

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – February 14, 2008

Hearing Officer Jeremy Tejirian, AICP
 Jack Liebster
 Johanna Patri, AICP

Staff Present: Christine Gimpler, Senior Planner
 Jeremy Tejirian, Senior Planner

Joyce Evans, Recording Secretary

Convened at 9:03 A.M.
Adjourned at 9:09 A.M.
Reconvened at 9:11 A.M.
Adjourned at 9:19 A.M.
Reconvened at 9:22 A.M.
Adjourned at 10:15 A.M.

February 14, 2008

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Village Baptist Church
Application (type and number): Use Permit (UP 08-14)
Assessor's Parcel Number: 052-112-03
Project Location: 825 Drake Avenue, Marin City
For inquiries, please contact: Christine Gimmler, Senior Planner
Decision Date: February 14, 2008

DETERMINATION: Approved with Conditions

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

Marin County Community Development Agency

Jeremy Tejirian, AICP
Hearing Officer

C1. USE PERMIT (UP 08-14): VILLAGE BAPTIST CHURCH

Hearing proposing approval to allow installation of a temporary modular building on the one-acre Village Baptist Church property on Drake Avenue in Marin City. The temporary structure would be used for weekly church services until construction of the recently approved Village Baptist Church is completed. The proposed one-story 14-foot high modular building would contain approximately 2,100 square feet, and would accommodate up to 70 church members. The structure would be located west of the existing parking area, which would be restriped to accommodate 25 parking spaces, including 2 accessible spaces. Proposed exterior colors include off-white siding with green trim. The subject property is located at **825 Drake Avenue, Marin City**, and is further identified as **Assessor's Parcel 052-112-03**

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report, however she made two clarifications:

- Add Condition of Approval # 14 (c): "Prior to final inspection and occupancy of the structure, the parking area shall be inspected by the Department of Public Works staff to verify compliance with State and Federal accessibility requirements for exterior path of travel."; and
- Modify the vesting period to August 14, 2008.

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

The Hearing Officer approved the Village Baptist Church Use Permit, based on the Findings and subject to the Conditions as set for the in the modified Resolution.

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 08-107

**A RESOLUTION APPROVING WITH CONDITIONS THE
VILLAGE BAPTIST CHURCH USE PERMIT**

**ASSESSOR'S PARCEL 052-112-03
825 DRAKE AVENUE, MARIN CITY**

SECTION I: FINDINGS

- I. WHEREAS the applicant is requesting Use Permit approval to allow installation of a temporary modular building on the one-acre Village Baptist Church property on Drake Avenue in Marin City. The temporary structure would be used for weekly church services until construction of the Village Baptist Church (approved in 2007) is completed. The proposed one-story 14-foot high modular building would contain approximately 2,100 square feet, and would accommodate up to 70 church members. The structure would be located west of the existing parking area, which would be restriped to accommodate 25 parking spaces, including 2 accessible spaces. Proposed exterior colors include off-white siding with green trim. The subject property is located at 825 Drake Avenue, Marin City, and is further identified as Assessor's Parcel Number 052-112-03.
- 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; and
- 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 pursuant to Section 15302, Class 2 of the CEQA Guidelines because it entails installation of a temporary building on a developed property which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Comply with the Countywide Plan land use designation of Single Family, 4 to 7 units per acre (SF6), which permits religious institutions subject to Use Permit approval.
 - B. Provide a temporary structure for religious and community service uses on a previously developed infill site within the City-Centered Corridor which is served by existing roadways and necessary public and community facilities.
 - C. 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.
 - D. Not cause substantial soil disturbance or the removal of significant natural vegetation.
 - E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, traffic and circulation, or other services.

- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the Marin City Community Plan because the project would provide temporary space for Village Baptist Church services prior to and during construction of the permanent church, which was approved in 2007. The temporary structure would not block views from surrounding properties or result in other adverse environmental impacts, and would be compatible with the character of the community. Use of the site for a religious institution serving the Marin City community would be consistent with policies of the Marin City Community Plan because it would provide a community use which would serve the residents of Marin City consistent with the historic use of the property.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory findings for a Use Permit pursuant to Section 22.48.040 of the Marin County Development Code can be made for the reasons listed below.

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.

Pursuant to Marin County Code 22.10.030, religious institutions are a conditionally- permitted land use within the governing RMP zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

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

The proposed project is consistent with the goals and policies of the Marin Countywide Plan and the Marin City Community Plan because the project proposes the installation of a temporary modular building to be used for weekly church services prior to and during construction of the permanent church structure on the site, which was approved in 2007. Continuation of use of the site for a religious institution serving the Marin City community would be consistent with policies of the Marin City Community Plan because it would provide a community use which would serve the residents of Marin City consistent with the historic use of the property. In addition, installation and use of the temporary building would not conflict with the character of the area or result in adverse environmental or visual impacts.

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

The proposed project is Categorical Exempt from the requirements of the California Environmental Quality Act, per Section 15302, Class 2 of the CEQA Guidelines because it entails placement of a temporary structure on a previously developed property to house weekly church services during construction of the permanent structure. The proposed project would not result in grading, tree removal, or other potentially adverse environmental impacts.

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

Installation of the proposed modular building would allow weekly church services to occur on the property on a temporary basis prior to and during construction of the recently approved permanent church building. Accordingly, the design, location, size and operating characteristics of the proposed use are consistent with the approved use of the property as a permanent church facility. The project would be compatible with surrounding residential land uses and would not generate any activities which would be detrimental to existing or future land uses in the vicinity. The proposed hours of operation are reasonable and Department of Public Works staff have indicated that the applicant's proposal to provide 25 parking spaces on site would be adequate to serve the temporary church building until the permanent structure and its associated parking lot are completed. Finally, the Village Baptist church enjoys widespread support among the Marin City community and no adverse comments regarding the project have been received from residents in the vicinity.

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

The proposed temporary modular building would not adversely impact the architectural integrity and character of the community due to its small size and temporary nature. Although the structure would be visible from Drake Avenue, it would not be visually prominent due to its low height and would be partially screened from Park Circle by existing vegetation. The temporary building would be sited where it would not require grading or tree removal and would not interfere with construction of approved development.

F. 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 proposed installation and use of a modular building during construction of the permanent Village Baptist Church would be compatible with the surrounding community and would not be detrimental to the health, safety, convenience, or welfare of the public or surrounding property owners. The installation of a relatively small modular church building on a temporary basis would not significantly alter the visual character of the area and would not generate any activities which are detrimental to the public or adjoining property owners and residents. The site would be served by 25 parking spaces, which Department of Public Works staff have determined would be adequate to serve the temporary church building until the permanent structure and its associated parking lot are completed. The temporary building would primarily serve existing residents of Marin City who are long time members of the Village Baptist Church congregation. The small scale of the structure would ensure that no adverse traffic or parking impacts on nearby neighbors would result. Water and sewer service to the temporary building would be provided by the Marin Municipal Water District and the Sausalito-Marín City Sanitary District. Finally, the proposed project would not result in any adverse impacts on the environment and no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Village Baptist Church Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. This Use Permit approval permits the temporary installation of a modular building to be used for church services until construction of the previously approved Village Baptist Church is complete. As approved, the 2,100 square foot structure will attain a maximum height of 14 feet, and will be sited west of the existing parking area on the site, approximately 40 feet from the front property line along Drake Avenue, 40 feet from the eastern side property line, and over 50 feet from the northern rear property line. As proposed and approved, 25 parking spaces (including 2 accessible spaces) for the temporary use will be provided within the existing parking area. Approved exterior colors include off-white siding with green trim. The subject property is located at 825 Drake Avenue, Marin City, and is further identified as Assessor's Parcel 052-112-03.
2. Except as modified herein, plans submitted for building permit and use of the temporary modular building shall conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit "A": entitled "Village Baptist Church," submitted November 27, 2007.
3. Operation and use of the approved temporary structure shall not exceed the hours of operation approved as part of the permanent Village Baptist Church approval. Any changes to the proposed number or timing of events and programs within the temporary building that would result in increase parking demand beyond the 25 parking spaces provided shall be submitted for review and approval of the Community Development Agency and Department of Public Works staff to ensure that adequate parking is available.
4. Exterior lighting shall be permitted for safety purposes only, must consist of low wattage fixtures, and must be directed downward and hooded.
5. All construction activities associated with installation of the modular building and restriping of the parking lot area 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.

6. PRIOR TO FINAL INSPECTION of the temporary building, the applicant shall comply with all requirements of the Marin Municipal Water District to ensure that the temporary structure is connected to an approved water source prior to occupancy.
7. PRIOR TO FINAL INSPECTION of the temporary building, the applicant shall comply with all requirements of the Sausalito-Marín City Sanitary District to ensure that the temporary structure is connected to an approved sanitary sewer service prior to occupancy.
8. Prior to occupancy of the permanent Village Baptist Church, the temporary building must be removed from the property and the site must be cleared of all construction debris.
9. This Use Permit for the temporary installation of a modular building to be used for church services shall expire two years from the date of approval. The temporary building must be removed from the subject property by that date, unless prior to the expiration date, the applicant applies for an extension and such extension is granted by the Deputy Zoning Administrator and upon substantial progress on the construction of the permanent church facility.
10. 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.
11. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property shall be removed except 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 prevent hazards to people and property.
12. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
13. This Use Permit shall be vested by securing a valid building permit for approved work, completing all work in compliance with the terms of the building permit approval, and commencing operation of the approved use. The Use Permit shall remain valid unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.88 of the Marin County Code.

Marin County Department of Public Works

14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit or comply with the following:
- a. The applicant shall provide an erosion and sediment control plan for the site. This plan shall include a 24-hour contact number.
 - b. Adequately show and note all required components for accessible parking spaces along with path of travel to main entrance and public right of way (sidewalk). All handicap parking, loading areas and driveway approach to sidewalk shall meet federal and State of California Title 24 accessibility standards. Note all slopes. Please note that the Department of Public Works will allow an exception to Section 24.04.410 that maximum cross-slope should not be greater than 5 percent and shall not be greater than 8 percent for the temporary parking configuration. DPW staff does not think that removal and regarding the existing concrete parking lot is the most suitable way to provide disabled access parking and path of travel. We recommend that the applicant consider alternate designs to provide compliant parking and path of travel that does not require removal or regarding of the existing parking lot.
 - c. Prior to final inspection and occupancy of the structure, the parking area shall be inspected by the Department of Public Works staff to verify compliance with State and Federal accessibility requirements for exterior path of travel.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, BE IT FURTHER RESOLVED that the applicant must vest the Village Baptist Church Use Permit approval by August 14, 2008, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails securing a valid building permit for the temporary structure and completing all work in compliance with the secured building permit, and complying with all conditions of approval. This Use Permit shall expire 24 month from the date of approval (February 14, 2010) unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it.

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, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 28, 2008.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of February, 2007.

JEREMY TEJIRIAN, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Thomas and Johanna Baruch
Application (type and number): Coastal Permit (CP 08-2) and Design Review (DR 08-1)
Assessor's Parcel Number: 114-100-17
Project Location: 35 Pine Crest, Inverness
For inquiries, please contact: Jeremy Tejirian, Senior Planner
Decision Date: February 14, 2008

DETERMINATION: Approved with Conditions

Minutes of the February 14, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-15.

Marin County Community Development Agency

Jack Liebster
Hearing Officer

**C2. COASTAL PERMIT (CP 08-2) AND DESIGN REVIEW (DR 08-1):
THOMAS AND JOHANNA BARUCH**

Hearing proposing proposing 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**, and is further identified as **Assessor's Parcel 114-100-17**.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report. He further noted that he addressed the comments received from Bridger Mitchell on February 13, 2008, regarding roof pitch and the Inverness Ridge Community Plan, in his supplemental memorandum dated February 13, 2008.

The public testimony portion of the hearing was opened.

Bridger Mitchell spoke regarding clarification of the Inverness Community Plan requirements on the project. He could not find the interim code on line and would like to see if available to the public.

The Hearing Officer noted that staff has made the clarification under SECTION I: FINDINGS, V. (G):

- “The project would be consistent with the Inverness Ridge Communities Plan’s Design Review Guidelines because the project would not result in geologic hazards and would not result in adverse visual effects to park visitors.”

Staff will direct Mr. Mitchell to the locations of the interim code on our website.

The public testimony portion of the hearing was 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 08-108

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.
 - G. The project would be consistent with the Inverness Ridge Communities Plan's Design Review Guidelines because the project would not result in geologic hazards and would not result in adverse visual effects to park visitors.
- 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.

Q. 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 22.56.0501 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
Secretary

Marin County Community Development Agency

Alex Hinds, Director

NOTICE OF DECISION

Applicant's Name: Gary Fergus and Isabelle Beekman

Application (type and number): Coastal Permit (CP 05-52) and Design Review (DM 05-93)

Assessor's Parcel Number: 112-251-14

Project Location: 193 Park Avenue, Inverness

For inquiries, please contact: Christine Gimmler, Senior Planner

Decision Date: February 14, 2008

DETERMINATION: Approved with Conditions

Minutes of the February 14, 2008, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-20.

Marin County Community Development Agency

Johanna Patri
Hearing Officer

**H1. COASTAL PERMIT (CP 05-52), DESIGN REVIEW (DM 05-93)
AND SECOND UNIT PERMIT: 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 9¾ 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 hearings of January 31, 2008, and November 15, 2007.

The Hearing Officer noted that she asked for modifications of the proposal and was prepared to approve a second unit at the January 31, 2008 hearing, and gave directions to the applicant for conditions that would be acceptable. She directed staff to prepare a revised resolution, which was mailed to the interested parties.

The following information packets are available at today's hearing:

- A modified draft resolution with additional modifications and an arborist report;
- A packet from Bridger Mitchell;
- A packet from the applicant with an arborist report relative to the oak tree that is being preserved and additional information relative to the design;

Mr. Mitchell had requested some corrections to the January 31, 2008 hearing minutes regarding the Inverness Community Plan Development Code provisions. The Hearing Officer concurs that there are provisions in the Development Code that need to be considered, and she will add a final bullet noting, "consistency with the Inverness Ridge Community Plan provisions, including height regulations."

In response to the Hearing Officer, staff summarized the packet received from the applicant:

- An arborist has been retained in regards to the oak tree;
- The qualifications of the arborist were included;
- The arborist is recommending against any further shifting of the project towards the oak tree;
- A letter from the applicant summarizing the arborist's report and explaining revised plans will be presented at today's hearing;

The Hearing Officer accepted the report from the certified arborist, Rob Gross, and accepted his recommendation not to move the structure any further towards the tree.

The public testimony portion of the hearing was opened.

The applicant questioned the Hearing Officer on the draft resolution, page 2, V. and asked what was intended regarding the architectural feature of the clear story. The Hearing Officer responded that more discussion would follow on that issue. She believes that 15 feet, 8 inches is workable, but the clear story does not fall into the County's definition of an architectural feature. The applicant agreed to removal of the feature.

In response to the Hearing Officer's comment on the health of the tree, the applicant stated that the arborist is an expert on Coast Live Oaks, and he would like to keep the tree.

Discussion followed regarding the height of the second unit. The applicant explained that the clear story would be extended a maximum of two feet, 6 inches above the 15 foot height limit. He further noted that he has tried to comply with each of the Condition of Approval from the last hearing and would like to have the project approved today.

Ken Emmanuel, and Micheline Cote, neighbors spoke regarding concerns with:

- Not lowering the height an additional eight inches to meet the 15 foot limit;
- Not moving the structure further up the hill; and
- The need for a path around the structure.

The applicant responded that there is not actually a path around the structure. He does not want to do more excavating for a retaining wall and asked for approval at 15 feet, 8 inches.

The Hearing Officer noted that she asked for a well designed building consistent with the topography of the house. She is willing to approve the 15 feet, 8 inches because it is for the best building possible, but can not approve the clear story.

The public testimony portion of the hearing was closed.

The Hearing Officer and staff made the following modifications to the modified Draft Resolution:

- Modify Condition of Approval #1 and Condition of Approval 3 (a) to allow a maximum height of 15 feet, 8 inches; and
- Modify Condition of Approval 3 (c) to eliminate the requirement to shift the second unit 3 feet upslope and indicate that the structure shall maintain a minimum setback of 22 feet from the north (rear) property line and 8 feet, 10 inches from the east (side) property line.

In response to a question by Bridger Mitchell, the Hearing Officer responded that she is finding that the approved height of 15 feet, 8 inches would not impact neighbors, or result in significant view blockage, or privacy loss. She then added the following Finding VII. H. regarding the Inverness Ridge Community Plan Consistency, "Evidence has been presented that a deviation of 8 inches from the 15 foot height limit would not result in any significant visual impacts or impacts neighborhood light, views or privacy."

The Hearing Officer approved the Fergus Beekman Coastal Permit, Design Review and Second Unit Permit , based on the Findings and subject to the Conditions as set for the in the modified Resolution.

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 08-109

A RESOLUTION CONDITIONALLY APPROVING THE FERGUS-BEEKMAN
COASTAL PERMIT, MINOR DESIGN REVIEW, AND SECOND UNIT PERMIT
193 PARK AVENUE, INVERNESS
ASSESSOR'S PARCEL 112-251-14

SECTION I: FINDINGS

I. WHEREAS Thayer Hopkins, on behalf of the owners, Gary Fergus and Isabelle Beekman, ~~is~~ requesting Coastal Permit, Minor Design Review, and Second Unit Permit approval to construct a 736 square foot second unit with a 112 square foot lower utility room on a 17,375 square foot property in Inverness. As proposed, the second unit would maintain a maximum height of ~~19~~22 feet, ~~10 6~~-inches above natural grade and would maintain the following setbacks from the closest corresponding property lines: 21 feet, 6 inches from the north (rear) property line, 6-feet 9¼-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. **The property is located at 193 Park Avenue, Inverness, and is further identified as Assessor's Parcel 112-251-14.**

~~II.~~ ~~II.~~ WHEREAS the Marin County Deputy Zoning Administrator held ~~a~~ duly noticed public hearings ~~on~~ November 15, 2007, ~~and January 31, 2008,~~ to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. At said hearing, the applicant submitted significant conceptual modifications to the proposed project. With the consent of the applicant, the Deputy Zoning Administrator continued the hearing to January 31, 2008 to allow the applicant time to develop the proposed modifications, including architectural design elements on the façade facing Edgemont, submit a conceptual landscape plan, and lower the height of the structure, including the crawl space and the mechanical room.

~~III.~~ WHEREAS Thayer Hopkins, on behalf of the owners, Gary Fergus and Isabelle Beekman, submitted a revised project proposing to construct a 736 square foot second unit with an approximately 91 square foot lower utility room on a 17,375 square foot property in Inverness. As proposed, the second unit would maintain a maximum height of 19 feet, 6-inches above natural grade and would maintain the following setbacks from the closest corresponding property lines: 21 feet, 6 inches from the north (rear) property line, 6-feet 9¼-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.

~~IV.~~ WHEREAS at the continued January 31, 2008 Deputy Zoning Administrator public hearing, after consideration of the merits of the modified project, review of the administrative record and hearing public testimony in favor of, and in opposition to, the modified project, the Deputy Zoning Administrator stated that she was prepared to conditionally approve the second unit with the following modifications and provisions:

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

The Deputy Zoning Administrator (DZA) directed staff to return with a revised resolution on February 14, 2008, subject to the modifications and provisions above. The DZA noted that a public hearing would be held to take comments on the resolution.

V. WHEREAS on February 13, 2008, via e-mail, the applicant submitted a further modified project and an Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008, proposing a 736 square foot second unit, with a height of 15 feet, 8 inches above natural grade, plus a clear story exceeding 2 feet, 6 inches above the 15-foot height resulting in a structure 17 feet 6 inches in height from natural grade to the highest roof ridge. The structure has a 91 square foot lower utility room, with a maximum exterior height of 5 feet above natural grade excavated two feet below grade, or a maximum interior clearance of 7 feet in height. The proposed structure would be sited 22 feet from the north (rear) property line, 8 feet, 10 inches from the east (side) property line, and 70 feet from the west (side) property line.

VI.## WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed modified project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of a detached accessory structure to be used as a second dwelling unit, accessory to the existing primary single-family residence, which would not require excessive grading, tree removal, or result in other potentially significant impacts on the environment.

##VI WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified, the proposed project is consistent with the pertinent policies of the Marin Countywide Plan because it will:

- A. Comply with the C-SF3 (Coastal, Single-family Residential, one dwelling unit per one to five acres) land use designation;
- B. Provide an additional housing opportunity in the Coastal Recreation Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
- C. Comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard, including the installation of fire sprinklers;
- D. Comply with governing development standards related to parking, grading, drainage, and utility improvements as verified by the Department of Public Works staff;
- E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or their services; and
- F. Require minimal soil and natural vegetation disturbance.

- G. Evidence has been presented that a deviation of 8 inches from the 15 foot height limit would not result in any significant visual impacts or impacts neighborhood light, views or privacy.

~~V~~-VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the pertinent policies of the Inverness Ridge Community Plan and the Coastal Residential Single-family Planned District (C-RSP) Site Preparation and Project Design Standards (Marin County Code Section 22.57.086I) because it would:

- A. Involve the construction of a detached second unit, accessory to the primary residential development on the property, which is a principally permitted use under the governing C-RSP-1.0 zoning district and will contribute to the housing stock within the Inverness community;
- B. Not adversely impact the surrounding natural environment relative to vegetation and species habitats and on-site drainage;
- C. Maintain adequate off-street parking to accommodate the proposed project as verified by the Marin County Department of Public Works staff;
- D. Be served by the existing roadway network;
- E. Not impact any streams or waterways;
- F. Be served by the Inverness Public Utility District for water service and an on-site sewage disposal system approved by Marin County Environmental Health Services staff; and
- G. 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; and
- H. Not exceed a maximum height of 15 feet, 8 inches above natural grade and this with the exception of minor architectural features exception to the 15-foot height limit is acceptable as this deviation will not result in any significant visual impacts and will not impact neighboring views, sunlight, or privacy.
- I. Require minimal grading, disturbance of natural features of the land, and vegetation removal.
- J. Result in landscaping compatible with the natural setting consisting of native, drought tolerant, and fire resistant plant species, as recommended by Fire Safe Marin.

~~VI~~.IX. WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified, 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 II, as follows:

- A. Water Supply:

The Inverness Public Utility District has indicated that adequate water is available to the property and can serve the proposed second dwelling unit.

B. Septic System Standards:

The Marin County Community Development Agency - Environmental Health Services has reviewed and verified that the proposed septic system will be adequate to serve the new second unit.

C. Grading and Excavation:

Grading and excavation would be limited to the minimum amount necessary for trenching and excavation of the foundation work to accommodate the proposed 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, the proposed project is not likely to disturb cultural resources because grading would be limited to minor trenching for a foundation and septic system. In the unlikely event that cultural resources are discovered, conditions of project approval require that all work 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 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

F. Housing:

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

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 II of the Local Coastal Program or near any ephemeral or intermittent stream identified on the Inverness 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 II of the Local Coastal Program.

I. Wildlife Habitat:

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base (CNDDDB), prepared by the State Department of Fish and Game, indicate that the subject property is located in an area potentially containing rare wildlife species. However, a Biological Assessment of the subject property prepared by Avocet Research Associates in February 2007 concluded that no special status animal species occur on the property and that the project site does not provide the habitat requirements of any of the animal species identified by the CNDDDB. In addition, the property is located outside of designated buffer zones surrounding Northern Spotted Owl activity sites. Finally, the project site is a developed and previously disturbed site. Accordingly, the project will not result in a significant impact to listed wildlife species.

J. Protection of Native Plant Communities:

The Natural Resources Map for Unit II of the Local Coastal Program and the California Natural Diversity Data Base (CNDDDB), prepared by the State Department of Fish and Game, indicate that the subject property is located in an area potentially containing rare plants. However, a Biological Assessment of the subject property prepared by Avocet Research Associates in February 2007 concluded that no special status plant species occur on the property. Accordingly, the project will not result in a significant impact to listed plant 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 located in an area with some degree of geologic hazards as indicated on Geologic Hazards Map for Unit II of the Local Coastal Program. However, the project site is located outside the delineated boundaries of the San Andreas Fault zone as identified on the Alquist-Priolo Special Studies Zone Map. Through the building permit plan checking process, Marin County Building Inspection staff will review the plans for conformance with Marin County Building Codes relative to seismic safety factors.

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 structure will be compatible with the character of the surrounding built and natural environment. The proposed structure is small in size and is sited so that it does not obstruct public views, roads or adjacent properties, and will be partially screened by proposed landscaping and existing vegetation. Finally, the proposed project incorporates colors, materials, and building forms that are commonly found throughout the Inverness area would blend the structure into the natural and built environments to the greatest extent feasible.

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 Inverness as identified in the Marin County Historic Study for the Local Coastal Program and does not entail impacts to any historic resources.

~~VII.X~~ WHEREAS the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the mandatory findings to approve a Minor Design Review per Marin County Code, Section 22.82.040 for the reasons listed below.

The proposed second dwelling unit would be consistent with the required findings cited above because the proposed structure would comply with the development standards of the governing zoning and would be consistent with the goals and policies of the Marin Countywide Plan and Local Coastal Program, including those related to visual character, architectural design and building materials, coastal views, and siting to minimize grading, tree removal, and other adverse physical effects on the natural environment. The design of the second unit will be compatible with that of other structures in the neighborhood and will utilize exterior colors and materials consistent with the prevailing community character. The proposed structure would maintain setbacks from property lines that are similar or greater than buildings on neighboring properties and would not block views or unreasonably impact the privacy of surrounding homes. In addition, the proposed second unit, in combination with the existing residence, would result in a total floor area ratio which is less than that of surrounding properties. Finally, as modified by conditions of approval, the proposed structure would not exceed a maximum height of 15 feet above natural grade with the exception of minor architectural features.

~~XIVH~~ WHEREAS, the Marin County Deputy Zoning Administrator finds that, as modified by conditions of approval, the proposed project is consistent with the mandatory findings to approve a Second Unit (~~Chapter 22.98 of the Marin County Code~~), as modified by requirements set forth pursuant to Marin County Board of Supervisors Ordinance #3385 (Marin County Code Section 22.32.140).

A. The second unit will be located on the same lot or parcel on which the owner of record maintains his/her principal residence.

The owner-occupancy requirement does not apply to second units in the Inverness community.

- B. The new second unit will meet all of the current property development standards of Title 22 (Development Code) for a dwelling unit in the residential zoning district in which it is located.

There are no setback, minimum lot size, or maximum floor area ratio requirements within the governing C-RSP-1 zoning district. In addition, as modified by conditions of approval, the structure would not exceed a maximum height of 15 feet above natural grade with the exception of minor architectural features.

- C. The second unit will meet all applicable building codes adopted by the County.

Through the Building Permit process, construction of the second unit will be required to comply with current Uniform Building Code as adopted by Marin County.

- D. The second unit is the only additional dwelling unit on the parcel.

A site visit conducted by staff indicates that the property is currently developed with one principally permitted single-family residence and an existing trailer/shed structure which will be removed as part of the proposed project. Therefore, the approved second unit will be the only additional dwelling unit on the property.

- E. Adequate sanitary service will be provided for the additional wastewater resulting from the new second unit, in compliance with County and State regulations, and with the requirements of the local sanitary district, if applicable.

