



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR VONDERWERTH USE PERMIT

Item No:	C2.	Application No:	UP 08-13
Applicant:	Al Vonderwerth	Owner:	Al Vonderwerth
Property Address:	515 Browning Street, Mill Valley	Assessor's Parcel:	049-093-32
Hearing Date:	March 27, 2008	Planner:	Jeremy Tejirian

RECOMMENDATION:	Approve With Conditions
APPEAL PERIOD:	10 working days to the Planning Commission
LAST DATE FOR ACTION:	April 14, 2008

PROJECT DESCRIPTION:

The applicant proposes to construct a 400 square foot garage that would reach a maximum height of 15 feet above surrounding grade. The exterior walls of the proposed garage would have the following minimum setbacks: 4 feet from the eastern front property line; 12 feet from the southern side property line; 36 feet from the northern side property line; and more than 100 feet from the western rear property line.

GENERAL INFORMATION:

Countywide Plan:	SF5 (Single Family, 4 to 7 units per acre)
Zoning:	R-A:B-2 (Single-Family Residential, 10,000 square foot minimum lot size)
Adjacent Land Uses:	Residential
Vegetation:	Introduced and native vegetation
Topography and Slope:	Relatively level
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.

PLAN CONSISTENCY:

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

PROJECT ANALYSIS:

The local community is characterized by moderately sized residences with various architectural styles and there are several other garages built in close proximity to Browning Way in the vicinity of the subject property. Although the proposed garage would be visible from off-site locations, the structure would incorporate colors and materials that are compatible with surrounding residential development. Findings can be made to allow for variations in distance to property lines because the flexibility in application of the standards would not significantly affect views or privacy in the neighborhood, and would not result in any detriment to the surrounding community. Existing trees and vegetation on the property would provide adequate visual and privacy screening between adjacent development. Finally, the Tamalpais 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 resolution approving the Vonderwerth Use Permit.

Attachments:

1. Recommended Resolution approving the Vonderwerth Use Permit
2. CEQA Exemption
3. Location Map
4. Reduced plans (Exhibit A)
5. DPW comments, received 3-14-08
6. TDRB comments, received 1-16-08
7. MMWD comments, received 1-15-08
8. Southern Marin Fire Protection District comments, received 12-24-07

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING THE VONDERWERTH USE PERMIT
ASSESSOR'S PARCEL 049-093-32
515 BROWNING STREET, MILL VALLEY

SECTION I: FINDINGS

- I. WHEREAS the owner, Al Vonderwerth, proposes to construct a 400 square foot garage that would reach a maximum height of 15 feet above surrounding grade. The exterior walls of the proposed garage would have the following minimum setbacks: 4 feet from the eastern front property line; 12 feet from the southern side property line; 36 feet from the northern side property line; and more than 100 feet from the western rear property line. The subject property is located at 515 Browning Street, Mill Valley, and is further identified as Assessor's Parcel 049-093-32.
- 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 Tamalpais 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;
 - 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-A: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 is allowed provided it is accessory to the primary residential use of the property within the governing R-A: B-2 zoning district. The garage maintains sufficient distance from the residence to meet the definition of a detached structure.

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 Tamalpais 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, which is commonly associated with surrounding residential land uses and the garage would not adversely affect the views enjoyed from neighboring properties.

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 garage would be visually compatible with the 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 because the project is located on a property that is disturbed by residential development and associated uses, and would not obstruct any adjacent neighbor's views, air, light, or privacy. Additionally, the garage would be required to meet Uniform Building Code standards

and, therefore, would be constructed in a manner that 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 Vonderwerth Use Permit (UP 08-13) subject to the following conditions:

Marin County Community Development Agency, Planning Division

1. Pursuant to Marin County Code Section 22.48.040 (Use Permit), this Use Permit authorizes the construction of a 400 square foot garage that shall reach a maximum height of 15 feet above surrounding grade. The exterior walls of the proposed garage shall have the following minimum setbacks: 4 feet from the eastern front property line; 12 feet from the southern side property line; 36 feet from the northern side property line; and more than 100 feet from the western rear property line. The exterior colors and materials shall be consistent with the plan elevations and with the existing residence. The subject property is located at 515 Browning Street, Mill Valley, and is further identified as Assessor's Parcel 049-093-32.
2. Plans submitted for a building permit shall substantially conform to plans identified as "Exhibit A," entitled, "515 Browning Street," consisting of 4 sheets, prepared by Rice Design Associates and Doug Matteson Engineers, received March 12, 2008, and on file in the Marin County Community Development Agency.
3. 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 Use Permit Conditions of Approval as notes.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to use garage doors that are very similar or identical to the door on the existing garage and to use similar architectural detailing to the architectural detailing surrounding the door on the existing garage. The revised plans shall include photographs of the existing garage door for the purposes of comparison.
4. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties.
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.
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 this project 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. Prior to issuance of the Building Permit the Following Items shall be submitted to the Department of Public Works:
 - A. In accordance with Section 24.04.290(b) all driveway approaches shall be paved.
 - B. An encroachment permit will be necessary for the new driveway approach.

Southern Marin Fire Protection District

14. 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.
 - d. Non-combustible roofing is required for all new construction.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this approval by obtaining a Building Permit, or other construction permit if required, for the approved work and substantially completing all work before March 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 April 10, 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 27th day of March, 2008.

JACK LEIBSTER
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary