STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR

BARUCH COASTAL PERMIT AND DESIGN REVIEW

Item No: C2 Application Nos: CP 08-2, DR 08-1

Applicant: Heidi Richardson Owners: Thomas and Johanna

Baruch

Property Address: 35 Pine Crest, Assessor's Parcel: 114-100-17

Inverness

Hearing Date: February 14, 2008 Planner: Jeremy Tejirian, AICP

RECOMMENDATION: Approve With Conditions

APPEAL PERIOD: 5 Business Days to the Planning Commission

LAST DATE FOR ACTION: February 17, 2008

PROJECT DESCRIPTION:

The applicant, Heidi Richardson, on behalf of the owners, Thomas and Johanna Baruch, proposes to construct a detached accessory structure on a lot that is currently developed with a single-family residence and a detached guest house. The proposed structure would have 1,248 square feet of living area and a 270 square foot deck. In combination with the existing residence, garage, and guest house, the project would result in a total floor area of 3,680 square feet on the 1.14 acre lot, and a floor area ratio of 7.4 percent. The accessory structure would reach a maximum height of 22.5 feet above natural grade, and would have the following minimum setbacks: 32 feet from the developed portion of Pine Crest; 20 feet from the right of way along the northern front property line; 46.5 feet eastern side property line; and 44.5 feet to the southern rear property line.

GENERAL INFORMATION:

CWP Designation C-SF3 (Coastal, Residential, 1 unit per 1 to 5 acres)

Zoning: C-RSP-0.25 (Coastal, Residential, Single-family, Planned, 1

unit per 4 acres)

Lot Area: 1.14 acres
Adjacent Land Uses: Residential

Vegetation: Introduced and natural vegetation

Topography and Slope: Moderate to steep slope Environmental Hazards: Earthquakes and wildfires

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines section 15303, Class 3, because it would not result in substantial grading, vegetation removal or other potential impact to the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

PLAN CONSISTENCY:

The proposed project is subject to the goals and policies of the Marin Countywide Plan, the Marin Interim Zoning Ordinance, the Inverness Ridge Community Plan, the Paradise Estates Restoration Plan, and the Development Standards. Please refer to the consistency findings contained in the attached resolution for more information.

PROJECT ANALYSIS:

The subject property is characterized by a relatively steep, wooded slope ascending from Pine Crest to the existing residence. Low density, rural development is typical of the surrounding area. The proposed project consists of developing a detached accessory structure that would be used as an artist's studio for the residents.

The applicant has submitted plans for the development as well as an arborist's report, a vegetation management plan and biological assessment evaluating the project. The arborist's report indicates that the proposed project would not increase fire hazard, provided the Vegetation Management Plan is implemented as approved by the fire department. The Vegetation Management Plan indicates that the trees down slope of the proposed structure would be removed. The biological assessment indicates there are no special status species or maritime chaparral habitat that would be adversely affected by the project, including implementation of the vegetation management plan.

As proposed, the proposed detached accessory structure would reach a maximum height of 22.5 feet above natural grade. Section 22.57.086 (Site Preparation and Project Design), Subsection 2 (Project Design), item "e" (Building Height) reads as follows:

"No part of a building shall exceed twenty-five feet in height above natural grade and no accessory building shall exceed fifteen feet in height above natural grade....These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 (RMP zoning) and 22.47.030 (RSP zoning)."

Although the reference to "the intent of Sections 22.47.020 and 22.47.030" is somewhat vague, it refers to the general purpose of planned zoning districts such as RMP and RSP, which is to allow flexibility in development standards related to project siting and design in order to implement the broader goals and policies of the Marin Countywide Plan (which include goals such as minimizing grading, avoiding tree removal, protecting natural resources, and preserving views).

While the accessory structure would exceed a height of 15 feet above grade, it would not obstruct view corridors from surrounding properties or be incompatible with the surrounding community. However, a portion of the proposed roof would be angled counter to the natural grade below; a design which is inconsistent with Marin County Residential Design Guideline D-1.5. The applicant has expressed a willingness to revise the project so that the roofs would be either level or would be angled approximately parallel to the hillside. This change would reduce the maximum height of the structure to approximately

17 feet above natural grade. A condition of project approval requires that the plans be revised to show this change prior to issuance of a Building Permit. With this change, the proposed project would be consistent with the mandatory findings for Coastal permit and Design Review approval, as discussed in the attached Resolution.