The proposed second unit will have adequate on-site sewage disposal from a proposed septic system, which has been reviewed and accepted by CDA – Environmental Health Services staff.

- F. Adequate water supplies would be provided to serve the new second unit in compliance with County and State regulations, and with the requirements of the local water district, if applicable.

The Inverness Public Utility District has stated that it can provide water service to the new second dwelling unit on the property.

- G. The parcel on which the new second unit would be located meets the minimum building site area requirements of the zoning district in which it is located. The slope ordinance shall apply in determining the minimum parcel size, where appropriate. The minimum building site area requirements of the governing zoning and the slope ordinance shall be waived in those cases where the second unit is created within the footprint of an existing structure on the site.

The governing C-RSP-1.0 zoning district does not require a minimum lot size.

- H. The addition of a second unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.

The proposed structure will be finished in colors and materials (shingle siding and dark gray composition roofing) that will blend with the surrounding natural and built environment.

- I. The floor area of a new second unit shall not exceed 750 square feet. In addition, the floor area of the primary and second unit combined shall not exceed the floor area ratio of the particular residential zoning district in which the parcel is located, if applicable. For new-detached second units, the square footage of attached, potentially habitable storage or other accessory use areas (not including garage space) shall be counted toward the 750 square foot size limit.

The proposed second unit will be 736 square feet in size, in conformance with this finding. The governing zoning district does not establish a floor area ratio (FAR) limitation.

- J. The parcel on which the new second unit will be located shall have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit. Off-street parking spaces assigned to the second unit shall be independently accessible and shall be in addition to those required for the primary residence, in compliance with Title 24 standards.

At least one independently accessible parking space will be provided for the proposed one bedroom second unit. The parking plan has been reviewed and accepted by the Department of Public Works.

- K. A second unit shall be allowed only where the street providing access to the site is of the minimum width necessary to allow for the safe passage of emergency vehicles, in compliance with Title 24 standards, as determined by the Department of Public Works.

The existing width of Park Avenue is adequate to provide safe passage for emergency vehicles as reviewed by the Department of Public Works.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Fergus-Beekman Coastal Permit, Minor Design Review, and Second Unit Permit, pursuant to Chapters 22.56, 22.82, and 22.32.140 of the Marin County Code, subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. The Fergus-Beekman Coastal Permit, Minor Design Review and Second Unit Permit hereby approves the construction of a maximum 736 square foot second unit with a maximum height of 15 feet, 8 inches above natural grade to the roof ridge, with a ~~142~~ maximum 91 square foot lower utility room, with a maximum exterior height of 5 feet, excavated 2 feet below grade, or a maximum interior clearance of 7 feet in height on the 17,375 square foot subject property. ~~The second unit is approved to have a maximum height of 15 feet above natural grade (with the exception of minor architectural features) and The second shall~~ maintain the following minimum setbacks to corresponding property lines: ~~24.5-22~~ feet from the north (rear) property line, 8-feet ~~9¾-10~~ inches from the east (side) property line, and 70 feet from the west (side) property line. The second unit is approved to be finished with shingle siding and dark gray composition shingle roofing to match the existing residence. The approval includes the construction of an additional on-site sewage disposal system to serve the second dwelling unit. **The property is located at 193 Park Avenue, Inverness, and is further identified as Assessor's Parcel 112-251-14.**

2. Except as modified by conditions of approval, Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Fergus-Beekman Residence," consisting of 7 sheets prepared by Thayer Hopkins, Architect and 2 sheets prepared by AYS Engineering, submitted September 18, 2007, with revisions submitted dated January 17, 2008, and proposed landscape plans prepared by Thayer Hopkins, dated January 17, 2008, on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, revised plans shall be submitted ~~for review~~ for review and approval of the Community Development Agency showing the following modifications:
 - a. With the exception of minor architectural features, the second unit height shall not exceed 15 feet, 8 inches above natural grade;
 - b. The understory area shall be reduced in exterior height to approximately 5 feet ~~in height~~;
 - c. The second unit shall be shifted ~~3 feet further upslope (away from the rear property line)~~ and 2 feet further to the northwest (away from the side property line). As modified, the structure shall maintain a minimum setback of ~~24.5-22~~ feet from the north (rear) property line, and 8-feet ~~9³/₄-10~~ inches from the east (side) property line;

In conjunction with the required modifications, the applicant shall submit a report prepared by a licensed arborist which specifically addresses necessary measures to preserve the long term health of the existing heritage oak tree (including specific construction methods and impacts of the existing tree house).

4. All flashing, metal work, and trim shall be painted or coated with an appropriately subdued, nonreflective color. Deviations from the approved colors and materials shall be submitted for review and approval by the Community Development Director.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the following requirements.
 - a. 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.
 - b. Revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Director. Exterior lighting shall be permitted for safety purposes only, must consist of low-wattage fixtures, and must be directed downward and hooded. Cut sheets or details of all exterior lighting fixtures shall be included in the building permit plans.
 - c. The plans shall include notes that all soils disturbed by development of the project shall be recontoured to their natural state to the greatest extent possible and shall be landscaped or reseeded with native grasses or wildflowers to control erosion.
 - d. The Building Permit plans shall depict low-flow toilets and showerheads and shall utilize to the greatest extent possible all energy and resource saving systems.
 - e. The Building Permit plans shall accurately locate the Oak Tree, with actual trunk diameter and actual existing canopy.

f. Fully dimensioned elevations and cross sections shall be submitted based upon the same topographic datum as shown on Sheet A1.0 of Exhibit "A". The cross section shall be through the highest roof ridge.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in Condition 1 above, the applicant shall install 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 during construction and shall remain until all construction activity is complete. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The fencing shall be installed in conformance with the Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008 on file in the Marin County Community Development Agency.

7. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a final landscape plan for review and approval by the Community Development Agency Director designed to provide visual and privacy screening between the approved structure and adjoining properties, particularly to the north and to the east. Plantings shall be native and drought tolerant to the maximum extent feasible. native, drought tolerant, and fire resistant plant species, as recommended by Fire Safe Marin.

8. DURING CONSTRUCTION ACTIVITIES, all measures, identified as Tree Care, Building Design, and Building Construction Recommendations, as outlined in the Oak Tree Assessment, prepared by Rob Gross, Consulting Arborist, ISA Certified Arborist No. 501, dated February 12, 2008 on file in the Marin County Community Development Agency, shall be implemented under the direction of Mr. Gross.

8.9. 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 line 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 side (east) property line based on the approved setbacks as shown on the Building Permit plans.

9.10. BEFORE APPROVAL OF THE FRAMING INSPECTION, 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.

10-11. 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.

11-12. 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.

12-13. 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 the second dwelling unit (for which action is brought within the applicable statute of limitations).

13-14. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all second unit 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.

15. BEFORE FINAL INSPECTION, the applicant shall install all proposed and required landscaping. ~~Proof of such shall be provided by photographs and a Statement of Conformance, signed by a certified or licensed landscape design professional, confirming that the landscaping has been planted consistent with the approved landscape plan.~~ The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days prior to the anticipated completion of the project. Alternatively, the applicant may submit photo documentation demonstrating installation of said landscaping. Failure to pass inspection may result in withholding of final occupancy clearance and imposition of hourly fees for subsequent re-inspections.

16. Any changes or additions to the project shall be submitted to the Community Development Agency for review and approval to determine if an application amendment is required, before the contemplated modifications may be initiated. Any construction involving modifications that do not substantially comply with the approval, as determined by the CDA staff, will be required to be halted until proper authorization for the modifications are obtained by the applicant.

16-17. No additional dwelling units other than the primary dwelling unit and the approved second dwelling unit shall be permitted on the property. A second dwelling unit may be rented, but shall not be sold separately from the primary single-family unit.

Community Development Agency – Environmental Health Services

| 17.18. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant/owners shall comply with the all requirements of Environmental Health Services related to installation of an on-site sewage disposal system for the approved second unit.

Department of Public Works, Land Development

| 18.19. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit pertinent design information as specified below:

- a. The plans shall be reviewed and approved by a Registered Civil Engineer with soils engineering expertise of 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 3 feet (or 4 feet when backfill area is not sloped).
- d. Submit engineer's calculations for site/driveway retaining walls, signed and stamped by the engineer.
- e. Provide documentation that the driveway and turnaround design have been reviewed and approved by the Fire Department.
- f. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.
- g. Submit Erosion and Siltation Control plans if site work occurs between October 15th and April 15th.

Inverness Public Utility District

20. Interior residential fire sprinklers are required in the second unit. In the event installation of fire sprinklers requires a larger water meter than currently installed, the applicant/owners shall enter into an agreement with the District to upgrade the property's meter and connection to the main.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant/owners must vest the Fergus-Beekman Coastal Permit (05-52), Minor Design Review (05-93), and Second Unit (08-18) approvals by obtaining a Building Permit for the approved work and substantially completing all approved work by February 14, 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 and the Director 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. Failure to comply with the conditions of this approval will result in the invalidation of the approvals.

The Fergus-Beekman Second Unit Permit shall be valid for the remaining life of the approved structure so long as the applicant or subsequent owners of the subject property comply with the conditions of project approval. In the event that the terms of this Second Unit Permit are violated or that the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Second Unit Permit could be revoked or suspended in accordance with the terms and provisions of Chapter 22.88 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

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.

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Recording Secretary