



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS , DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR
SPOOR COASTAL PERMIT AND DESIGN REVIEW**

Item No:	C3.	Application No:	CP 08-19, DM 08-23
Applicant:	William Kirsch	Owners:	Bob Spoor
Property Address:	10 Mc Donald Lane, Point Reyes	Assessor's Parcel:	119-111-29
Hearing Date:	January 31, 2008	Planner:	Veronica Corella, Assistant Planner
RECOMMENDATION:		Approve with Conditions	
LAST DATE FOR APPEAL:		5 working days to Planning Commission	
LAST DATE FOR ACTION:		February 6, 2008	

PROJECT DESCRIPTION:

The applicant, William Kirsch, on behalf of the owner Robert Spoor, has applied for Coastal Permit and Minor Design Review approval for construction of a new garage on the 2.1 acre parcel. Currently the site is developed with a 1,172 square foot single-family residence and a 1,296 square foot horse barn. The applicant is proposing a 504 square foot garage that would be 14 feet, 8 inches in height and would be located to the east of the residence, within 3 feet of the side (east) property line, and would be finished in similar materials and colors as the existing residence and garage.

GENERAL INFORMATION:

Countywide Plan:	C-AG3 (Coastal, Agricultural, 1 unit/1-9 acres)
Zoning:	C-ARP-2.0 (Coastal, Agricultural, Residential Planned, 1 unit/2 acres)
Lot size:	2.1 acres
Adjacent Land Uses:	Single-family residential
Vegetation:	Introduced landscaping and natural vegetation
Topography and Slope:	Gently sloped
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it entails constructing a new garage which will involve: a minimal amount of site grading, no tree removal and is not located within a sensitive habitat area.

DZA Staff Report
January 31, 2008
Item No. C3.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. No correspondence has been received in response to the public notice.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan, the Point Reyes Station Community Plan, and the Local Coastal Program Unit II. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is located on the south side of McDonald Lane at the intersection with State Route One. The property is developed with a single-family residence and a horse barn. The proposed garage would be located to the northeast of the residence, in the location of the existing shed which will be moved to the east of the residence. The garage will be approximately 46 feet from a swale that drains towards a culvert that crosses under Highway 1. In 2001 a biological assessment report was prepared for approval of the existing barn. The report evaluated the potential wetlands and riparian habitat on the site. It was found that the site did not meet the requirements for wetland determination and contained no positive hydrological indicators. In addition, after a review of the Natural Resources Map for Unit 1 of the Local Coastal Program and the California Natural Diversity Data Base, staff determined that the project site is not located in a sensitive habitat area.

The garage would be located 3 feet from the eastern property line with 20 McDonald Lane and approximately 350 feet from their residence. Furthermore, it is over 250 feet from other adjacent residences. Based on the substantial distance between adjacent neighbors staff finds that the garage will not significantly affect the light, views, or privacy of others. Furthermore, the garage would have a height, mass and bulk proportionately appropriate to the site, which will be in keeping with the surrounding community.

Based on staff's analysis of the Countywide Plan, Point Reyes Station Community Plan, and the Marin County Local Coastal Program - Unit 2, staff concludes that with the conditions of approval the project is minor in scope, and therefore would not result in significant impacts.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Spoor Coastal Permit and Minor Design Review.

- Attachments: 1. Proposed Resolution recommending approval of the Spoor Coastal Permit and Minor Design Review
- 2. CEQA Exemption
- 3. Location Map
- 4. Site Plan

5. Elevations
6. Wetland Research Associates, Inc, Biological Report 1/31/01
7. Department of Public Works – Land Development, memo sent 12/5/07
8. Environmental Health Services – Sewage, transmittal sent 11/30/07
9. North Marin Water District, letter sent 11/29/07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION CONDITIONALLY APPROVING THE SPOOR
COASTAL PERMIT AND DESIGN REVIEW
10 McDONALD LANE, POINT REYES
ASSESSOR'S PARCEL 119-111-29

SECTION I: FINDINGS

- I. WHEREAS The applicant, William Kirsch, on behalf of the owner Robert Spoor, has applied for Coastal Permit and Minor Design Review approval for construction of a garage on the 2.1 acre parcel. Currently the site is developed with a 1,172 square foot single-family residence and a 1,296 square foot barn. The applicant is proposing a 504 square foot garage that would be 14 feet, 8 inches in height and would be located to the east of the residence, within 3 feet of the side (east) property line and be finished in materials and colors similar to the existing residence. The subject property is located at 10 McDonald Lane, Point Reyes, and is further identified as Assessor's Parcel 119-111-29.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 31, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.

- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails constructing a new garage on a developed parcel that will result in a minimal amount of grading, no tree removal, and is not within a sensitive habitat area.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and Point Reyes Station Community Plan for the following reasons:
 - A. The project would conform to the governing development standards related to building height, size and location, and is considered a permitted use under the governing C-AG3 (Agricultural, 1 unit per 1-9 acres maximum density) land use designation.

 - B. The project would minimize soil disturbance and maximize retention of natural vegetation;

 - C. The project would comply with Marin County standards for geotechnical engineering and seismic safety, and include improvements to protect lives and property from hazard;

 - D. The project would comply with the Point Reyes Station Community Plan;

- E. The project would comply with governing development standards related to parking, grading and drainage as verified by the Department of Public Works; and
 - F. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit (Section 22.56.130 of the Marin County Code) because this project would meet the requirements and objectives of the Local Coastal Program, Unit II as specified below:
- A. **Water Supply**
North Marin Municipal Water District currently is currently servicing the subject property and the proposed project will not inhibit further service.
 - B. **Septic System Standards**
Environmental Health Service has approved of the application provided that the garage structure remains uninhabited space and a passing septic evaluation is provided prior to obtaining a building permit.
 - C. **Grading and Excavation**
Grading and excavation would be limited to the minimum amount necessary to accommodate the proposed foundation and would involve less than the threshold of 150 cubic yards established by the Local Coastal Program, Unit II.
 - D. **Archaeological Resources**
Review of the Marin County Archaeological Sites Inventory indicates that the subject property is not located in an area of archaeological sensitivity. The proposed project is not likely to disturb cultural resources because grading would be limited to minor trenching for foundation. However, conditions of project approval require that, in the event that cultural resources are uncovered during site preparation, all work shall be stopped immediately, and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate mitigation measures.
 - E. **Coastal Access**
The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project would not decrease the availability of housing stock in Inverness.

G. Stream Conservation Protection

The project site is not situated in an area subject to the streamside conservation policies as identified on the National Resources Map for Unit II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness Quadrangle of the United States Geological Survey.

H. Dune Protection

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat

The Natural Resources Map for Unit 1 of the Local Coastal Program indicates that the subject property is not located in any area containing rare or endangered wildlife. Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare, threatened, or endangered wildlife.

J. Protection of Native Plant Communities

The Natural Resources Map for Unit 1 of the Local Coastal Program indicates that the subject property is not located in any area containing rare or endangered plants. Review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is not located in the habitat area for rare, threatened, or endangered plant communities.

K. Shoreline Protection

This finding is not applicable. The project site is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards

The project site is not located within the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map.

M. Public Works Projects

The proposed project does not entail expansion of public roads, flood control projects, or utility services.

N. Land Division Standards

The subject parcel is a legal lot of record. No land division or property line adjustment is proposed as part of this project.

O. Visual Resources

The height, scale and design of the proposed structures are compatible with the character of the surrounding environment. In accord with Marin County Code Section 22.56.130(O), a recommended condition of approval requires that all utility lines serving the project site be placed underground.

P. Recreation/Visitor Facilities

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations.

Q. Historic Resource Protection

The project site is located outside of the historic preservation boundaries for Inverness as identified in the Marin County Historic Study for the Local Coastal Program.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Design Review (Section 22.82.040 of the Marin County Code) for the reasons listed below.

A. The proposed project is consistent with the findings cited above because the 504 square foot garage complies with all development standards of the governing C-ARP-2.0 zoning and is consistent with the goals and policies of the Point Reyes Station Community Plan, Local Coastal Program, and Countywide Plan.

B. The structure would not be visually prominent to adjacent properties and would not adversely affect the views, light or privacy of adjoining properties, and would respect the surrounding natural environment.

C. The proposed design of the structure will be in keeping with the surrounding vicinity and would not be unsightly or create substantial disharmony with the community.

D. Construction of the accessory structure would conform to a principally-permitted use in the zoning district which governs the subject property and would be situated solely on the subject property.

E. The proposed garage would have a height, mass and bulk proportionately appropriate to the site and would employ colors and materials that are similar to the existing residence.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Spoor Coastal Permit (CP 08-19) and Minor Design Review (DM 08-23) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Chapters 22.56 (Coastal Permit) and 22.82 (Design Review) of the Marin County Code, this Spoor Coastal Permit (CP 08-19) and Minor Design Review (DM 08-23) approves construction of a garage on the 2.1 acre parcel. Currently the site is developed with a 1,172 square foot single-family residence and a 1,296 square foot barn. The applicant is approved for a 504 square foot garage that will be 14 feet, 8 inches in height and will be located to the east of the residence, within 3 feet of the side (east) property line and finished in materials and colors similar to the existing residence. The subject property is located at 10 McDonald Lane, Point Reyes and is further identified as Assessor's Parcel 119-111-29.
2. EXCEPT AS MODIFIED BY THESE CONDITIONS OF APPROVAL, plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Mr. Robert Spoor," consisting of 2 sheet, prepared by William W. Kirsch, received November 6, 2007 and on file in the Marin County Community Development Agency, Planning Division.
3. Approved exterior building materials and colors shall substantially conform to the existing residence. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.
5. 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 by the Director. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded. The plans shall include a specification (cut sheet) that depicts details of all exterior light fixtures.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance demonstrating that the project qualifies for a "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines. The Building Permit shall include specifications demonstrating compliance with all construction-related measures that are used to meet the "Certified" or better rating.
7. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and

disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

8. All construction activities shall comply with the following standards:

Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

9. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

11. The applicant/owner hereby agrees to 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 (description of project being approved), for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.
13. BEFORE FINAL INSPECTION, the applicant shall submit a signed Statement of Completion confirming that the project has been constructed in compliance with all of the measures that were used to meet the "Certified" or better rating under the Marin Green Home: Remodeling Green Building Residential Design Guidelines.
14. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the side (east) property lines and install property line markers that can be readily verified by the Building and Safety Inspection staff to verify building setbacks and submit a written (stamped) confirmation to the Planning Division confirming that the staking of the property lines has been properly completed. In addition, it is recommended that the required setback lines be clearly marked by stakes similar to batter boards that are installed at the foundation corners. The requirement for new survey markers may be waived if proper survey markers already exist at the site and can be used by the Building and Safety Inspection staff to definitely measure building setbacks. Alternatively, the applicant may submit a written (stamped) confirmation from a licensed land surveyor or qualified civil engineer confirming the property line markers and the building setbacks to the front property lines based on the approved setbacks as shown on the Building Permit plans.

Department of Public Works, Land Development

15. PRIOR TO ISSUANCE OF A BUILDING PERMIT submit an Erosion and siltation Control Plan
16. PRIOR TO ISSUANCE OF A BUILDING PERMIT provide a drainage plan for the project
17. PRIOR TO ISSUANCE OF A BUILDING PERMIT note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that the driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

Environmental Health Service

18. PRIOR TO ISSUANCE OF A BUILDING PERMIT provide a passing septic evaluation.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED, that the applicant/owners must vest the Spoor Coastal Permit (CP 08-19) and Minor Design Review (08-23) approvals by obtaining a Building Permit for the approved work and substantially completing all approved work by January 31, 2009, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Sections 22.56.120 and 22.82.130 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency – Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 7, 2008.

SECTION : ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 31st day of January, 2008.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary