francisco, CA  
(415) 868-0492

EXISTING FLOOR PLAN

EXISTING LOFT (1904)

REMOVE (E) DECK C SOUTH SIDE HOUSE

EXISTING FLOOR PLAN (1904)

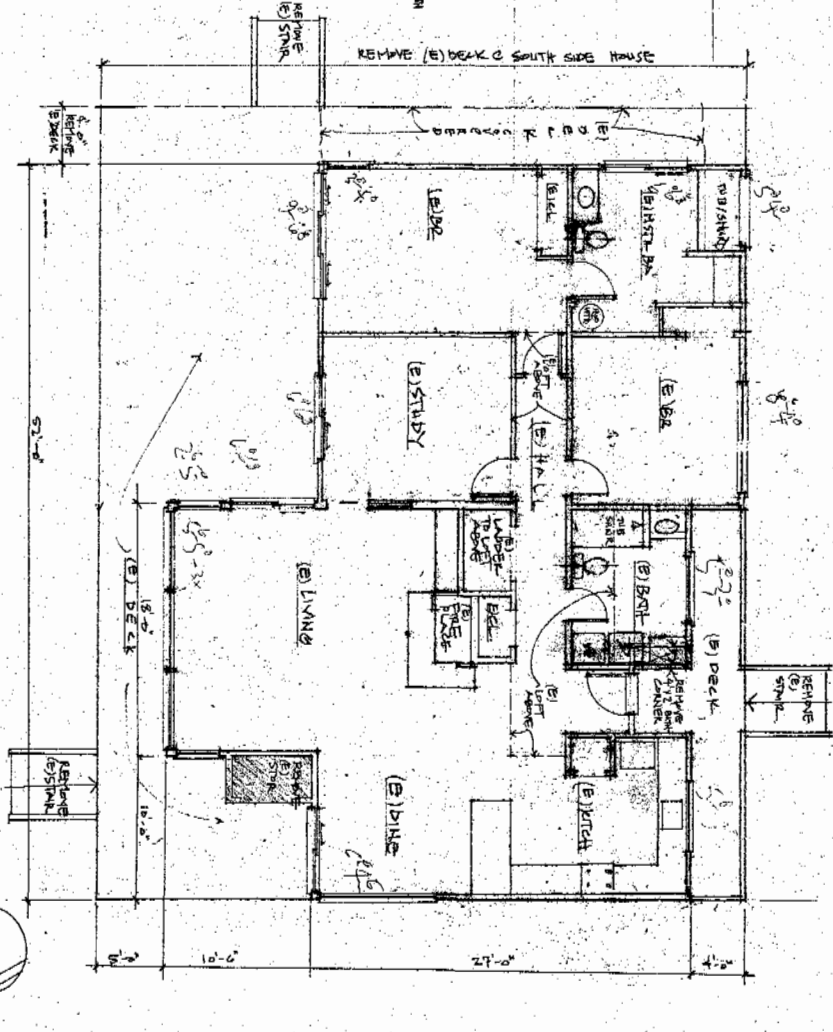


Exhibit No. 2  
Application No. 2-07-023 (KREVANS)

Project Plans

REMODEL EXISTING HOME FOR:  
RACHEL KREVANS  
12700 SIR FRANCIS DRIVE, BLDG. 1, P.O. BOX 072-16  
LYERNESS, CALIFORNIA

MICHAEL MITCHELL  
DESIGN & PLANNING  
P.O. BOX 8888  
SAN FRANCISCO, CA 94118  
(415) 868-8888

















SECTION 1: GENERAL INFORMATION
PROJECT TITLE: REVANS RESIDENCE
PROJECT ADDRESS: 2700 SIR FRANCIS DRAKE BLVD, INVERNESS, CALIFORNIA 94947
OWNER: REVANS, INC.
DATE: 01-11-11

SECTION 2: PROJECT DESCRIPTION
GENERAL NOTES:
1. THIS PROJECT IS A SINGLE-FAMILY RESIDENCE.
2. THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CALIFORNIA ENERGY EFFICIENCY ACT (CEEA) AND THE CALIFORNIA GREEN BUILDING ACT (CGBA).

SECTION 3: ENERGY EFFICIENCY MEASURES
3.1. ENERGY STAR RATED APPLIANCES:
3.2. ENERGY STAR RATED WATER HEATER:
3.3. ENERGY STAR RATED LIGHTING:
3.4. ENERGY STAR RATED THERMISTERS:

SECTION 4: MECHANICAL SYSTEMS
4.1. MECHANICAL SYSTEMS:
4.2. MECHANICAL SYSTEMS:
4.3. MECHANICAL SYSTEMS:

SECTION 5: ELECTRICAL SYSTEMS
5.1. ELECTRICAL SYSTEMS:
5.2. ELECTRICAL SYSTEMS:
5.3. ELECTRICAL SYSTEMS:

SECTION 6: PLUMBING SYSTEMS
6.1. PLUMBING SYSTEMS:
6.2. PLUMBING SYSTEMS:
6.3. PLUMBING SYSTEMS:

SECTION 7: HEATING AND COOLING SYSTEMS
7.1. HEATING AND COOLING SYSTEMS:
7.2. HEATING AND COOLING SYSTEMS:
7.3. HEATING AND COOLING SYSTEMS:

SECTION 8: INSULATION SYSTEMS
8.1. INSULATION SYSTEMS:
8.2. INSULATION SYSTEMS:
8.3. INSULATION SYSTEMS:

SECTION 9: WINDOW AND DOOR SYSTEMS
9.1. WINDOW AND DOOR SYSTEMS:
9.2. WINDOW AND DOOR SYSTEMS:
9.3. WINDOW AND DOOR SYSTEMS:

SECTION 10: VENTILATION SYSTEMS
10.1. VENTILATION SYSTEMS:
10.2. VENTILATION SYSTEMS:
10.3. VENTILATION SYSTEMS:

SECTION 11: FINISHES AND MATERIALS
11.1. FINISHES AND MATERIALS:
11.2. FINISHES AND MATERIALS:
11.3. FINISHES AND MATERIALS:

SECTION 12: OTHER REQUIREMENTS
12.1. OTHER REQUIREMENTS:
12.2. OTHER REQUIREMENTS:
12.3. OTHER REQUIREMENTS:

SECTION 13: SIGNATURES AND APPROVALS
13.1. SIGNATURES AND APPROVALS:
13.2. SIGNATURES AND APPROVALS:
13.3. SIGNATURES AND APPROVALS:

SECTION 14: ADDITIONAL NOTES
14.1. ADDITIONAL NOTES:
14.2. ADDITIONAL NOTES:
14.3. ADDITIONAL NOTES:

SECTION 15: REVISIONS
15.1. REVISIONS:
15.2. REVISIONS:
15.3. REVISIONS:

SECTION 16: CONTACT INFORMATION
16.1. CONTACT INFORMATION:
16.2. CONTACT INFORMATION:
16.3. CONTACT INFORMATION:

SECTION 17: LEGAL DISCLAIMER
17.1. LEGAL DISCLAIMER:
17.2. LEGAL DISCLAIMER:
17.3. LEGAL DISCLAIMER:

SECTION 18: PROJECT SUMMARY
18.1. PROJECT SUMMARY:
18.2. PROJECT SUMMARY:
18.3. PROJECT SUMMARY:

SECTION 19: PROJECT CONTACTS
19.1. PROJECT CONTACTS:
19.2. PROJECT CONTACTS:
19.3. PROJECT CONTACTS:

SECTION 20: PROJECT HISTORY
20.1. PROJECT HISTORY:
20.2. PROJECT HISTORY:
20.3. PROJECT HISTORY:

SECTION 21: PROJECT FUTURE
21.1. PROJECT FUTURE:
21.2. PROJECT FUTURE:
21.3. PROJECT FUTURE:

SECTION 22: PROJECT LEGAL
22.1. PROJECT LEGAL:
22.2. PROJECT LEGAL:
22.3. PROJECT LEGAL:

SECTION 23: PROJECT APPENDICES
23.1. PROJECT APPENDICES:
23.2. PROJECT APPENDICES:
23.3. PROJECT APPENDICES:

REVANS RESIDENCE
2700 SIR FRANCIS DRAKE BLVD.
INVERNESS, CALIFORNIA

TITLE-24 ENERGY COMPLIANCE

EnergyWest

4050 Harlan Street, Emeryville California 94608
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Exhibit No. 2
Application No. 2-07-023 (KREVANS)

### Special-status Bat and Fish Species

In addition to the above-mentioned species, the background literature search identified the potential presence of a number of special-status bat and fish species, including pallid bat, Townsend's big-eared bat, silver-haired bat, horray bat, western red bat, tidewater goby, Tomales roach, coho salmon - central California ESU, and steelhead - central California coast ESU.

According to the CNDDDB, there are historical sightings (1950s) for horray, silver-haired, and pallid bats within the greater Inverness area. There are no recently reported sightings. Within the immediate work area, suitable habitat is not present. Bats may forage over the site and utilize the adjacent habitats for roosting. Work will occur during daylight hours, and impacts on bats or their habitat are unlikely.

Special-status fish species sightings are known for the Lagunitas and Olema Creek watersheds, which occur upstream of the project site. The stream channel on the project site does not support summer rearing habitat for fish; however, they may utilize the channel as a migratory corridor if suitable habitat occurs upstream. Work will occur outside of this area, and impacts on fish are unlikely. No fish were detected during the field survey.

### PROTECTED BIRD SPECIES

Under the Migratory Bird Treaty Act (MBTA), it is unlawful to take, kill, and/or possess migratory birds at any time or in any manner, unless the appropriate permits are obtained. Protections extend to active nests, eggs, and young birds still in the nest. Most bird species, with a few specific exceptions, are protected under this act. Construction activities (in work areas with suitable breeding habitat) during the breeding period, typically mid-March to mid-August in this region (RHJV 2004), could result in losses to these and other native wildlife species. All breeding birds should be protected in accordance with the following Recommendations.

### FINDINGS AND RECOMMENDATIONS

Construction activities at the project site will involve work in sensitive biological resource areas. The project site is known to support birds protected under the MBTA and northwestern pond turtles and Special Concern species. Special-status plant species may occur in habitats adjacent to the project site. To ensure impacts on special and sensitive resources are avoided or minimized, the following recommendations should be implemented:

1. The project site is known to support habitat for northwestern pond turtle, a California Special Concern species. Construction crew personnel and all contractors working on the property should be given a copy of the

Exhibit No. 3

Application No. 2-07-023 (KREVANS)

Prunuske Chatham Protection & Avoidance Measures

(Page 1 of 2)

- attached pond turtle handout. If turtles are encountered within the work area, a qualified biologist should be contacted and turtles moved out of the area. During daylight hours, use of the freshwater pond should be minimized to limit disturbance to basking turtles.
2. For all new construction, setbacks of 100 feet should be maintained around all wetland, swale, pond, and creek habitats.
  3. In the vegetable garden, the use of pesticides and herbicides should be avoided and the use of fertilizers limited to prevent runoff into sensitive habitats. Additional plantings of native species below the garden can help reduce nutrients flowing into the downstream marsh habitat.
  4. Nonnative, invasive plant species (e.g., *Vinca* on the slope below the vegetable garden) should be managed on the project site. When removed, revegetation with native trees, shrubs, herbs and grasses should occur to improve plant diversity and wildlife habitat.
  5. Hand labor should be used to control exotic and unwanted vegetation within and immediately adjacent to sensitive habitats. The use of chemical agents and mechanical equipment should be avoided. Only under extreme circumstances, and with regulatory approval, should herbicides be used to control unwanted species. Only herbicides that have been registered for use in an aquatic environment (e.g., Rodeo™) and on target vegetation should be used.
  6. Proper erosion control and other water quality Best Management Practices (BMPs) should be implemented to avoid sedimentation and disturbance into downstream and adjacent aquatic habitats.
  7. To avoid potential losses to nesting migratory birds protected under the MBTA, removal of vegetation and installation of piles and piers should occur outside of the critical breeding period (mid-March to mid-August). If activities must occur during the normal breeding season, work areas should be surveyed by a qualified biologist prior to commencing. If active nests are encountered, those areas plus a buffer area designated by the biologist should be avoided until the nests have been vacated. The buffer area should be 50 feet for small songbirds (e.g., warblers, sparrows) and 75 feet for larger birds (e.g., raptors, owls). (See Protected Bird Species section)