

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Perry Kerson
Application (type and number): Use Permit (UP 08-8)
Assessor's Parcel Number: 176-042-07
Project Location: 49 Martling Road, San Anselmo
For inquiries, please contact: Neal E. Osborne, Planner
Decision Date: January 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the January 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-14.

Marin County Community Development Agency

Jack Liebster
Hearing Officer

C1. USE PERMIT (UP 08-8): PERRY KERSON

Hearing proposing to legalize the as-built construction of two storage sheds and a proposal to construct new access stairs located within the 25-foot front yard area of a 22,000 square foot lot that is developed with a 2,077 square foot single-family residence, carport, and swimming pool. The total floor area of the proposed sheds would be 212 square feet for a combined total floor area of 2,289 square feet. As proposed, the floor area ratio (FAR) would be 10%. Shed 1 has 88 square feet of floor area and is located under an existing deck in the front of the existing single-family residence. The maximum height is 10 feet above grade. The property line setbacks are: 11 feet front (west), 26 feet side (northwest), 53 feet side (southeast), and 194 feet rear (northeast). Shed 2 has 124 square feet of floor area and is located under an existing carport deck. The maximum height is 11.5 feet above grade. The property line setbacks are: 9 feet front (west), 74 feet side (northwest), 16 feet side (southeast), and 226 feet rear (northeast). Use Permit approval for detached accessory structures is required to permit the storage sheds that would encroach 14 feet, and 16 feet, into the 25-foot front yard required for sheds pursuant to the R1:BD zoning and yard regulations in Marin County Code Sections 22.20.090 and 22.30.050. Use Permit approval is also required for the access stairs and landings that would be more than 1.5 feet above grade and would encroach 13 feet into the 19-foot front yard area required for stairs and landings. The proposed access stairs to Shed 1, and existing stairs to Shed 2, would extend across the front property line into the Martling Road right-of-way. The proposed construction of new stairs in the road right-of-way may be subject to Design Review and an Encroachment Permit, or Notice and Acknowledgement. The subject property is located at **49 Martling Road, San Anselmo**, and is further identified as **Assessor's Parcel 176-042-07**.

The Hearing Officer acknowledged receipt of additional comment letters from Darlene Tjon and Barry Orlando, neighbors, and Open Space District staff, and asked staff to summarize their concerns as stated in his supplemental memorandum dated January 31, 2008.

Staff responded by saying that Tjon and Orlando expressed opposition to legalization of the as-built sheds and access stairs because of adverse visual effects and potential increases in traffic hazards on a blind curve of Martling Road. Staff also received a telephone call from Matthew Elkins, neighbor, expressing concerns with the heights and locations of the fence and retaining walls along the common side property line shared with the Kersons. Staff is recommending modification to the retaining wall and fence so that they would be located entirely on the Kerson property, as recommended in new Conditions of Approval 6 (c) and 6 (d). Staff finds the stairs would not result in additional hazards to traffic on Martling Road and the stairs and shed would not result in adverse visual effects. The Department of Public Works will require an Encroachment Permit for those improvements in the right-of-way as a Condition of Approval, and determined that no additional traffic hazards would result from the project.

The public testimony portion of the hearing was opened.

Perry Kerson spoke, stating that he accepts all of the Conditions of Approval in the revised resolution.

The public testimony portion of the hearing was closed.

The Hearing Officer approved the Kerson Use Permit and Design Review, based on the Findings and subject to the Conditions set forth in the Resolution as modified.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION #08-102

A RESOLUTION APPROVING THE KERSON USE PERMIT AND DESIGN REVIEW

49 MARTLING ROAD, SAN ANSELMO

ASSESSOR'S PARCEL 176-042-07

SECTION 1: FINDINGS

- I. WHEREAS, Perry Kerson, on behalf of the owners, Perry and Cindy Kerson, submitted an application for Use Permit approval to legalize the as-built construction of two storage sheds and a proposal to construct new access stairs located within the 25-foot front yard area of a 22,000 square foot lot that is developed with a 2,077 square foot single-family residence, carport, and swimming pool. The total floor area of the proposed sheds would be 212 square feet for a combined total floor area of 2,289 square feet. As proposed, the floor area ratio (FAR) would be 10%. Shed 1 has 88 square feet of floor area and is located under an existing deck in the front of the existing single-family residence. The maximum height is 10 feet above grade. The property line setbacks for Shed 1 are: 11 feet front (west), 26 feet side (northwest), 53 feet side (southeast), and 194 feet rear (northeast). Shed 2 has 124 square feet of floor area and is located under an existing carport deck. The maximum height is 11.5 feet above grade. The property line setbacks for Shed 2 are: 9 feet front (west), 74 feet side (northwest), 16 feet side (southeast), and 226 feet rear (northeast). The subject property is located at 49 Martling Road, San Anselmo, and is further identified as Assessor's Parcel 176-042-07.
- 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(e) because the legalization of the construction of detached storage sheds, stairs, and retaining walls accessory to a single-family residence would not result in significant adverse environmental effects.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan because it would:
 - A. Provide improvements to existing housing developments on an infill site that is served by existing roadways, and necessary public and community facilities within the City Centered Corridor;
 - B. Cluster development below ridgelines while preserving existing mature vegetation;
 - C. Contribute to the diversity of housing stock for Sleepy Hollow residents;

- D. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services;
 - E. Minimize soil disturbance and maximize the preservation of natural vegetation; and
 - F. Provide consistency with the land use designation of SF4, Single-family residential, 1 unit to 2 units per acre.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the intent of the Sleepy Hollow Community Plan because the project would:
- A. Maintain the semi-rural character of the community as defined by its small town residential setting and the quality of the natural environment;
 - B. Provide for in-fill development under the deck areas that would be integrated harmoniously into the neighborhood character predominately; and
 - C. Enhance the quality of the neighborhood and the residence with the provision of enclosed storage space below the permitted deck and parking spaces on a steep upslope lot.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Use Permit (Marin County Code Section 22.48.040).

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

The 88 square foot storage shed below the attached front deck to the residence, and the 124 square foot storage shed below the detached parking deck would be subordinate to an existing 2,077 square foot residence. The detached storage sheds are permitted uses in the R1:BD zoning district pursuant to Marin County Code Section 22.10.030, Table 2-3. The accessory structures are allowed as conditional uses because of the location in the front yard pursuant to Marin County Code Section 22.20.090.C.2.c.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The use of the 88 square foot storage shed below the attached front deck to the residence, and the 124 square foot storage shed below the detached parking deck would be accessory to a residential use that is permitted in the SF4 land use designation in the Sleepy Hollow Community Plan. Conditions of approval would be required for the accessory structures so that they would comply with the Building Code requirements and thereby would be structurally safe, and would not create a detriment to the public welfare or be injurious to property or improvements in the neighborhood.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The use of the 88 square foot storage shed below the attached front deck to the residence, and the 124 square foot storage shed below the detached parking deck would be accessory to a residential use that is a class of project that is exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3(e) because it would not result in potentially adverse impacts regarding additional land disturbance, impermeable surface area, visual impacts, or noise.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The 88 square foot storage shed below the attached front deck to the residence, and the 124 square foot storage shed below the detached parking deck design, location, and size would fit into the neighborhood and would maintain adequate setbacks to neighboring properties to be compatible with existing and future land uses.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The use of the proposed accessory structures would be consistent with other development in the vicinity.

F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The 88 square foot storage shed below the attached front deck to the residence, and the 124 square foot storage shed below the detached parking deck would be required to comply with the Uniform Building Code requirements and thereby would be structurally safe, and would not create a detriment to the public welfare or be injurious to property or improvements in the neighborhood. Consequently the storage sheds would be structurally safe, and would not create a detriment to the public welfare or be injurious to property or improvements in the neighborhood.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project components located within the Martling Road right-of-way, is consistent with the mandatory findings to approve a Design Review (Marin County Code Section 22.42.060).

A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood.

The proposed access stairs and garage can storage pad that encroach into the road right-of-way 4 feet would provide access to the residence on a steep 67% up slope lot that begins 6 feet from the edge of existing pavement. The access stairs and garage can storage pad would have no adverse visual impacts to the neighborhood.

- B. The proposed development will not impair, or substantially interfere with the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way.**

The proposed access stairs and garbage can storage pad would not interfere with guest parking spaces along the frontage of the property and would not impair development in the neighborhood.

- C. The proposed development will not directly, or cumulatively, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way.**

The proposed access stairs and garbage can storage pad would not impair improvements in the vicinity.

- D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources.**

The proposed parking access stairs and garbage can storage pad would not interfere with landscaping, would maintain trees and natural resources while providing improved access to the front of the residence.

- E. The proposed development will comply with applicable design and location characteristics listed in Chapter 22.16 (Planned District Development Standards).**

The proposed access stairs and garbage can storage pad would comply with the parking and driveway requirements of Marin County Code and would be compatible with the neighborhood character.

- F. The proposed development will minimize or eliminate adverse physical or visual effects that might otherwise result from unplanned or inappropriate development, design, or placement. Adverse effects include those produced by the design and location characteristics of the following:**

- 1. The area, heights, mass, materials, and scale of the structure.**
- 2. Drainage systems and appurtenant structures.**
- 3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads).**
- 4. Areas, paths, and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft.**

5. Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties.

The proposed access stairs and garbage can storage pad would have a maximum height of 3 feet above grade, without substantial change to drainage, would not affect circulation on the road, and would not impact views from adjacent properties.

G. The project design includes features that foster energy and natural resource conservation while maintaining the character of the community.

The proposed access stairs and garbage can storage pad would allow for continued use of the residence with more direct and alternative access to the front door, conserving energy and maintaining the character of the community.

H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed access stairs and garbage can storage pad would comply with the parking and driveway requirements of Marin County Code and would be compatible with the Countywide Plan and zoning regulations by allowing for in-fill development for safe access to existing housing, and safe travel width on Martling Road.

SECTION 2: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Kerson Use Permit (UP 08-08) and Design Review subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Kerson Use Permit and Design Review are approved pursuant to Chapters 22.48 and 22.42 of Marin County Code to legalize the as-built construction of two storage sheds and access stairs located within the 25-foot front yard area of a 22,000 square foot lot that is developed with a 2,077 square foot single-family residence, carport, and swimming pool. The total floor area of the approved sheds is 212 square feet for a combined total floor area of 2,289 square feet. As approved, the floor area ratio (FAR) would be 10%. Shed 1 is approved with 88 square feet of floor area and is located under an existing deck in the front of the existing single-family residence. The maximum height is 10 feet above grade. The property line setbacks approved for Shed 1 are: 11 feet front (west), 26 feet side (northwest), 53 feet side (southeast), and 194 feet rear (northeast). Shed 2 has 124 square feet of floor area and is located under an existing carport deck. The maximum height is 11.5 feet above grade. The property line setbacks approved for Shed 2 are: 9 feet front (west), 74 feet side (northwest), 16 feet side (southeast), and 226 feet rear (northeast). The subject property is located at 49 Martling Road, San Anselmo, and is further identified as Assessor's Parcel 176-042-07.

2. Except as modified herein, the required Building Permits and site improvements shall substantially conform to plans on file with the Marin County Community Development Agency, Planning Division identified as Exhibit A, "Kerson Residence", consisting of six sheets, prepared by Dan William Phipps, Licensed Architect with a print date of October 24, 2007, and "Topographic Survey" consisting of one sheet prepared by Stephen Jerome Flatland, Licensed Land Surveyor, dated November 2007.
BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a complete set of revised plans for review and approval by the Community Development Agency (CDA), Planning Division staff depicting the changes required in Condition of Approval 6. After approval, the revised plans shall be incorporated into the approved project file as Exhibit A-1 and shall supersede Exhibit A.
3. Within 30 days of this decision, the applicant must submit Building Permit applications to legalize the two storage sheds and access stairs. Requests for an extension to this timeline must be submitted in writing to the CDA, Planning Division staff and may be granted for good cause, such as delays beyond the applicant's control.
4. 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 CDA, Planning Division staff and may be granted for good cause, such as delays beyond the applicant's control.
5. Within 180 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. BEFORE FINAL INSPECTION, the applicant shall call the Marin County Community Development Agency – Code Enforcement Section for an on-site inspection to determine that all terms of the conditions of approval have been met. Requests for an extension to this timeline must be submitted in writing to the CDA, Planning Division staff and may be granted for good cause, such as delays beyond the applicant's control.
6. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall satisfy the following requirements of the CDA, Planning Division:
 - a. Revise the Site Plan or other first sheet of the office and job site copies of the Building Permit plans to list these Use Permit and Design Review Conditions of Approval as notes.
 - b. Reduce the fence heights along the north side property line to 6 feet maximum above natural grade and submit photographs that indicate a tape measure from grade below the retaining wall to the top of the fence to verify the height reduction.
 - c. The applicant shall submit to the CDA Planning Division staff for review and approval, a revised Survey and Site Plan that are consistent with each other, drawn accurately to scale, and clearly indicate the location of all retaining walls, fences, steps, and other site improvements on the subject property, and the stairs and retaining walls in the Martling Road right-of-way. The revised Survey shall indicate modifications to the existing retaining wall and fence along the north side property line so that these structures are located entirely on the Kerson property. The revised Survey and Site Plan shall supersede Exhibit A and shall be identified as Exhibit A-1 pursuant to the review and approval of the CDA Planning Division staff.
 - d. The applicant shall submit verification letters from a licensed Land Surveyor certifying that all of the approved structures including sheds, retaining walls, stairs, and fences are located

entirely on the Kerson property pursuant to the approved plans in the format specified in the Building Inspection Procedures Fact Sheet – Section 2. Building Setback Certification.

7. All flashing metal work and trim shall be an appropriately subdued, nonreflective color.
8. 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.
9. All construction activities shall comply with the following standards:
 - a. 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.
 - b. 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. Utility connections and extensions for electric and telecommunication lines serving the development shall be undergrounded from the nearest overhead pole from the property or from the existing residence, 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 an 88 square foot detached shed, a 124 square foot shed, retaining walls, and access stairs, 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.

Department of Public Works, Land Use and Water Resources Division

13. BEFORE ISSUANCE OF BUILDING PERMIT, the applicant shall submit or complete the following items.

- a. An Encroachment Permit shall be required for the stairways and any existing retaining walls constructed within the road right-of-way. Application information and an example drawing are available directly from DPW. Application and signed permit shall be completed prior to issuance of any Building Permits.

Marin Municipal Water District

14. All landscape and irrigation plans must be designed in accordance with the most current District landscape requirements (presently from Ordinance 385). Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.

SECTION 3: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT RESOLVED that the applicant must vest the Kerson Use Permit and Design Review approval before July 31, 2008 with the issuance of Building Permits for the sheds and stairs, and substantial completion of all improvements in accordance with the conditions of approval, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date and the Director approves it.

The Building Permit approvals will expire if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permits lapse after the vesting date stipulated in the Use Permit and Design Review approval (and no extensions have been granted), the Building Permits and Use Permit and Design Review approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension to the Use Permit and Design Review at least 10 days before the expiration of the Use Permit and Design Review approval.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit for a 88 square foot storage shed below the front deck of the residence, and for a 124 square foot storage shed below the parking deck, both of which are located within the front yard area shall be valid upon timely vesting of the approval and will remain valid indefinitely, unless the conditions of approval are violated in which case the Use Permit may be revoked.

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, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 14, 2008.

SECTION 4: ADOPTION

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.

JACK LIEBSTER
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Yeshi Neumann and Alan Steinback

Application (type and number): Coastal Permit (CP 05-49) and Second Unit Amnesty Project (SA 07-5)

Assessor's Parcel Number: 199-235-65

Project Location: 195 Sunset Way, Muir Beach

For inquiries, please contact: Veronica Corella Pearson, Assistant Planner

Decision Date: January 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the January 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-3.

Marin County Community Development Agency

Johanna Patri
Hearing Officer

**C3. COASTAL PERMIT AND SECOND UNIT AMNESTY PROJECT:
YESHI NEUMANN AND ALAN STEINBACK**

Hearing proposing to consider the Neuman/Steinback Coastal Permit and Second Unit Amnesty to legalize the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project would result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project will maintain the existing setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The proposed decks to be legalized are all within the required setbacks. A Coastal Permit is required to allow the conversion of garage space, and the modifications that result in more than 10 percent of additional living space within the existing structure. Second Unit approval is required to approve the converted garage into a second unit. The subject property is located at **195 Sunset Way, Muir Beach**, and is further identified as **Assessor's Parcel-195-235-65**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The public testimony portion of the hearing was opened and closed.

With no one in the audience to speak for or against this application, the Hearing Officer recognized the findings set forth by staff and approved the application as a consent item, subject to the Conditions recommended in the staff report. The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 08-103

A RESOLUTION CONDITIONALLY APPROVING THE NEUMANN/STEINBACH COASTAL PERMIT AND SECOND UNIT AMNESTY PERMIT
195 SUNSET WAY, MUIR BEACH
ASSESSOR'S PARCEL 199-235-65

* * * * *

SECTION I: FINDINGS

- I. WHEREAS Yeshi Neumann and Alan Steinbach, owners and applicant, are requesting Coastal Permit and Second Unit Amnesty approvals to legalize the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project would result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project will maintain the following setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The proposed decks to be legalized are all within the required setbacks. A Coastal Permit is required to allow the conversion of garage space, and the modifications that result in more than 10 percent of additional living space within the existing structure. Second Unit approval is required to approve the converted garage into a second unit. The subject property is located at 195 Sunset Way, Muir Beach and is further identified as Assessor's Parcel 199-235-65.

- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing 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 the subject second unit is an existing facility.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve a Coastal Permit (Marin County Code Section 22.56.130) and finds that this project conforms to the requirements of Local Coastal Program, Unit I, as follows:

A. Water Supply:

The Muir Beach Community Service District has not responded to requests for comments, therefore staff has construed that the project does not adversely affect water service and has conditioned the project by requiring verification of service from the Muir Beach Community Services District by letter prior to issuance of a building permit.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that as conditioned, the existing septic system is adequate to serve the second unit and main residence as proposed.

C. Grading and Excavation:

No grading or excavation would be required since the structure is an existing structure.

D. Archaeological Resources:

Review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of archaeological sensitivity; however, as the project is existing construction, located within the footprint of an existing residence, no archaeological resources would be impacted.

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 I, where public access is desirable or feasible. During a 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. Nor would access be feasible due to the steep slopes.

F. Housing:

The proposed second dwelling unit will increase the availability of housing stock in Muir Beach.

G. Stream Conservation Protection:

The project site is not sited on or near a blue line stream as identified on the National Resources Map for Unit I of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Muir Beach/Point Bonita Quadrangle of the U.S. 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 I of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the subject property is not located in an area potentially containing rare wildlife species. However, review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the subject property is in a potential habitat area for monarch butterfly (*Danaus plexippus*). Yet, the project does not entail any new construction as the second unit located within an existing structure and therefore legalization of existing second unit would not impact any listed wildlife species.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit I of the Local Coastal Program indicates that the property is not located in an area potentially containing rare plants. In addition, a review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Game, indicates that the property is not located in an area containing listed species.

K. Shoreline Protection:

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 in an area of geologic hazards as indicated on Geologic Hazards Map for Unit I of the Local Coastal Program nor is the project site 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 proposed project has no adverse impacts on visual resources since it is contained in the existing footprint and layout of the residence as built in 1955, and the unpermitted decks are within the side and rear setback and do not intrude on the scenic qualities of the site, or deter from the community character. In addition, the second unit incorporates colors, and materials that are commonly found throughout the community and does not adversely impact scenic resources from public roads, beaches, trails, and vista points.

P. Recreation/Visitor Facilities:

The proposed project will not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site is located outside of the historic preservation boundaries for Muir Beach as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a Second Unit Second Unit Amnesty Permit per Section 22.32.140 of the Marin County Code and as modified by requirements set forth pursuant to Marin County Board of Supervisors Ordinance #3463

- A. The existing residential second unit proposed for legalization was constructed or established prior to June 3, 2003 when the current Housing Element was adopted.
- B. The unit will provide a minimum of 220 square feet of floor area and will not exceed a maximum of 600 square feet of floor area.
- C. The property owner will maintain either the residence or the residential second unit as a primary residence.
- D. Satisfactory completion of a Second Unit Housing Inspection by a Building & Safety Division Inspector was completed by Building and Safety Division staff on February 23, 2007. The second dwelling unit complies with the following minimum Uniform Housing Code standards:
 - 1. The unit has independent heating controls;
 - 2. The unit has adequate light and ventilation;
 - 3. The unit has kitchen amenities including a sink, refrigerator, and stove; and,
 - 4. The unit has at least one bathroom with a sink, tub or shower, and toilet.

- E. The unit will comply with all current Marin County fire safety standards, including Section 19.04.065 of the Marin County Code, including that it will be reconstructed to conform to the 600 square foot floor area and a one-hour rated separation between the two units, and smoke detectors will be installed in the sleeping rooms and in rooms leading into sleeping rooms.
- F. The owner/applicant will demonstrate that there is an adequate amount of water for fire suppression purposes, in compliance with local and State fire code regulations by providing a letter from the Muir Beach Community Services District prior to issuance of a building permit.
- G. One parking space shall be provided in addition to the required or existing parking for the primary residence.
- H. The Muir Beach Community Services District currently provides water to the property and adequate water is available to serve the proposed second dwelling unit subject to payment of fees.
- I. EHS has reviewed the subject second unit and onsite septic system and determined that the project is acceptable as proposed.
- J. The second unit is not located in a floodplain according to flood hazard maps maintained by the Marin County Department of Public Works.
- K. The second dwelling unit is not located within 100 feet of a blue-line creek as identified on USGS maps.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Neumann/Steinbach Coastal Permit and Second Unit Amnesty Permit pursuant to Section 22I.56, 22I.82, and 22.32.140 of the Marin County Code, subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Board of Supervisors Ordinance #3463, the Neumann/Steinbach Second Unit Amnesty Permit legalizes the following: 1) conversion of an attached garage to a second unit that will be modified to be 600 square feet in size; 2) approximately 585 square feet of illegally constructed deck and stairs; and 3) 273 square feet of storage area above 7.5 feet in height. The proposed project will result in a new floor area for the main residence of 2,391 square feet in size, and 600 square feet for the second unit. The proposed project will maintain the existing setbacks: 1) 43 feet, 11 inches side (west) setback; 2) 26 feet, 2 inches rear setback; 3) 17 feet, 8 inches front setback; and 4) 8 feet, 1 inch side (east) setback. The legalized decks are all within the required setbacks. The property is located at 195 Sunset Way, Muir Beach and is further identified as Assessor's Parcel 199-235-65. Unless a public emergency services provider

recommends otherwise or unique circumstances necessitate a change, **the street address for the primary residence will be 195 Sunset Way, Muir Beach , and the street address for the second unit that is approved herein shall be 197 Sunset Way, Muir Beach.**

2. The second unit approved herein shall meet the following adopted standards established by Marin County Code Section 22.32.140 and as amended by Marin County Board of Supervisors Ordinance #3463 in addition to any other applicable requirements of County Code.
 - a. The primary or the secondary unit shall be owner occupied. Owner occupancy shall be defined as the maintenance of a Home Owner's Exemption by the owner of record with the County Assessor. No additional dwelling units other than the primary dwelling unit and the subject second dwelling unit shall be permitted on the subject property. A second unit may be rented but shall not be sold separately from the single-family unit.
 - b. The addresses for the primary dwelling unit and the second unit shall be posted in conformance with the latest adopted version of the California Fire Code.
 - c. The Community Development Agency shall file this Notice of Decision, including all second unit amnesty standards, with the Marin County Recorder's Office. Recordation of the Notice of Decision shall serve to advise future property owners of the standards applicable to maintenance of the second unit.
 - d. Any changes or additions to the project shall be submitted to the Community Development Agency staff for review and approval before the contemplated modifications may be initiated. PLEASE BE APPRISED, this Second Unit Amnesty Permit obtains a legal, non-conforming status for the second unit. Any future addition or expansion of the second unit beyond what is legalized in this determination will be required to meet current regulatory standards.
 - e. Within 30 days of this decision, the applicant must submit an Amnesty Building Permit application to legalize the second unit. 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.
 - f. Within 90 days of this decision, an Amnesty Building Permit for all approved work must be issued. 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.
 - g. Within 120 days of this decision, the applicant must complete the approved work 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.

3. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- a. The owner will provide verification from the Muir Beach Community Services District that it is adequately able to provide water service for the second unit and there is adequate water supply for fire suppression purposes.
- b. The applicant shall install smoke detectors in sleeping rooms and rooms leading to sleeping rooms
- c. A one-hour rated fire separation will be installed between the main residence and the second unit.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

The applicant must vest this approval by obtaining an Amnesty Building Permit or other construction permit, if required, for the approved work, and substantially completing the improvements in accordance with the approved permits consistent with the time lines specified in Conditions of Approval 2e through g above, or all rights granted in this approval shall lapse.

This Second Unit Amnesty Permit is vested in perpetuity as long as the standards for the second unit are maintained.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the 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 IV: ACTION

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
DZA Recording Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Robert Spoor

Application (type and number): Coastal Permit (CP 08-19) and Minor Design Review (DM 08-23)

Assessor's Parcel Number: 119-111-29

Project Location: 10 McDonald Lane, Point Reyes

For inquiries, please contact: Veronica Corella Pearson, Assistant Planner

Decision Date: January 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the January 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-17.

Marin County Community Development Agency

Johanna Patri
Hearing Officer

**C3. COASTAL PERMIT (CP 08-19) AND MINOR DESIGN REVIEW (DM 08-23):
ROBERT SPOOR**

The applicant is proposing approval for construction of a garage on the 2.1 acre parcel. Currently the site is developed with a single-family residence and a 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, 3 feet from the side (east) property line. The subject property is located at **10 McDonald Lane, Point Reyes**, and is further identified as **Assessor's Parcel 119-111-29**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report

The public testimony portion of the hearing was opened and closed.

With no one in the audience to speak for or against this application, the Hearing Officer recognized the findings set forth by staff and approved the application as a consent item, subject to the Conditions recommended in the staff report. The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within five (5) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 08-104

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

- 17. 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,
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Barbara Sargent

Application (type and number): Coastal Permit (CP 08-11) and Design Review (DM 08-10)

Assessor's Parcel Number: 114-111-02

Project Location: 12555 Sir Francis Drake Boulevard., Inverness

For inquiries, please contact: Veronica Corella Pearson, Assistant Planner

Decision Date: January 31, 2008

DETERMINATION: Approved with Conditions

Minutes of the January 31, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-35.

Marin County Community Development Agency

Johanna Patri
Hearing Officer

**C4. COASTAL PERMIT (CP 08-11) AND DESIGN REVIEW (DM 08-10):
BARBARA SARGENT**

The applicant is proposing to construct a new two-story 3,499 square foot single-family residence, with a detached 540 square foot detached garage on the 2.03 acre lot. As proposed, the residence would result in a floor area ratio (FAR) of 4.5 percent. The residence would attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage would attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) 40 feet. Proposed for removal are approximately 11 trees, which are less than 6 inches in diameter. The subject property is located at **12555 Sir Francis Drake Blvd., Inverness**, and is further identified as **Assessor's Parcel 114-111-02**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The public testimony portion of the hearing was opened and closed.

With no one in the audience to speak for or against this application, the Hearing Officer recognized the findings set forth by staff and approved the application as a consent item, subject to the Conditions recommended in the staff report. The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within ten (10) working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION08-105

A RESOLUTION APPROVING THE SARGEANT COATAL PERMIT (CP 08-11) AND DESIGN REVIEW (DR 08-10)
ASSESSOR'S PARCEL 114-111-02
12555 SIR FRANCIS DRAKE, INVERNESS

SECTION I: FINDINGS

- I. WHEREAS the applicant, JSWD Architects, has applied on behalf of the owner, Barbara Sargeant for a Coastal Permit and Design Review approval to construct a new two-story 3,499 square foot single-family residence, with a detached 540 square foot garage on the 2.03 acre lot. As proposed, the residence would result in a floor area ratio (FAR) of 4.5 percent. The residence would attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage would attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) over 40 feet. Also proposed are two retaining walls. One would be located to the north of the residence, approximately 20 feet from the northern property line and attain a height of 7 feet, 4 inches. The second retaining wall would be near the driveway entrance and would have a height of approximately 9 feet, 9 inches and face Sir Francis Drake Road. The existing driveway will remain and be improved to conform to Marin County Fire requirements, with two turnouts, and finished with a concrete overlay. There would be 9 Douglas-fir and one Tan Oak tree removed that are less than 6 inches in diameter, and 3 Red alder trees that are less than 10 inches in diameter. The subject property is located at 12555 Sir Francis Drake, Inverness, and is further identified as Assessor's Parcel 114-111-02.

- 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 construction of a single family residence, retaining wall, and garage on a residentially zoned property that would not result in adverse environmental impacts.

- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the **Marin Countywide Plan** for the following reasons:
 - A. The construction of a new single-family residence is consistent with the C-SF3 (Coastal, Single-family, 1 unit/1-5 acres) land use designation.
 - B. The project complies with Marin County standards for flood control, geotechnical engineering, and seismic safety, and includes improvements to protect lives and property from hazard;

- C. The project results in development which conforms to the governing standards related to building height, size and location;
- D. The project complies with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works;
- E. The project will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and,
- F. The project minimizes soil disturbance and maximizes protection of natural vegetation.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the policies contained in the **Inverness Ridge Community Plan** due to the following factors.

- A. The project would involve the construction of a new single-family residence, garage and retaining walls, which are a principally permitted use under the governing zoning district, and therefore, would be compatible with surrounding residential uses.
- B. The project would be architecturally consistent with its surroundings, is not unsightly in design, and would not create substantial disharmony with its locale and surroundings.
- C. The residence would have adequate water facilities, utilities, protective services (fire, police), and a roadway network currently exists to serve the project.
- D. It will not impact recreational opportunities in the area because staff has determined that the subject property is not located in an area where public access to recreational facilities is desirable or feasible.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the **Coastal Permit** (Section 22.56.130I 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

The North Marin Water District has reviewed the project and indicated that they are able to provide adequate domestic and fire protection water supply to the subject property provided that the owner enter into a financial agreement regarding upgrades to the distribution facilities that will be needed.

B. Septic System Standards

The Marin County Department of Environmental Health Services has indicated that the applicant has submitted an application for a Class I sewage disposal system which must be reviewed and approved prior to building permit approval.

C. Grading and Excavation

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation to accommodate the proposed foundations. Conditions of project approval require that construction activities conform to the Department of Public Works erosion and sediment control requirements established in Marin County Code §23.08.

D. Archaeological Resources

The proposed project is located within an area of high archaeological sensitivity. The applicant has provided a Cultural Resource Report in which a site visit was conducted and during which no prehistoric or historic-era cultural resources were found on the parcel. The standard conditions of approval have been applied to the project which will require that, in the event that cultural resources are uncovered during construction, all work shall be immediately stopped 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

This finding is not applicable. 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, entails construction of a new single-family residence, on a vacant lot and would increase the availability of housing stock in Inverness.

G. Stream Conservation Protection

This finding is not applicable. 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

This finding is not applicable. 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

A biologist report was prepared for the site and a list of potential species was prepared. The list was compiled by evaluating the habitat and researching known occurrences based on a review of the California Natural Diversity Database (CNDDDB). Most of the species on the list are associated with salt marsh habitats and/or the Lagunitas Creek in the southern end of Tomales Bay. There were two-documented Northern Spotted Owl (*Strix occidentalis caurina*, NSO) sightings within 0.63 and 0.819 miles. The NSO is a federally listed Threatened Species, and protected under the Migratory Bird Treaty Act (50 CFR§ 10.13), and a California listed Species of Special Concern, with the eggs, nest, and young being protected under § 3503.5 of the California Fish and Game Code. The Wildlife Biologist conducted a site visit and determined that the parcel contains marginal NSO habitat, since it lacks a dominant conifer component and dense multilayered canopies that provide some natural nest cavities and dead and downed woody material. Based on experience, the wildlife biologist concluded that the removal of the proposed trees would not likely trigger concern for the impacts to NSO resulting from this project, since NSO sheltering, feeding and roosting habitats are not likely to be impacted by the project, and nests found on site, showed no evidence of use by NSO in 2007. No attempt was made to determine if NSO might be in the vicinity since the visit was near the end of the protocol season for the species.

J. Protection of Native Plant Communities

The proposed project was reviewed for listed species on the California Natural Diversity Database (CNDDDB, 2007) and the California Native Plant Society (CNPS) on-line inventory of rare and endangered plants of California. A list of special plant species that occur in the Inverness USGS quadrangle was reviewed and a list of potential species prepared by a qualified botanist and a site visit conducted. The list included only one Federally listed species, the Sonoma alopecuris (*Alopecurus aequalis* var. *sonomensis*), and there were no California listed species. Of the plants on the potential species list, very few occur in the existing habitat type and soil conditions. Furthermore, the site has already been graded and the probability that any special status plants would occur within the developed area is highly unlikely. During the site visit, no special status plant species were found and the biologist concluded that no additional surveys were needed due to the above listed reasons.

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 in an area of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program, and 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

This finding is not applicable. 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 single-family residence, garage, and retaining walls are compatible with the character of the surrounding environment. The proposed development would be sited so that it would not obstruct public views from roads or adjacent properties, and would be screened by existing vegetation. In accord with Marin County Code Section 22.56.130I(O), a condition of approval requires that all utility lines serving the project site be placed underground.

P. Recreation/Visitor Facilities

This finding is not applicable. The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

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.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the following mandatory findings to approve a **Design Review** application (Marin County Code Section 22.82.040) for the following reasons:

The project is consistent with the required findings because the single-family residence, detached garage and retaining walls would result in structures of a height, mass, and bulk proportionately appropriate to the site and would provide adequate setbacks from property lines and other buildings on the subject and surrounding properties. Construction of the single-family residence would conform to a principal permitted use in the C-RSP-0.25 (Coastal, Residential Single-family Planned, 1 unit per 0.25 acres maximum density) zoning district, which governs the subject property and would be situated solely on the subject property. Existing vegetation on-site would adequately screen the structures from off-site locations, and would enhance the privacy of the occupants of the subject and surrounding properties. The proposed structures would be constructed using materials and colors, non-reflective and subdued in nature, to better blend with the surrounding natural environment. The single-family residence, garage and retaining walls would minimize drainage alterations, grading and excavation, tree removal and other adverse physical effects on the natural environment. Finally, the design of the single family residence, garage and second unit would be compatible with that of other houses in the vicinity, would respect the surrounding natural environment, and would not diminish views from surrounding properties.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Sargeant Coastal Permit (CP 08-11) and Design Review (DR 08-10) 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, the Sargeant Coastal Permit and Design Review are hereby approved and authorizes the construction of a new two-story 3,499 square foot single-family residence, with a detached 540 square foot garage on the 2.03 acre lot. As proposed, the residence will result in a floor area ratio (FAR) of 4.5 percent. The residence will attain a maximum height of 24 feet, 10 inches above grade and the following approximate setbacks from corresponding property lines: front (east) 198 feet, side (north) 60 feet, rear (west) 35 feet, and side (south) 108 feet. The detached garage will attain a maximum height of 14 feet, 8 inches above grade and the following setbacks from corresponding property lines: side (north) 53 feet and rear (west) over 40 feet. Also proposed are two retaining walls. One will be located to the north of the residence, approximately 20 feet from the northern property line and attain a height of 7 feet, 4 inches. The second retaining wall will be near the driveway entrance and will have a height of approximately 9 feet, 9 inches and face Sir Francis Drake Road. The existing driveway will remain and be improved to conform to Marin County Fire requirements, with two turnouts, and finished with a concrete overlay. There will be 8 Douglas-fir trees and one Tan oak tree removed that are less than 6 inches in diameter, and 3 Red alder trees that are less than 10 inches in diameter. The subject property is located at 12555 Sir Francis Drake, Inverness, and is further identified as Assessor's Parcel 114-111-02.
2. Plans submitted for a building permit shall substantially conform to plans entitled, "Francis Drake House," consisting of 16 sheets, prepared by JSWD Architects, received October 31, 2007, and on file in the Marin County Community Development Agency with revisions dated January 3, 2008 and received January 22, 2008.

3. Approved exterior materials shall substantially conform to the color board identified as "Exhibit B" entitled, "Francis Drake House," received August 29, 2007 by the Community Development Agency.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the Planning Department with a revised Site Plan for review that documents all trees to be protected as required by Condition 6, and all trees to be removed.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the first sheet of the office and job site copies of the Building Permit plans to list these Coastal Permit and Design Review Conditions of Approval as notes.
6. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit a report prepared by a licensed arborist which shall provide an evaluation of the trees that meet the definition of a "protected" tree in Chapter 22.27 of the Marin County Development Code and shall, at a minimum, indicate the health of the trees in this area, and appropriate Tree Protection Zones for trees that would remain on the property.
7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide the Planning Department with a report and survey provided by Wildlife Research Associates documenting the location of trees that may provide habitat value to bat species. These trees shall be protected using the tree protection measures specified in Condition 6 and 9, and shall not be removed.
8. Only those trees shown on the site plan as proposed to be removed, may be removed. Any future proposed tree removal shall be submitted to the Marin County - Planning Division for review and approval prior to removal, and must be done in compliance with the provisions contained in the Marin County Native Tree Preservation and Protection Ordinance (Marin County Ordinance 3291), and/or to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to reasonably prevent safety hazards to people and property.
9. BEFORE ISSUANCE OF A BUILDING OR GRADING PERMIT, the applicant shall submit photographs to the Community Development Agency, which indicate the installation of temporary construction fencing around the dripline of the existing trees in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The fencing is intended to protect existing vegetation identified for protection in Condition 6 and 7 during construction and shall remain until all construction activity is complete. No construction activity (including grading, access, materials storage, and soil stockpiling) shall occur within the dripline of these trees. In the event these trees are accidentally removed or permanently damaged, they shall be replaced with 24-inch boxed trees of the same species on a two-to-one basis.
10. The applicant shall retain the services of a licensed arborist or landscape architect to inspect the project site during construction activities and certifies the adequacy of the protective fencing installed. All site development construction practices shall be in accord with the recommend guidelines contained in the required arborist's report. The applicant shall comply with recommendations made by the licensed professional with respect to tree protection during construction activities, general tree care practices, and long-term vegetation management to ensure continued viability of the site's native vegetation.
11. BEFORE ISSUANCE OF A BUILDING PERMIT, the landscape plan shall be revised to include a minimum of two trees that shall be planted along the northern property line, to the west of the

retaining wall. The trees shall be planted in strategic location to minimize the visual impacts to the adjacent residence. The trees shall be native to Marin County, evergreen, and a minimum box size of 24 inches.

12. BEFORE ISSUANCE OF A BUILDING PERMIT, the drainage plans shall be modified to feature onsite reinfiltration of impervious surface runoff wherever feasible.
13. 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 be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts 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.
14. BEFORE APPROVAL OF THE FRAMING INSPECTION for all structures, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans. Alternatively, the applicant may install a story stud that clearly indicates the maximum building height through height increments that are marked on the stud and preapproved by the Building and Safety Inspection staff before installation or request that the Building and Safety Inspection staff measure the plate heights for conformance with the approved plans.
15. 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: New Home Green Building Residential Design Guidelines.
16. 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.
17. 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.
18. 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.

19. 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.
20. The owners 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 the Hope Coastal Permit, Design Review and second Unit Permit, for which action is brought within the applicable statute of limitations.
21. 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.

Department of Public Works, Land Development

22. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall provide plans that show all design and construction recommendations from the April 12, 2007 PJC and Associates geotechnical investigation for the property.
 - a. Replace part of the existing retaining wall at the driveway entrance using drilled piers.
 - b. Grading and earthwork as per Item 11, Page 10
 - c. Driveway retaining wall foundations as per Item 14, Page 14
 - d. Retaining walls as per Item 15, Page 15
 - e. Drainage as per Item- 19, Page 17
 - f. Concrete pavements as per Item 20, Page 18

23. BEFORE ISSUANCE OF A BUILDING PERMIT, the plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. Certification shall be either by the engineer's stamp and signature on the plans, or by stamp and signed letter.

24. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more detail on the drainage under the direction of the geotechnical report. Specifically address foundation drainage, retaining wall drainage, drainage from the driveway, and steep slope drainage. Note that no direct discharge from the driveway is allowed onto Sir Francis Drake Blvd.
25. BEFORE ISSUANCE OF A BUILDING PERMIT, provide details on plans for the 12 inch culvert at the first driveway switchback and the 15 inch culvert and plans to eliminate erosion where the drainage swale leaves the property.
26. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more detail on the driveway turnouts. Turnouts shall be required on driveways over 150 feet in length or if sight distance problems exist unless the driveway is at least 16 feet in width (MCC 24.04.275). The turnouts shall be no less than 18 feet wide (full driveway width) and 60 feet long including transition.
27. BEFORE ISSUANCE OF A BUILDING PERMIT, show that the driveway turnaround slopes do not exceed 8%.
28. BEFORE ISSUANCE OF A BUILDING PERMIT, provide documentation that the driveway turnaround design has been reviewed and approved by the Fire Department.
29. BEFORE ISSUANCE OF A BUILDING PERMIT, a registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
30. BEFORE ISSUANCE OF A BUILDING PERMIT, provide more design information for all retaining walls. Show extent, location and heights of retaining walls on the site plan. Also provide structural cross section references on the site plan.
31. BEFORE ISSUANCE OF A BUILDING PERMIT, a separate building permit is required for site/driveway retaining wall with a height more than 4 feet or 3 feet when backfill area is sloped or has a surcharge.
32. An Encroachment Permit shall be required for work within the road right-of-way of Sir Francis Drake Blvd. Any permanent structure (such as retaining walls required by the geotechnical engineer) within the county right-of-way at the driveway entrance shall require a Recorded Encroachment Permit.
33. Submit Erosion and Siltation Control plans. Plans shall indicate total acreage of site disturbance. If there is greater than one acre of site disturbance, a Notice of Intent (NOI) shall be filed with the San Francisco Bay Regional Water Quality Control Board.

North Marin Water District

34. BEFORE ISSUANCE OF A BUILDING PERMIT, the owner must apply to the District and enter into a financial agreement with the District for the construction of new water distribution facilities.

Environmental Health Services

35. BEFORE ISSUANCE OF A BUILDING PERMIT a Class 1 sewage disposal system permit must be approved by EHS.

SECTION III: VESTING AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Sargeant Coastal Permit (CP 08-11) and Design Review (DR 08-10) approval by obtaining a Building Permit for the approved work and substantially completing all work before **January 31, 2010**, 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 22.56.120I and 22.82.130I 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 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 IV: 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

**H1. COASTAL PERMIT (CP 05-52), DESIGN REVIEW (DM 05-93) AND SECOND UNIT PERMIT (SU 08-18):
GARY FERGUS AND ISABELLE BEEKMAN:**

The applicant is proposing construction of a 736 square-foot second unit with a 112 square foot downstairs storage and utility room, on a 17,375 square foot residentially developed property in Inverness. The proposed second unit would maintain a maximum height of 22 feet, 10 inches above natural grade (ridge elevation of 134 feet, 10 inches.), and would maintain the following setbacks from the closest corresponding property lines: 21.5 feet from the north (rear) property line, 6 feet 9³/₄ inches from the east (side) property line, and 72 feet from the west (left side) property line. Proposed exterior materials include stained cedar siding and dark gray composition shingle roofing. The subject property is located at **193 Park Avenue, Inverness**, and is further identified as **Assessor's Parcel 112-251-14**.

The Hearing Officer noted that the item was continued from the November 15, 2007 Deputy Zoning Administrator Hearing.

The Hearing Officer acknowledged receipt of staff's January 31, 2008 supplemental memorandum regarding the revised architectural and landscape plans submitted by the applicant, and additional comment letters dated January 31, 2008 signed by the neighbors on Park Avenue and Edgemont Way and a fax with a suggestion for relocation of the second unit.

The Hearing Officer stated that her understanding is that the applicant has revised the plans proposing to construct a 736 square foot detached second dwelling unit with a 91 square foot lower utility room on a 17,375 square foot residentially developed property in Inverness. The revised plans propose a clipped gable roof, and reduced the maximum height of the structure from 22 feet, 10-inches to 19 feet 6 inches above natural grade and would maintain the following setbacks from corresponding property lines: 21.5 feet from the rear property line, 6 feet, 9 inches from the east side property line, and 72 feet from the west side property line. Proposed exterior materials include stained cedar siding and dark gray composition shingle roofing. The proposal includes the construction of an additional on-site sewage disposal system to serve the second dwelling unit.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report, but noted that she had received revised and architectural landscape plans.

In response to the Hearing Officer, staff summarized the January 25, and January 31, 2008 supplemental memorandum with the following points:

- Proposed architectural modifications would lower the height of the second unit from 22 feet, 10 inches, to 19 feet, 6 inches, and provide some articulation on the downhill façade by stepping the under story area back by 1.5 feet;
- The proposed landscape plan indicates specific specimen types and plantings sizes;
- In response to correspondence from Bridger Mitchell, the memorandum provide clarification regarding the findings necessary for a second unit to exceed a height of 15 feet;
- Corrections to the original FAR table in the staff report are indicated;

- Photo simulations were prepared by the applicant to demonstrate the appearance of the revised design; and
- A letter from the neighbors dated January 31, 2008 proposed an alternative siting for the second unit. (In response to the neighbors plan, staff noted that the area below the main house has been approved as the designated septic drain field reserve area.

The public testimony portion of the hearing was opened.

Gary Fergus, applicant, spoke regarding the photo montage that demonstrates the reduction in height of the project and confirmed that the project could not be built as proposed by the neighbors due to the designated septic drain field reserve area. He noted that the bishop pine on the property would also be impacted by the proposed resiting.

Micheline Cote,(using photo simulations and plans prepared by her,) and Gail Seneca, Ann Emmanuel, Robert Laws, Beatrice Laws, Michael Mery, and Bridger Mitchell spoke regarding concerns with the following issues:

- The height of the structure;
- The project being too bulky;
- The mass of the structure;
- Preserving neighborhood character;
- Location of the second unit on the alternative site;
- Preservation of the bay view corridor;
- Having the second unit integrated with the main dwelling;
- Fire safety in relation to the landscaping;
- Possible guest house, instead of a second unit on the site;
- Mandatory size and height constraints;
- Consistency with Development Code provisions;
- Adverse effect on the neighbors because of the additional height;

Gary Fergus responded to the comments by stating he and his architect have made every effort to comply with the revisions requested. He is willing to eliminate proposed landscaping if it is a fire safety concern, but is not interested in redesigning the house again for the neighbors.

The public testimony portion of the hearing was closed.

The Hearing Officer noted that she is responsible for making a determination as to the proposed height of the structures and the application in front of her is for a second unit on the proposed site. She further noted that the applicant is entitled to a second unit on his property and the parameters for second units are addressed in the Countywide Plan, the Community Plan and Marin County Code. After driving around the neighborhood, she noted many types of architecture that the neighboring area consists of an eclectic source of architecture styles and the proposed architectural style conforms with the character of the area. She complimented the applicant and the speakers on the energy that has gone into the project. She also commended the architect for developing a much better design. She noted that there are many detached second units in Inverness and she is prepared to approve the second unit on the site with a number of modifications.

The Hearing Officer asked staff to return with a revised resolution and is prepared to approve the project subject to the following modifications:

- Lower the structure to 15 feet above natural grade. This can allow for certain deviations (e.g. architectural details)
- Reduce under story to approximately 5 feet
- Resubmit fire safe landscape plan
- Move structure northwest 2 feet (minimum of 8-foot side yard setback of structure from property line)
- Move structure 3 feet upslope to the southwest
- Submit a report prepared by a licensed arborist that specifically addresses the provisions to undertake regarding the health of the oak tree, including measures to preserve it long-term,

Thayer Hopkins, architect spoke regarding concerns with reducing the height by depressing it further into the ground. He explained that to protect the oak tree, the footing would have to be hand dug to create a sloped area and avoid the need of a retaining wall.

The Hearing Officer requested an independent arborists report on the final design because the health of the tree needs to be taken into consideration.

The Hearing Officer directed staff to return with a revised resolution on February 14, 2008 for consideration for approval. The applicant agreed to go forward to the hearing of February 14, 2008.