The project has been reviewed by the Department of Public Works, the Marin County Fire Department and the North Municipal Water District. These agencies indicate that standard conditions of approval should be required and determined that the project is feasible according to their regulations.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve with conditions the Baruch Coastal Permit and Design Review based upon the findings and subject to the conditions contained in the attached Resolution.

Attachments:

- 1. Recommended Resolution approving the Baruch Coastal Permit and Design Review
- 2. CEQA Categorical Exemption
- 3. Location Map
- 4. "Exhibit A", project plans
- 5. North Marin Water District Comments, received 8-16-07
- 6. Marin County Fire Department comments, received 10-9-07
- 7. Department of Public Works comments, received 2-11-08
- 8. Inverness Association comments, received 2-11-08
- 9. Inverness Association comments, received 2-4-08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION

A RESOLUTION APPROVING WITH CONDITIONS

THE BARUCH COASTAL PERMIT AND DESIGN REVIEW

ASSESSOR'S PARCEL 114-100-17

35 PINE CREST, INVERNESS

SECTION I: FINDINGS

- I. WHEREAS the applicant, Heidi Richardson, on behalf of the owners, Thomas and Johanna Baruch, proposes to construct a detached accessory structure on a lot that is currently developed with a single-family residence and a detached guest house. The proposed structure would have 1,248 square feet of living area and a 270 square foot deck. In combination with the existing residence, garage, and guest house, the project would result in a total floor area of 3,680 square feet on the 1.14 acre lot, and a floor area ratio of 7.4 percent. The accessory structure would reach a maximum height of 22.5 feet above natural grade, and would have the following minimum setbacks: 32 feet from the developed portion of Pine Crest; 20 feet from the right of way along the northern front property line; 46.5 feet eastern side property line; and 44.5 feet to the southern rear property line. The subject property is located at 35 Pine Crest, Inverness, which is also identified as Assessor's Parcel 114-100-17.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on February 14, 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 would result in substantial grading, tree removal, or other adverse effects to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan for the reasons listed below.
 - A. The project would comply with the C-SF3 (Coastal, Residential, 1 unit per 1 to 5 acres).
 - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
 - C. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works (Title 24 of the Marin County Code).

- D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services.
- E. The project would be compatible with the rural residential character of the local community.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the pertinent policies of the Inverness Ridge Community Plan and Paradise Ranch Estates Restoration Plan for the reasons listed below.
 - A. The project would involve the construction of a detached accessory structure on the property, which is a principally permitted use under the governing C-RSP-0.25 zoning district.
 - B. The project would not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage.
 - C. The project would be served by the existing roadway network.
 - D. The project would not impact any streams or waterways.
 - E. The project would be served by the North Marin Water District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff.
 - F. The project would not result in significant adverse impacts to the surrounding built environment relative to off-site views from adjacent properties, privacy for the subject and surrounding properties, and building design, siting, height, mass and bulk.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Coastal Permit application (Section 22.56.130 of Marin County Code) as specified below.

A. Water Supply:

The proposed project would not adversely affect the ability to the North Marin Water District to continue to provide adequate water to the subject or surrounding properties. Therefore, the project is consistent with this finding.

B. Septic System Standards:

The proposed development would not interfere with the existing septic system because the accessory structure would not be located adjacent to the leachfield. Further, no modifications to the septic system are proposed. Therefore, the project is consistent with this finding.

C. Grading and Excavation:

The proposed project would not entail substantial grading outside of the footprint of the proposed structure. Therefore, the project is consistent with this finding.

D. Archaeological Resources:

The subject property is not located within an area of high archaeological sensitivity. Therefore, the project would not result in adverse effects to cultural resources. Therefore, the project is consistent with this finding.

E. Coastal Access:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding. Therefore, the project is consistent with this finding.

F. Housing:

The subject property is not governed by the C-VCR zoning district and would not result in the demolition of any housing. Therefore, the project is consistent with this finding.

G. Stream and Wetland Resource Protection:

There are no streams or wetlands on or immediately adjacent to the subject property. Therefore, the project is consistent with this finding.

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 Plan. Therefore, the project is consistent with this finding.

I. Wildlife Habitat:

The biological assessment which evaluated the proposed development indicates that the project would not adversely affect special status species, and the property lacks the wetland or riparian habitats that would generally be suitable for the widest diversity of special status animals. Therefore, the project is consistent with this finding.

J. Protection of Native Plant Communities:

The biological assessment which evaluated the proposed development indicates that the project would not adversely affect maritime chaparral habitat or other sensitive plant communities. Therefore, the project is consistent with this finding.

K. Shoreline Protection:

The subject property is not adjacent to the shoreline and would not affect coastal access. Therefore, the project is consistent with this finding.

L. Geologic Hazards:

According to the information in the Marin County GIS provided by the USGS and State Division of Mines and Geology, the subject property is not within the Alquist-Priolo Zone, in close proximity to a mapped fault trace, or in an area of high shaking amplitude during an earthquake. Therefore, the project is consistent with this finding.

M. Public Works Projects:

The proposed project would not affect any existing or proposed public works project in the area. Therefore, the project is consistent with this finding.

N. Land Division Standards:

No Land Division or Lot Line Adjustment is proposed as part of this project. Therefore, the project is consistent with this finding.

O. Visual Resources:

The studio would meet the height standards and would be located a sufficient distance from property lines to avoid impeding views from the surrounding area. Further, the design and exterior materials of the structure would be compatible with the rural character of the Inverness community. Therefore, the project is consistent with this finding.

P. Recreation/Visitor Facilities:

The proposed project would be constructed on a vacant private property and would have no effect on visitor or recreation facilities. Therefore, the project is consistent with this finding.

O. Historic Resource Preservation:

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Plan. Therefore, the project is consistent with this finding.

- VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project would be consistent with the mandatory findings for Design Review approval (Section 22.82.040I of the Marin County Code) as discussed below.
 - A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

The design of the proposed structure would be consistent with the current goals and policies contained in the Marin Countywide Plan, as discussed in section IV above. Further, the project would be consistent with the policies contained in the LCP for the reasons discussed in the mandatory findings for Coastal Permit approval in section V above. The structure would exceed a height of 15 feet above grade, but would not result in adverse effects to views enjoyed from surrounding properties. The project would be consistent with the Marin County Single-family Residential Guidelines, with the exception of Design Guideline D-1.5, which discusses roof forms on hillside lots. This design guideline encourages roofs to be pitched and oriented with the natural topography. The proposed structure would have a portion of the roof sloped counter to the natural topography below. However, the applicant has expressed a willingness to redesign this portion of the structure so that the roof would be sloped approximately parallel to the slope of the ground below. This change would reduce the maximum height of the structure to approximately 17 feet above natural grade. A condition of project approval requires this architectural change. Therefore, the project is consistent with this finding.

B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The design of the structure would feature simple building forms that are consistent with traditional development patterns in the area. The residence and each of the accessory structures on site would appear distinct relative to the others on the property because they would have irregular building alignments, offset footprint positions, and varied sizes and building heights. The individual structures would appear unique when viewed collectively as a whole, and compliment the site and one another without a creating an imposing presence. Therefore, the project is consistent with this finding.

C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

The project would comply with all development standards applicable to the governing zoning district and be of a comparable size and scale with other structures in the surrounding community. The development would be located a sufficient distance from neighboring properties to result in adverse effects to the air, light, and privacy enjoyed on surrounding properties. Therefore, the project is consistent with this finding.

D. It will not directly, or in a cumulative fashion, 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 project would not limit or inhibit the use or enjoyment of other properties in the vicinity because the improvements are consistent with the uses permitted by the governing zoning district and would maintain adequate setbacks from all property lines and other buildings on the subject and surrounding properties. The proposed development would not encroach into any rights-of-way, conservation easements or public lands. Therefore, the project is consistent with this finding.

E. It will be properly and adequately landscaped with maximum retention of trees and other natural material:

The surrounding area is heavily vegetated and the project, including implementation of the Vegetation Management Plan, would not result in the removal of mature trees. Therefore, the project is consistent with this finding.

- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:
 - 1. The scale, mass, height, area and materials of buildings and structures,

The project would result in minimal adverse physical and visual impacts because it would be constructed with building materials with colors that compliment the surrounding natural and built environment and would be consistent with the surrounding community character. Additionally, the project would utilize design features that break up the mass of the structure with articulations in the building facades, such as porches. Therefore, the project is consistent with this finding.

2. Drainage systems and appurtenant structures,

The property does not currently exhibit gullies or other drainage problems that would indicate excessive surface runoff. The proposed project retains a large portion of the property downslope of the studio as area that is undeveloped, providing adequate area for water to infiltrate into the soil. Therefore, the project is consistent with this finding.

3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

As modified by the conditions of project approval, the siting and design of the improvements would conform to the natural topography of the development site, rather than altering the natural topography to accommodate new development. Grading would be held to a minimum and reasonable efforts would be made to retain the natural features of the land such as rolling land forms and native vegetation such as the existing willow trees. Where grading is required, it would be done in such a manner as to avoid flat planes and sharp angles of intersection with natural terrain. The development would avoid creating large graded terraces for building pads. Terracing would be minimal and would be performed by creating a series of small incremental steps, rather than a wide bench. Development would also avoid sharp angled cut and fill banks and long linear slopes that do not visually blend with the surrounding natural topography. Therefore, the project is consistent with this finding.

4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,

The Department of Public Works has reviewed the proposed project and determined that it is consistent with the County's access and parking standards. Therefore, the project is consistent with this finding.

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

The development would not reach a height or be located in a position that would result in impeding the primary views enjoyed from surrounding residences or adversely affecting the sun exposure or privacy enjoyed by surrounding residences. Therefore, the project is consistent with this finding.

G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

The proposed studio would minimize potential adverse physical and visual impacts because it would be constructed of building materials with colors that compliment the surrounding natural environment and would be consistent with the surrounding community character. Further, the applicant has proposed to incorporate energy conserving measures such as a solar energy system in the project.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Baruch Coastal Permit and Design Review subject to the following conditions:

Marin County Community Development Agency

- 1. Except as modified by these conditions of approval, this Coastal Permit and Design Review approval allows the construction of a detached accessory structure on a lot that is currently developed with a single-family residence and a detached guest house. The permitted structure shall have 1,248 square feet of living area and a 270 square foot deck. The structure shall have the following minimum setbacks: 32 feet from the developed portion of Pine Crest; 20 feet from the right of way along the northern front property line; 46.5 feet eastern side property line; and 44.5 feet to the southern rear property line. The subject property is located at 35 Crest View, Inverness, which is also identified as Assessor's Parcel 114-100-17.
- 2. Plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A," entitled, "Baruch Studio," consisting of 9 sheets prepared by Richardson Architects and RW David Associates, with final revisions submitted on October 4, 2007 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
- 3. The project shall be modified by changing a counter-sloped portion of the roof to be pitched and oriented to reflect the natural topography below. This modification shall reduce the maximum height of the permitted structure to approximately 17 feet above natural grade.
- 4. Approved exterior building materials and colors shall substantially conform to the color/materials sample board which is identified as "Exhibit B," prepared by the applicant, submitted July 3, 2007, and on file with the Marin County Community Development Agency. All flashing, metal work, and trim shall be treated or painted an appropriately subdued, non-reflective color. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. BEFORE FINAL INSPECTION, the applicant shall submit a Statement of Completion, signed by a certified or licensed landscape design professional, verifying that all approved and required landscaping has been installed in accordance with the approved landscape plan and Chapter 23.10 of the Marin County Code, where applicable.
- 11. 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.
- 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.

Marin County Department of Public Works, Land Use and Water Resources

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall fulfill the following requirements:
 - A. The plans shall be reviewed and approved by 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.

- B. A registered Engineer shall design the site/driveway retaining walls, drainage, and grading plans. Plans must have the engineer's signature and stamp.
- C. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
- D. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

Marin County Fire Department

14. BEFORE FINAL INSPECTION, the applicant shall submit verification from the Marin County Fire Department that the department's requirements have been satisfied.

North Marin Water District

15. BEFORE FINAL INSPECTION, the applicant shall submit verification from the water district that the district's requirements have been satisfied.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Baruch Coastal Permit and Design Review (CP 08-2, DR 08-1) approval by February 14, 2010, by obtaining a Building Permit and substantially completing work as approved or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Agency Director approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050I of the Marin County Code.

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 22, 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 14th day of February, 2008.

	JACK LIEBSTER
	DEPUTY ZONING ADMINISTRATOR
Attest:	
Joyce Evans	
· ·	
Deputy Zoning Administrator Secretary	