

MARIN COUNTY PLANNING DIVISION ADMINISTRATIVE DECISION Bradley & Kira Haas Trust et al. Design Review			
Decision:		Approved as conditioned	
Date:		April 5, 2024	
Project ID No:	P4537	Applicant(s):	Joseph Farrell of Farrell Architects Inc.
		Owner(s):	Bradley & Kira Haas Trust et al.
		Assessor's Parcel No(s):	143-640-05
		Property Address:	140 Churchill Lane, Novato
		Project Planner:	Easton Ehlers (415) 473-7023 easton.ehlers@marincounty.gov
		Signature:	<i>Easton Ehlers</i>
Countywide Plan Designation:		SF3 (Rural/Residential)	
Community Plan Area:		Not Applicable	
Zoning District:		A2-B4 (Agriculture, Limited District with the Minimum Lot Size "-B4" Combining District)	
Environmental Determination:		Categorically exempt, pursuant to CEQA Guidelines section 15301, Class 1	

PROJECT SUMMARY

The applicant requests Design Review approval to construct a new, 292-square-foot residential addition on a lot developed in Novato. The 292 square feet of proposed development would result in a floor area ratio of 11 percent on the 43,995-square-foot lot. The addition would reach a maximum height of 15 feet, two inches above the surrounding grade. The exterior walls of the addition would maintain the following distances: 138 feet from the northern front property line; 28 feet, one inch from the western boundary of Churchill Lane (an easement designated for access and utility purposes that functions as the eastern side property line for the purposes of determining minimum setbacks); 96 feet from the southern rear property line; and 102 feet, 10 inches from the western side property line. The project also includes other site improvements in the immediate

vicinity of the addition such as the construction of a wooden retaining wall and the installation of paver steps.

The proposed project requires Design Review approval consistent with Condition of Project Approval 20(F) of the Marin County Board of Supervisors Resolution 2002-105 which stipulates that all future development of Lots 1 through 6 within the Atherton Estates Subdivision requires Design Review approval. In addition, Design Review approval is required for the project pursuant to Marin County Code Section 22.42.020(B), as it involves an addition to the floor area of a residential structure that exceeds 3,500 square feet within a Conventional zoning district.

COUNTYWIDE PLAN CONSISTENCY

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

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

ATHERTON ESTATES SUBDIVISION CONSISTENCY

On July 23, 2002, the Marin County Board of Supervisors approved Resolution No. 2002-105: A Resolution Granting the Waterford Associates, LLC Appeal and Conditionally Approving the Atherton Estates Design Reviews and Second Unit Use Permits. The resolution contains “Conditions of Project Approval” that apply to future development of individual lots. The project would be consistent with Resolution 2002-105 for the following reasons:

- A. The project is consistent with Condition of Project Approval 1(b) because the new residential addition would be consistent with all development standards of the applicable A2-B4 zoning district relative to minimum lot size, setbacks from property lines, height, and floor area ratio.
- B. The project is consistent with Condition of Project Approval 16(a) because the exterior finishes for the new residential addition will not deviate from the subdued earth tone color palette and vehicular architectural styling previously approved for the primary residential unit, which were found to be in harmony with the rural character of the area.
- C. The project is consistent with Condition of Project Approval 16(b) because the new residential addition will incorporate exterior architectural details that replicate the vehicular architectural styling of the primary residential unit. These details include single-hung windows with upper sashes of varying dimensions, roof planes that extend beyond the exterior wall plane, decorative knee bracing at the confluence of certain roof planes, and shutters that emulate rudimentary construction practices typical of vehicular architecture and craftsmanship.
- D. The project conforms to Condition of Project Approval 16(c) because the new residential addition—where it exceeds the building footprint of the primary residential unit—employs a cross-gabled roof form with a moderate pitch that is complementary to the decumbent scale and compartmentalized roof forms of the primary residential unit. This satisfies the requirement to avoid massive, pitched roofs.
- E. The project complies with Condition of Project Approval 17(b) because the new residential addition is subject to Standard Condition 3 of the Marin County Uniformly Applied Conditions (2023), which is required for all discretionary development permits. This condition requires that all exterior lighting for the approved development must be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless it is necessary for safety purposes.

- F. The project complies with Condition of Project Approval 17(c) because the new residential addition will be subject to Conditions of Project Approval 6 and 7 of the Marin County Uniformly Applied Conditions (2023). These conditions require the installation of construction fencing to designate a tree protection zone for the protected-status valley oak (*Q. lobata*, 12-inch diameter at breast height) to the south of the project area.
- G. The project complies with Condition of Project Approval 17(d) because the new residential addition will be subject to Regulation 15 of the North Marin Water District. This regulation requires that new development within the water district's service area contain specific water-saving devices that meet certain efficiency requirements in order to receive water service. This satisfies the requirement to install "low-flow water-saving fixtures."
- H. The project complies with Condition of Project Approval 17(e) because the new residential addition will be subject to Marin County Code Title 19 (Building Code) that establishes green building requirements that meet or exceed all applicable mandatory measures of the 2022 California Green Building Standards Code (Title 24, Part 11) and 2022 California Energy Code (Title 24, Part 6) of the California Code of Regulations. This satisfies the requirement to implement the Building Energy Efficient Structures Today (Best) Practices in preparing the construction drawings for Building Permit approval
- I. The project conforms to Condition of Project Approval 20(a) because the new residential addition would not result in residential development that exceeds 5,500 square feet (inclusive of garage areas), the maximum building area as stipulated by this Condition of Project Approval for all lots within the Atherton Estates Subdivision.
- J. The project conforms to Condition of Project Approval 20(b) because the new residential addition would not cause the residential development on the lot to exceed one story or reach a maximum height exceeding 25 feet above grade, as stipulated by this Condition of Project Approval for Lots 1 - 4 of Atherton Estates Subdivision. The maximum height of the proposed addition is 15 feet, two inches above grade.

DEVELOPMENT CODE CONSISTENCY

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

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

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources and the character of the local community. Further, the exterior materials proposed for the development would complement the project design and the surrounding area. There are no standards provided in Chapter 22.14 that apply to the project.

- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed development would not encroach into any streets or pathways and would not detract from the appeal of the streetscape.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

ACTION

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

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

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Design Review approval authorizes the construction of a new 292-square-foot addition on a lot developed with a single-family residence in Novato. The 292 square feet of authorized development shall result in a floor area ratio of 11 percent on the 43,995-square-foot lot. The approved addition shall reach a maximum height of 15 feet, 2 inches above the surrounding grade. The exterior walls of the approved addition shall maintain the following distances: 138 feet from the northern front property line; 28 feet, 1 inch from the western boundary of Churchill Lane (an easement designated for access and utility purposes that functions as the eastern side property line for the purposes of determining minimum setbacks); 96 feet from the southern rear property line; and 102 feet, 10 inches from the western side property line. The approved development also includes other site improvements in the immediate vicinity of the addition, such as the construction of a wooden retaining wall and the installation of paver steps.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled “Addition/Remodel / Haas Residence,” consisting of 14 sheets prepared by Joseph

Farrell Architecture, received in final form on February 14, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2023" with respect to all of the standard conditions of approval, as well as Special Conditions 6 and 7, which apply to the protected-status valley oak (*Q. lobata*, 12-inch diameter at breast height) to the south of the project area.

VESTING

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

RIGHT TO APPEAL

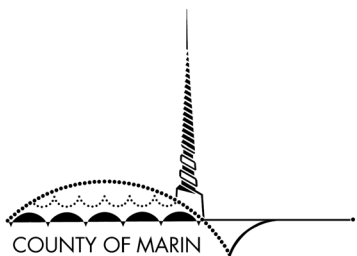
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (April 16, 2024).

cc: *{Via email to County departments and Design Review Board}*

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
North Marin Water District
Novato Sanitary District
Novato Fire Protection District

Attachments:

1. Marin County Uniformly Applied Conditions 2023



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

2023

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.