



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR LEHUA USE PERMIT

Item No:	H1.	Application No:	UP 08-2/SU 08-1
Applicant:	William Cullen	Owner:	Janet Lehua
Property Address:	226 Reed Circle, Mill Valley	Assessor's Parcel:	043-213-02
Hearing Date:	March 13, 2008	Planner:	Curtis Havel

RECOMMENDATION:	Approve With Conditions
APPEAL PERIOD:	10 working days to the Planning Commission
LAST DATE FOR ACTION:	March 13, 2008

PROJECT DESCRIPTION:

The applicant is seeking Use Permit approval to construct a new 665 square foot, 11-foot, 7-inch tall detached garage and storage/mechanical room located 5 feet from the northeasterly front property line and 10 feet from the southerly side property line. Proposed building materials include composition shingle roofing and siding to match the existing residence. Use Permit approval is required for the detached accessory structure because it would maintain a distance of 5 feet from the front property line where a distance of 25 feet would otherwise be required by the R-1:B-2 zoning district.

Also proposed, but not a part of this Use Permit application, is the construction of 612 square feet of additions onto the existing 1,726 square foot single-family residence, construction of a new deck and glass windscreen along the rear of the residence, and conversion of 748 square feet of the single-family residence into a second dwelling unit. The additions would result in a total residential floor area of 2,523 square feet on the 13,951 square foot lot resulting in a floor area ratio of 18.1%.

GENERAL INFORMATION:

Countywide Plan:	SF5 (Single Family, 4 to 7 units per acre)
Zoning:	R-1:B-2 (Residential, Single Family, 10,000 square feet minimum lot area)
Lot size:	13,951 square feet
Adjacent Land Uses:	Residential
Vegetation:	Introduced and native vegetation
Topography and Slope:	Approximately 20% slope
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303, Class 3 of the CEQA Guidelines because it

entails construction of an accessory structure on a residentially developed property with no potentially significant impacts on the environment.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 300 feet of the subject property.

Written correspondence was received from Kevin and Barry Kuhn of 230 Reed Boulevard, David and Carole Curtis of 222 Reed Circle, and Meme Hurd of 223 Reed Boulevard raising the following concerns: (1) the proposed garage will result in traffic safety hazards due to potential sight distance issues; (2) story poles were not erected to show the location of the garage; and (3) proximity of the garage to the property lines is inconsistent with development patterns in the community and therefore inconsistent with the community character and would thereby damage surrounding property values.

Please refer to the Project Analysis section below for discussion of these issues.

PLAN CONSISTENCY:

The proposed project is generally consistent with the goals and policies of the Marin Countywide Plan and the Strawberry Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

PROJECT ANALYSIS:

The subject property is located at the southerly intersection of Reed Circle and Reed Boulevard in unincorporated Mill Valley. The subject property is moderately sloped (approximately 20%) and the project site is developed with a 1,726 square foot single-family residence. The project includes the construction of a detached accessory structure which would, in part, create two new on-site parking spaces. Use Permit approval is required because the detached accessory structure would be located 5 feet from the northeasterly front property line where 25 feet would otherwise be required by the R-1:B-2 zoning district. Although not a part of the Lehua Use Permit application, the applicant is also proposing to construct an addition onto the single-family residence, and to convert 748 square feet of the single-family residence into a second unit (both the residential addition and second unit meet the setback, height, and floor area ratio requirements of the R-1:B-2 zoning district).

Traffic Circulation

Concerns were raised that the proposed garage would interfere with safe line-of-sight distances for traffic circulation in the area. In response to this issue, the project applicant hired J.L. Engineering to conduct a sight Distance Analysis of the proposed project. The engineer observed the posted 25 mile per hour speed limit signs posted for Reed Circle and Reed Boulevard in this area, and observed sight distance lines from neighboring driveways. J.L. Engineering concluded that adequate sight lines were available and that the project would not result in significant traffic safety hazards.

Neighbors also raised concerns about emergency vehicles (fire trucks) traveling along local streets at speeds higher than the posted speed limit and potentially creating a traffic hazard. Typically, the presence of emergency vehicles underway are announced by flashing red (or multi-colored) lights and/or very loud sirens. The California State Vehicle Code requires that vehicles and pedestrians yield the right-of-way and remain stationary until the emergency vehicles pass. Based on the study provided by the project applicant's consultant regarding sight distance analysis, and the fact that emergency vehicles have flashing lights and sirens, emergency vehicles will not result in significant traffic safety hazards in the area.

Story Poles

Concerns were raised that the story poles were either not erected, or not erected accurately. Story poles are often required as part of the development process to demonstrate the general location and visual profile of a proposed project. The story poles have been installed and represent the general location and dimensions of the proposed garage. The location of the garage has been modified on the plans to maintain a distance of 10 feet from the southerly side property line consistent with the R-1:B-2 zoning district.

Community Character

Commentors have expressed concerns that the location of the proposed garage would be inconsistent with development patterns in the surrounding area and therefore the project is incompatible with the community character. During site visits, staff observed that there is a variety of development patterns in the area with respect to size and location of structures. A number of developed structures (such as garages, retaining walls, fences, single-family residences) in the area are located in close proximity to the edge of paved roadway (and presumably the property line). Although the garage would be near the property line, it is not glaringly inconsistent with the prevailing community character because it would maintain distances to property lines consistent with other development in the area.

Conclusion

Although the detached accessory structure is visible from off-site locations, the structure incorporates colors and materials that are compatible with surrounding residential development. Findings have been made to allow for variations in distance to property lines because the flexibility in application of the standards would not significantly affect views and privacy in the neighborhood, and would not result in detriment to the surrounding community. Existing trees and vegetation on the property, along with screening vegetation required by conditions of approval, would provide adequate visual and privacy screening between adjacent development. The dark color of the roofing and siding materials would blend in with the habitat. Finally, the Strawberry Design Review Board has reviewed the proposed project and recommended approval.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolutions approving the Lehua Use Permit 08-1 and Second Unit Permit 08-2.

- Attachments:
1. Proposed Resolution recommending approval of the Lehua Use Permit 08-1
 2. Proposed Resolution recommending approval of the Lehua Second Unit Permit 08-2
 3. CEQA Exemption
 4. Location Map
 5. Reduced plans
 6. Letters from Kevin and Barry Kuhn, 3/3/08 and 1/21/08
 7. Letters from David and Carol Curtis, 3/3/08, 3/1/08, and 2/27/08
 8. Sight Distance Analysis, J.L. Engineering, 2/28/08
 9. Letter from Meme Hurd, 1/24/08
 10. Letter from the Richardson Bay Sanitary District, 1/2/08
 11. Department of Public Works, Land Use and Water Resources Memorandum, 12/28/07
 12. Meeting Notes from the Strawberry Design Review Board, 8/21/07
 13. Letter from the Marin Municipal Water District, 7/30/07
 14. Letter from the Southern Marin Fire Protection District, 7/26/07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE LEHUA USE PERMIT 08-1
ASSESSOR'S PARCEL 043-213-02
226 REED CIRCLE, MILL VALLEY

SECTION I: FINDINGS

- I. WHEREAS William Cullen, on behalf of the property owner, Janet Lehua, has submitted a Use Permit application proposing to construct a new 665 square foot, 11-foot, 7-inch tall detached garage and storage/mechanical room located 5 feet from the northeasterly front property line and 10 feet from the southerly side property line. Proposed building materials include composition shingle roofing and siding to match the existing residence. Use Permit approval is required because the detached accessory structure would be located 5 feet from the front property line where 25 feet would otherwise be required. The subject property is located at 226 Reed Circle, Mill Valley, and is further identified as Assessor's Parcel 043-213-02.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 31, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3 because it entails construction of an accessory structure on a residentially developed property that would not result in grading or other adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan and the Strawberry Community Plan for the following reasons:
 - A. The construction of a new detached accessory structure would be consistent with the SF5 (Single Family, 4 to 7 units per acre) land use designation;
 - 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;
 - D. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services;
 - E. The project would provide housing opportunities on an infill site which is served by existing roadways, and necessary public and community facilities within the City Centered Corridor without adversely affecting agricultural areas or public open space in the project vicinity;
 - F. The project incorporates design features that minimize soil disturbance and maximize preservation existing vegetation to prevent erosion and preserve water quality and aesthetics;

H. The project would be served by the Marin Municipal Water District for water service and an the Richardson Bay Sanitary District for sewage disposal; and

I. The project would not adversely impact the surrounding built environment relative to off-site views from adjacent properties, and privacy for the subject and surrounding properties.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the regulations of Title 22 of the Marin County Code because the project consists of the construction of a detached accessory structure which is a permitted use in the R-1:B-2 zoning district. Accessory structures are allowed to be located within the required yards and exceed the 15-foot height limit subject to the securing of a Use Permit in accordance with Section 22.48.040 of the Marin County Code.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings to approve the Use Permit application (Section 22.48.040 of the Marin County Code) as specified 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.

The proposed detached garage and storage accessory structure is allowed provided it is accessory to the primary residential use of the property within the governing R-1:B-2 (Residential, Single Family, 10,000 square foot minimum lot area) zoning district.

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

The proposed use is consistent with the Countywide Plan and the Strawberry Community Plan for reasons discussed in Section IV above.

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 categorically exempt from the California Environmental Quality Act for the reasons discussed in Section III above.

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

The proposed project would be compatible with existing and future land uses in the area because the detached accessory structure would be used as a garage and storage area which is commonly associated with surrounding residential land uses

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

The detached accessory structure would be visually compatible with proposed development on the subject parcel and surrounding parcels because it would utilize building forms, materials and colors that are harmonious with other buildings and materials in the neighborhood

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

The granting of 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 because the project is located on a property that is disturbed by residential development and associated uses, and will not obstruct any adjacent neighbor's views, air, light, or privacy. Additionally, the detached accessory structure would be required to meet Uniform Building Code standards and, therefore, would be constructed in a manner which would preclude potential injury to improvements on the subject property, and improvements on neighboring properties.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lehua Use Permit 08-1 subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.48.040 (Use Permit), AND AS MODIFIED BY THESE CONDITIONS OF APPROVAL, the Lehua Use Permit 08-1 hereby approves the construction of a 665 square foot, 11-foot, 7-inch tall detached garage and storage/mechanical room located 5 feet from the northeasterly front property line and 10 feet from the southerly side property line. Approved building materials include composition shingle roofing and siding to match the existing residence.

The property is located at 226 Reed Circle, Mill Valley, and is further identified as Assessor's Parcel 043-213-02.

2. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Lehua Addition," consisting of 3 sheets, prepared by William Cullen, dated April 2007, revised November 23, 2007 and March 5, 2008, and on file in the Marin County Community Development Agency.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise site plan or other first sheet of the office and job site copies of the Building Permit plans to list these Use Permit Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties. The Building Plans shall include specifications (cut sheet) for all exterior lights.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a landscape and irrigation plan for review and approval by the Community Development Agency. The plan shall include native, drought-tolerant planting selections (including scientific and common plant names, and container sizes) that partially screen and soften the appearance of the new garage/storage structure. The landscape plan must also clearly depict trees to be removed, and location, type and size of replacement trees.
6. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification conduct a survey of the front and side property lines to verify building setbacks for the detached accessory structure and submit a written (stamped) confirmation to the Planning Division confirming that the structure maintains distances to property lines consistent with this approval.
7. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the property development restrictions.
8. BEFORE FINAL INSPECTION, the applicant shall install all proposed and required landscaping and a drip irrigation system to serve it. The applicant shall call for a Community Development Agency staff inspection of the landscaping and irrigation at least five working days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the occupancy certificate and imposition of hourly fees for subsequent reinspections.
9. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
 - c. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
 - d. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
10. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of the Lehua Use Permit 08-1 and Second Unit Permit 08-2 for a new second unit and detached accessory structure, for which action is brought within the applicable statute of limitations.
12. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works, Land Development

13. Portions of the existing privacy fence and patio facility encroach into the road right-of-way. The County of Marin has no record of any permit for its existence in the right-of-way and therefore requires that it be removed and located outside of the road right-of-way.
14. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit pertinent design information as specified below.
 - a. Revise plans to depict 5-foot to 10-foot radius driveway flares.
 - b. The applicant shall pay Public Transportation Facilities Fees pursuant to Chapter 15.07 of the Marin County Code.
 - c. An Encroachment Permit will be required for construction within the road Right-Of-Way.
 - d. Revise plans to depict and label the 15-foot structure setback line consistent with subdivision map.

Southern Marin Fire Protection District

15. An automatic residential fire sprinkler system is required to be installed in the second unit and main residence, including garages. Plans for fire sprinkler system design shall be reviewed and approved by the Southern Marin Fire Protection District prior to installation.
16. BEFORE FINAL INSPECTIONS, the applicant shall submit written certification from the District Fire Marshal that the project complies with all District regulations, including, but not limited to the following items listed below.
 - a. Smoke detectors shall be installed in accordance with the Uniform Building Code.
 - b. A remotely located, second means of egress shall be provided for each floor above the first.
 - c. The address shall be posted in accordance with requirements of the Uniform Fire Code.
 - d. Non-combustible roofing is required for all new construction.
 - e. Provide for compliance with Public Resources Code 4291 relating to brush and weed clearance.
 - f. Prior to occupancy, a spark arrestor shall be installed on the chimney(s).

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Lehua Use Permit 08-1 approval by obtaining a Building Permit, or other construction permit if required, for the approved work and substantially completing all work before January 31, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code.

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

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 14, 2008.

SECTION IV: ACTION

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

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE LEHUA SECOND UNIT PERMIT 08-2
ASSESSOR'S PARCEL 043-213-02
226 REED CIRCLE, MILL VALLEY

SECTION I: FINDINGS

- I. WHEREAS William Cullen, on behalf of the property owner, Janet Lehua, has submitted a Second Unit Permit application proposing to construct 612 square feet of additions onto the existing 1,726 square foot single-family residence for a total residential floor area of 2,523 square feet on the 13,951 square foot lot resulting in a floor area ratio of 18.1%, and convert 748 square feet of the single-family residence into a second dwelling unit. Also proposed is construction of a new deck and glass windscreen along the rear of the residence. The subject property is located at 226 Reed Circle, Mill Valley, and is further identified as Assessor's Parcel 043-213-02.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 31, 2008, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) because it is a ministerial project (Section 15268 of CEQA).
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project, is consistent with all of the mandatory findings to approve the Second Unit Permit application (Section 22.32.140.G of the Marin County Code) as specified below.

A. The new second unit would be located on the same parcel on which the owner of record maintains a primary residence.

The property owner maintains a homeowner's exemption in their name for the property indicating that they maintain their primary residence on the property.

B. The new second unit complies with all of the current property development standards of this Development Code (e.g., height, setbacks, floor area ratio), for a dwelling unit in the residential zoning district in which it is located. A detached second unit shall comply with development standards required for detached structures within the residential zoning district in which it is located.

The proposed project complies with the 30% floor area ratio established by the R-1:B-2 zoning district, and the second unit is located within the footprint of the existing residence which meets all the development standards of the R-1:B-2 zoning district.

C. The new second unit would meet all applicable building codes adopted by the County.

The structure will be required to comply with current Uniform Building Code prior to receiving a building permit.

D. The new second unit would be the only additional dwelling unit on the parcel.

A site visit conducted by staff indicates that the property is currently developed with a single-family residence, and the proposed plans indicate the second unit will be the only additional dwelling unit on the property.

E. Adequate sanitary services would 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 Richardson Bay Sanitary District has adequate capacity to serve the proposed second unit.

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 Marin Municipal Water District has adequate capacity to serve the proposed second unit.

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 13,951 square foot property meets the minimum building site area requirements of the R-1:B-2 zoning district, which requires a minimum lot area of 10,000 square feet.

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 second unit will incorporate building forms, colors, and materials that are compatible with the 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 is 748 square feet consistent with this finding. Additionally, the total floor area on the property would not exceed the 30% floor area ratio standard established by the R-1:B-2 zoning district.

J. The parcel on which the new second unit would 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.

The project will improve parking conditions at the site because it will provide two additional on-site parking spaces where only one currently exists. The general area provides adequate availability of on-street parking spaces for local residents. In summary, the project will provide three on-site, independently accessible parking spaces, consistent with the requirements of this finding.

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 Department of Public Works have reviewed the proposed second unit and determined that Reed Circle provides adequate street widths to allow for the safe passage of emergency vehicles.

SECTION II: SECOND UNIT STANDARDS

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Lehua Second Unit Permit 08-2 subject to the following standards:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.32.140.G (Second Unit Permit), AND AS MODIFIED BY THESE CONDITIONS OF APPROVAL, the Lehua Second Unit Permit 08-2 hereby approves the construction of the following: (1) 612 square feet of additions onto the existing 1,726 square foot single-family residence for a total residential floor area of 2,523 square feet on the 13,951 square foot lot resulting in a floor area ratio of 18.1%; and, (2) conversion of 748 square feet of the single-family residence into a second dwelling unit. Approved building materials include composition shingle roofing and siding to match the existing residence. Also approved is construction of a new deck and glass windscreen along the rear of the residence.

The property is located at 226 Reed Circle, Mill Valley, and is further identified as Assessor's Parcel 043-213-02. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the primary residence approved herein shall be 226 Reed Circle, Mill Valley. *The street address for the second unit that is approved herein shall be 228 Reed Circle, Mill Valley.*

2. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "Lehua Addition," consisting of 3 sheets, prepared by William Cullen, dated April 2007, revised November 23, 2007 and March 5, 2008, and on file in the Marin County Community Development Agency.
3. BEFORE FINAL INSPECTION AND UPON VESTING OF THIS PROJECT, the Community Development Agency shall file this Notice of Decision, including all conditions of project approval, with the Marin County Recorder's Office to advise future property owners of the property development restrictions, particularly with respect to standards applicable to maintenance of the second unit.
4. The primary or the secondary unit shall be owner occupied. Owner occupancy shall be defined as the maintenance of a Home Owner's Exemption by the owner of record with the County Assessor. No additional dwelling units other than the primary dwelling unit and the subject second dwelling unit shall be permitted on the subject property. A second unit may be rented but shall not be sold separately from the single-family unit.
5. 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.
 - c. During construction, the applicant shall take all appropriate measures, including watering of disturbed areas and covering the beds of trucks hauling fill to or spoils from the site, to prevent dust from grading and fill activity from depositing on surrounding properties.
 - d. All soils disturbed by development of the project shall be reseeded with native grasses or wildflowers to control erosion.
6. 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 Lehua Second Unit Permit 08-2 for a new second unit and detached accessory structure, for which action is brought within the applicable statute of limitations.
7. 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.

Richardson Bay Sanitary District

8. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete a permit application, receive permit approval, and complete financial arrangements with the District to connect the approved second unit to the sewer main.

Marin Municipal Water District

9. Water service for the second unit can be activated upon the request and the fulfillment of the following requirements:
- a. Complete a Standard Water Service Application.
 - b. Submit a copy of the building permit.
 - c. Pay appropriate fees.
 - e. Comply with the District's rules and regulations in effect at the time service is requested.
 - f. All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385. Prior to issuing a new irrigation water service, the applicant must receive District approval regarding the project's working drawings for planting and irrigation systems.
 - e. Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance.

Southern Marin Fire Protection District

10. An automatic residential fire sprinkler system is required to be installed in the second unit and main residence, including garages. Plans for fire sprinkler system design shall be reviewed and approved by the Southern Marin Fire Protection District prior to installation.
11. BEFORE FINAL INSPECTIONS, the applicant shall submit written certification from the District Fire Marshal that the project complies with all District regulations, including, but not limited to the following items listed below.
 - a. Smoke detectors shall be installed in accordance with the Uniform Building Code.
 - b. A remotely located, second means of egress shall be provided for each floor above the first.
 - c. The address shall be posted in accordance with requirements of the Uniform Fire Code.
 - d. Non-combustible roofing is required for all new construction.
 - e. Provide for compliance with Public Resources Code 4291 relating to brush and weed clearance.
 - f. Prior to occupancy, a spark arrestor shall be installed on the chimney(s).

SECTION III: VESTING AND PERMIT DURATION

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Lehua Second Unit Permit 08-2 approval by obtaining a Building Permit, or other construction permit if required, for the approved work and substantially completing all work before January 31, 2010, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 10 days before the expiration date above and the Community Development Agency staff approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.050.B.3 of the Marin County Code. Upon completion of the requirements to vest this application, the Second Unit Permit shall remain valid in perpetuity as long as all the terms of this permit are maintained.

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

SECTION IV: ACTION

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

JEREMY TEJIRIAN, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary